

**PORT COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 13-04**

- WHEREAS, the U.S. Department of Homeland Security Infrastructure Protection Program's Port Security Grant Program (PSGP) provides grant funding to port areas for the protection of critical port infrastructure from terrorism; and the PSGP funds are primarily intended to assist ports in enhancing risk management capabilities, increasing domain awareness and improving capabilities for prevention, detection, response and recovery from attacks involving improvised explosive devices and other nonconventional weapons; and
- WHEREAS, on June 20, 2011 the Port of San Francisco submitted an application for grant funds under the PSGP; and
- WHEREAS, on February 4, 2013 the Port of San Francisco was awarded \$403,510 in grant funds for security enhancements at the Pier 80 intermodal cargo terminal (the "grant"); and
- WHEREAS, FEMA, on behalf of the U.S. Department of Homeland Security, appointed the Marine Exchange of the San Francisco Bay Region (the "Marine Exchange"), a 501(c)(1) non-profit membership organization, to act as the fiduciary agent for the disbursement, administration and management of the grant; and
- WHEREAS, the Marine Exchange requires an agreement with the City, through the Port Commission, for the disbursement, management and administration of the grant; and
- WHEREAS, the Marine Exchange requires that in the agreement the Port Commission agree to indemnify, defend, and hold harmless the Marine Exchange against all liability, loss, cost or expense imposed upon the Marine Exchange, arising out of or related to the Port's performance under the agreement; now, therefore, be it
- RESOLVED, that the Port Commission hereby authorizes the Executive Director to seek the Board of Supervisors' approval to accept and expend the grant; and be it further
- RESOLVED, that the Port Commission hereby urges the Board of Supervisors to approve the request for approval to accept and expend the grant; and be it further
- RESOLVED, that, subject to the Board of Supervisors' approval, the Port Commission hereby authorizes the Executive Director or her designee to execute, on behalf of the City, an agreement with the Marine Exchange for the

disbursement, administration and management of the grant, wherein the City agrees to indemnify, defend, and hold harmless the Marine Exchange against all liability, loss, cost or expense imposed upon the Marine Exchange, arising out of or related to the Port's performance under the agreement, subject to the approval of such indemnity and hold harmless provision by the City's Risk Manager; and be it further

RESOLVED, that the Port Commission, subject to the Board of Supervisors' approval, hereby authorizes the Executive Director or her designee to execute for and on behalf of the City and County of San Francisco, any additional documents necessary to enter into the grant agreement with the Marine Exchange, FEMA or the U.S. Department of Homeland Security, including any extensions, augmentations or amendments thereof.

***I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 26, 2013.***



Secretary