

1 [Accept and Expend Grant - Retroactive - San Francisco Bay Restoration Authority - Heron's
2 Head Park Shoreline Resilience Project - \$796,100]

3 **Resolution retroactively authorizing the Port of San Francisco to accept and expend a**
4 **grant in the amount of \$796,100 from the San Francisco Bay Restoration Authority to**
5 **fund the Heron's Head Park Shoreline Resilience Project from January 2023, through**
6 **December 2033; and to authorize the Port Executive Director to enter into amendments**
7 **or modifications to the agreement that do not materially increase the obligations or**
8 **liabilities to the City and are necessary to effectuate the purposes of the agreement or**
9 **this Resolution.**

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11 WHEREAS, The Port manages the San Francisco waterfront within its jurisdictional
12 boundaries as the gateway to a world-class city, and advances environmentally and financially
13 sustainable maritime, recreational and economic opportunities to serve the City, Bay Area,
14 and California; and

15 WHEREAS, The Port delivers vibrant and diverse waterfront experiences that enrich
16 the City and San Francisco Bay Area; and

17 WHEREAS, Heron's Head Park is a 22-acre open space and thriving wildlife habitat
18 located on Port property in the City's southeast sector; and

19 WHEREAS, Since its creation over 20 years ago, the park has evolved with the
20 addition of the EcoCenter in 2010 and additional expansion and improvements of the park in
21 2012; and

22 WHEREAS, Heron's Head Park has also experienced significant erosion and invasion
23 by non-native plants, resulting in decreased acreage and ecological value of the tidal wetland;
24 and

25 WHEREAS, The Port has developed the Heron's Head Park Shoreline Resilience

1 Project to construct a living shoreline and restore wetland habitat in order to mitigate negative
2 impacts to the tidal wetland; and

3 WHEREAS, The San Francisco Bay Restoration Authority Act, Government Code,
4 Sections 66700-66706, establishes the San Francisco Bay Restoration Authority (“Authority”)
5 as a regional entity to generate and allocate resources for the protection and enhancement of
6 tidal wetlands and other wildlife habitat in San Francisco Bay and along its shoreline, and
7 authorizes the Authority to award grants to public and private entities to achieve these
8 purposes; and

9 WHEREAS, The Authority awards grants for eligible projects consistent with
10 Government Code, Section 66704.5, the Authority’s Grant Program Guidelines, first adopted
11 in May 2017, and the Authority’s San Francisco Bay Clean Water, Pollution Prevention and
12 Habitat Restoration Measure (“Measure AA”), passed by the voters in June 2016; and

13 WHEREAS, On November 18, 2018, the Port submitted an application for grant funds
14 to the Authority to construct a living shoreline and restore tidal wetland habitat at Heron’s
15 Head Park; and

16 WHEREAS, At its October 14, 2022 meeting, the Authority adopted a Resolution
17 authorizing a grant to the Port in the amount of \$796,100 for the Heron’s Head Park Shoreline
18 Resilience Project - Phase 2; the Authority’s resolution was adopted by the Authority pursuant
19 to, and is included in, the Authority’s October 14, 2022 staff recommendation, a copy of which
20 is on file with the Secretary of the Port Commission and with the Authority; and

21 WHEREAS, On November 8, 2022, the Port Commission through Resolution No. 22-56
22 authorized the Port to accept and expend the grant and the Port Executive Director or her
23 designee to negotiate and execute a grant agreement (“Grant Agreement”) and all other
24 instruments necessary to obtain and expend the grant monies on behalf of the Port; now,
25 therefore, be it

1 RESOLVED, That the Board of Supervisors authorizes the Port to accept and expend a
2 grant in the amount of \$796,100 from the Authority to fund Heron’s Head Park Shoreline
3 Resilience Project - Phase 2; and, be it

4 FURTHER RESOLVED, That, pursuant to Charter, Section 9.118, the Board of
5 Supervisors approves the Grant Agreement in substantially the form as on file with the Clerk
6 of the Board of Supervisors in File No. 230099 and authorizes the Port Executive Director or
7 her designee to conduct all negotiations, and execute and submit all documents, including but
8 not limited to applications, agreements, amendments, payment requests, and so on, that may
9 be necessary for acceptance and expenditure of the grant and fulfillment of the grant terms
10 that the Port Executive Director determines, in consultation with the City Attorney, are in the
11 best interests of the City and do not materially increase the obligations or liabilities of the City,
12 are necessary or advisable to effectuate the purposes of the grant or this Resolution, and are
13 in compliance with all applicable laws, including the City’s Charter; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors hereby waives inclusion of
15 indirect costs as part of this Grant budget; and, be it,

16 FURTHER RESOLVED, That within thirty (30) days of the Grant Agreement being fully
17 executed by all parties, the Port Executive Director shall provide the final agreement to the
18 Clerk of the Board of Supervisors for inclusion into the official file.

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20 Recommended:

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22
23 /s/ _____

24 Executive Director, Port of San Francisco

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Approved:

Approved:

/s/ _____

/s/ _____

Mayor

Controller