

DRAFT**RESOLUTION 20xx-xxx****RESOLUTION AUTHORIZING THE DISTRICT TO GRANT INDEMNITY TO VENDORS AND HOLD THE SAME HARMLESS ASSOCIATED WITH THE JULY 4, 2025 BIG BAY BOOM FIREWORKS SHOW SUBJECT TO THE DISTRICT'S PRESIDENT & CHIEF EXECUTIVE REVIEW AND APPROVAL AND GENERAL COUNSEL'S CONCURRENCE**

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 I, ("Port Act"); and

WHEREAS, the District has been the proud title sponsor of the Big Bay Boom Fireworks show ("Big Bay Boom") since its inception over 23 years ago; and

WHEREAS, the Big Bay Boom is a free public event that brings an estimated 400,000 people to the waterfront to celebrate the country's Independence Day; and

WHEREAS, the event is the largest fireworks show on the west coast consisting of fireworks discharged simultaneously from four barges located in north San Diego Bay near Seaport Village, the Embarcadero, Harbor Island, and Shelter Island, synchronized with themed music broadcast by a local radio partner; and

WHEREAS, the most recent economic impact report estimated that in 2024, the Big Bay Boom generated an economic impact of \$100 million, as well as \$22 in tenant revenue for every dollar the District provided in sponsorship; and

WHEREAS, the District also benefits from the promotional impact of the event's media exposure, which includes a 2-hour program on Fox 5; and

WHEREAS, due to growing concerns about the potential adverse impact fireworks may have on the environment, the California Coastal Commission ("Coastal Commission") required the event organizer to obtain a Coastal Development Permit ("CDP") for this year's Big Bay Boom on July 4, 2025; and

WHEREAS, the Coastal Commission voted unanimously to approve the event's CDP No. 6-24-0806 on February 6, 2025, which authorizes the Big Bay Boom for the next two years; and

WHEREAS, the CDP requires additional noise, water, and biological monitoring of the event, which will serve to update and strengthen the best management practices and environmental mitigation measures established in the District's Firework Display Ordinance; and

20xx-xxx

WHEREAS, the CDP also requires the District to prepare a Drone Implementation Study to assess how a drone show or a drone show combined with fireworks could either complement or replace fireworks after the 2026 Big Bay Boom, which will celebrate the nation's 250th Independence Day on July 4, 2026; and

WHEREAS, on March 25, 2025, District staff was notified that the San Diego Armed Services YMCA ("ASYMCA") would no longer be serving in the capacity of the event organizer; and

WHEREAS, due to the importance of the Big Bay Boom to the Port of San Diego and the region, District staff initiated steps to organize this year's event in lieu of ASYMCA; and

WHEREAS, staff intends to enter into agreements with the following vendors: HP Purdon and Company for production support services; Pyro Spectaculars, Inc. for fireworks production; Pacific Maritime Group, Inc. for barges in support of the fireworks production; and ASYMCA for fundraising services (collectively, "Vendors"); and

WHEREAS, Board Policy No. 110 requires action by the Board of Port Commissioners ("BPC") to authorize the District to grant indemnification and hold third-parties harmless for certain agreements, like the ones with the Vendors except the ASYMCA, which is a non-profit organization; and

WHEREAS, staff is requesting that the BPC grant indemnity to Vendors and hold the Vendors harmless associated with the July 4, 2025 Big Bay Boom for services related to the production of the event, subject to the Port's President & Chief Executive Officer's approval and General Counsel's concurrence; and

WHEREAS, the proposed BPC action is merely a step in the furtherance of the original project for which environmental review was performed and no supplemental or subsequent CEQA has been triggered, and no further environmental review is required; and

WHEREAS, the proposed BPC action complies with Section 87 of the Port Act, which allows for the construction, reconstruction, repair, maintenance, and operation of public buildings, public assembly and meeting places, convention centers, parks, playgrounds, bathhouses and bathing facilities, recreation and fishing piers, public recreation facilities, including, but not limited to, public golf courses and for all works, buildings, facilities, utilities, structures, and appliances incidental, necessary, or convenient for the promotion and accommodation of any of those uses; and

20xx-xxx

WHEREAS, the proposed BPC action is consistent with the Port Act and, accordingly, the Public Trust Doctrine.

NOW, THEREFORE BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, that the District is authorized to grant indemnity to Vendors and hold the same harmless associated with the July 4, 2025 Big Bay Boom Fireworks Show subject to the District's President & Chief Executive Officer's review and approval and General Counsel's concurrence.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 15th day of April 2025, by the following vote: