

**DRAFT****RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING AMENDMENT NO. 5 TO THE MEMORANDUM OF AGREEMENT (MOA) WITH THE U.S. ARMY CORPS OF ENGINEERS FOR EXPEDITED AND PRIORITY REVIEW OF DISTRICT PERMITTING PROJECTS, FOR AN ADDITIONAL \$125,000 AND A NEW NOT TO EXCEED TOTAL OF \$715,000 AND EXTENDING THE MOA THROUGH DECEMBER 31, 2028. FUNDS FOR FY25 ARE BUDGETED IN THE NON-PERSONNEL EXPENSES.**

**WHEREAS**, the San Diego Unified Port District (District) is a public corporation created by the legislature in 1962 pursuant to Harbors and Navigation Code Appendix 1; and

**WHEREAS**, in April 2012, the San Diego Unified Port District (District) entered into a Memorandum of Agreement (MOA) with the United States Army Corps of Engineers (USACE) to provide expedited permit application review and processing of Port-designated Priority Projects Under the Jurisdiction of USACE (Clerk's Doc No. 58897), in the amount of \$125,000 over a period of five years; and

**WHEREAS**, in August 2016, the Board amended the MOA to increase funding by an additional \$125,000 and extend the MOA for an additional five years, through December 31, 2021 (Clerk's Doc No. 65760); and

**WHEREAS**, a second amendment, which increased funding by an additional \$125,000 was approved by the Board in June of 2019 (Clerk's Doc No. 71115); and

**WHEREAS**, a third amendment was approved by the Board in May of 2021 to increase funding by an additional \$90,000 (Clerk's Doc No. 72899); and

**WHEREAS**, a fourth amendment, which increased funding by an additional \$125,000 was approved by the Board in December 2022 (Clerk's Doc No. 74765); and

**WHEREAS**, the MOA is scheduled to expire on December 31, 2025; and

**WHEREAS**, to maintain an efficient and timely permit review process and to assist with reducing project timelines for District priority projects, staff is requesting Board approval to amend the MOA a fifth time to increase funding by an additional \$125,000 for a new not to exceed total of \$715,000 and extending

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the MOA for three years, through December 31, 2028 (Attachment A to the corresponding agenda sheet on file with the Office of the District Clerk); and

**WHEREAS**, USACE has effectively provided staffing resources dedicated to expediting permit services for District projects and/or other programmatic efforts to support efficient decision-making; and

**WHEREAS**, expedited permit review has created cost savings and reduced project timelines for District Other Capital Projects and Major Maintenance Program projects (OCP/MM) including routine repairs to piers, docks and wharfs; and

**WHEREAS**, District staff recommends entering into a fifth amendment to the Memorandum of Agreement with the United States Army Corps of Engineers for expedited and priority review of District projects, for a new not to exceed total of \$715,000 through December 31, 2028.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Executive Director or their designated representative is hereby authorized on behalf of the San Diego Unified Port District to execute the Fifth Amendment to the Memorandum of Agreement with the United States Army Corps of Engineers for expedited and priority review of District projects, for a new not to exceed total of \$715,000 through December 31, 2028.

APPROVED AS TO FORM AND LEGALITY:  
GENERAL COUNSEL

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By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 11<sup>th</sup> day of March 2025, by the following vote: