



## Legislation Text

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**DATE:** September 13, 2022

**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 21 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 any and all losses arising from or caused by the District's performance of the MOU.

This MOU is required to be reissued with each grant funding year. This MOU will cover the Fiscal Year (FY) 21 grant award from the City.

### **RECOMMENDATION:**

Adopt a 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 21 Grant Program, and Granting Indemnity to the City of San Diego.

### **FISCAL IMPACT:**

Approval of the MOU will enable the District to request reimbursement for eligible expenditures of \$42,250 through May 31, 2024. Additional budget increases from the County of San Diego 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.

- A financially sustainable Port that drives job creation and regional economic vitality.

### **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 regional training participation in an approximate amount of \$2,250. The signed notification of subrecipient award approval and grant assurances are attached as Attachments A, B, and C respectively. A subsequent amendment to the proposed MOU was issued on August 22, 2022, for an additional \$40,000 for regional training participation (Attachment D), bringing the total award to \$42,250 in eligible expenses during the course of the performance period from September 1, 2021, to May 31, 2024.

The City of San Diego has requested that the District enter into an MOU for the most current year (FY21), and to agree to indemnify the City against any and all losses arising from or caused by the District's performance of the MOU. 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 as the City, including both the U.S. General Accounting Office and Office of Management and Budget auditing standards.

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

The Office of the General Counsel has reviewed this agenda as presented to it and approves the same as to form and legality.

### **Environmental Review:**

The proposed Board action, including without limitation, authorizing execution of a memorandum of understanding (MOU) between the City of San Diego and the San Diego Unified Port District in order to participate in the Urban Area Security Initiative FY 21 Grant Program, does not constitute a project under the definition set forth in California Environmental Quality Act (CEQA) Guidelines Section 15378 because there is not a potential to result in a direct or indirect physical change in the environment. Therefore, the proposed Board action is not subject to CEQA and no further action under CEQA 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. Therefore, issuance of a Coastal Development Permit or an exclusion finding is not required.

**Diversity, Equity, and Inclusion Program:**

This agenda sheet has no direct impact on District workforce or contract reporting at this time.

**PREPARED BY:**

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**Attachment(s):**

- Attachment A: Agreement Between the City of San Diego Office of Emergency and the Harbor Police Department for the Distribution of FY 2021 UASI Grant Funds
- Attachment B: Office of Emergency Services Signature Authorization Form
- Attachment C: FY 2021 UASI MOU Standard Assurances
- Attachment D: FY21 UASI Award Amendment #1 - Port of San Diego