



## Legislation Text

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**File #:** 2020-0290, **Version:** 1

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**DATE:** October 6, 2020

**SUBJECT:**

**RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO UNIFIED PORT DISTRICT IN ORDER TO PARTICIPATE IN THE URBAN AREA SECURITY INITIATIVE FY 19 GRANT PROGRAM, AND GRANTING INDEMNITY.**

### **EXECUTIVE SUMMARY:**

As a first responder agency, the San Diego Unified Port District (District) is entitled to participate in the Urban Area Security Initiative (UASI) grant program that was awarded to the City of San Diego (City). The City received funding this year to meet the United States Department of Homeland Security (HLS)-related missions as a first responder agency. In order for the District's Harbor Police Department (HPD) to participate in this program, the City requires that the District enter into a Memorandum of Understanding (MOU) with the City that indemnifies the City against all liability for acts or omissions under the MOU.

This MOU is required to be reissued with each grant funding year. This will cover the Fiscal Year (FY) 19 grant award from the City.

### **RECOMMENDATION:**

Adopt a Resolution authorizing a Memorandum of Understanding with the City of San Diego for the District to participate in the Urban Area Security Initiative Grant and granting indemnity.

### **FISCAL IMPACT:**

Approval the MOU will enable the District to request reimbursement for eligible expenditures of \$409,317 through December 31, 2021. Additional budget increases from the San Diego County under this program will be budgeted in future fiscal years.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that is a safe place to visit, work and play.

### **DISCUSSION:**

The Urban Area Security Initiative (UASI) Grant Program has been funded by the U.S. Department of Homeland Security since 2003 and is allocated on a competitive basis to the thirty largest metropolitan areas in the United States. The City of San Diego, in partnership with the Unified Disaster Council, administers this grant and has divided the funding into four categories: equipment, training, exercises, and planning. The City's grant award supports the regional "all hazards" mission of local first responder agencies.

In its law enforcement and firefighting roles, HPD is entitled to participate in this program. The Urban Area Working Group (UWAG), which determines the funding allocations for all regional entities, recommended that the City of San Diego allocate funding to HPD for procurement of an emergency response vehicle and regional training participation in an approximate amount of \$409,371 during the course of the performance period from September 1, 2019 to December 31, 2021.

The City of San Diego has requested that the District enter into an MOU for the most current year (FY19), and to agree to indemnify the City. The term of the MOU runs concurrently with the UASI grant, which is an on-going Department of Homeland Security program. Furthermore, the MOU specifies that the District, as a sub-recipient to the UASI grant, will be required to comply with all the same grant requirements, including both the U.S. General Accounting Office and Office of Management and Budget auditing standards, as the City.

The signed notification of subrecipient award approval and grant assurances are attached as Attachments A and B, respectively.

### **General Counsel's Comments:**

The General Counsel's Office has reviewed the agenda sheet and attachments, as presented to it, and approves them as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation, a resolution authorizing execution of a memorandum of understanding with the City of San Diego to participate in the Urban Area Security Initiative fiscal year 2019 Grant Program and granting indemnity does not constitute a "project" under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of the proposed Board action that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The proposed Board action in no way limits the exercise of this discretion. Therefore, no further CEQA review is required.

The proposed Board action complies with Sections 21 and 35 of the Port Act, which allow the Board

to pass resolutions and to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the proposed Board action is consistent with the Public Trust Doctrine.

The proposed Board action does not allow for “development,” as defined in Section 30106 of the California Coastal Act, or “new development,” pursuant to Section 1.a. of the District’s Coastal Development Permit (CDP) Regulations because it will not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a Coastal Development Permit or exclusion is not required. However, development within the District requires processing under the District’s CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District’s certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The proposed Board action in no way limits the exercise of the District’s discretion under the District’s CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

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**Attachment(s):**

Attachment A: Notification of Subrecipient Award and Approval  
Attachment B: MOU - Standard Assurances