



**THE PORT
OF LOS ANGELES**

Executive Director's
Report to the
Board of Harbor Commissioners

DATE: FEBRUARY 26, 2019

FROM: PORT POLICE

**SUBJECT: RESOLUTION NO. _____ - FIRST AMENDMENT TO
AGREEMENT NO. 09-2153 BETWEEN THE CITY OF LOS ANGELES
AND THE U.S. CUSTOMS AND BORDER PROTECTION**

SUMMARY:

Staff requests that the Board of Harbor Commissioners (Board) approve a First Amendment to Agreement No. 09-2153 (Transmittal 1), a Memorandum of Understanding (MOU) between the City of Los Angeles (City) and the United States Customs and Border Protection (CBP). The intent of the MOU is to satisfy the requirement of the Port Security Grant Program (PSGP) for an agreement to exist between Maritime Transportation Security Act (MTSA) regulated entities participating in layered security practices. This allows the City to receive grant reimbursement, as appropriate, for projects involving layered security with other entities. The proposed First Amendment is intended to provide clarifications of specific responsibilities in Section II, "Jurisdictional Responsibilities," of the original MOU. Except as amended, all remaining terms and conditions of the original MOU shall remain in full force and effect. The First Amendment is administrative in nature and will have no financial impact on the Harbor Department.

RECOMMENDATION:

It is recommended that the Board of Harbor Commissioners:

1. Find that the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of the California Environmental Quality Act (CEQA) under Article II, Section 2(f) of the Los Angeles City CEQA Guidelines;
2. Authorize the Executive Director to execute and the Board Secretary to attest to Agreement; and
3. Adopt Resolution No. _____

DISCUSSION:

Background/Context - The United States Department of Homeland Security, Federal Emergency Management Agency (FEMA) PSGP, requires an MOU for those MTSA regulated entities participating in layered security practices.

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On April 20, 2009, the City entered into an MOU with CBP (Transmittal 2) in order to comply with FEMA's requirement for such an agreement between MTSA regulated entities participating in layered security practices. The City and CBP collaborate and share information through participating in joint security assessments; joint security planning; security grant programs, including, where appropriate, submitting joint grant applications; and by having redundant and/or backup security-related systems.

Need for Amendment – Additional or ongoing PSGP undertakings between the City and CBP often involve specific points of agreement that require clarification or further description. Thus, the City and CBP mutually agree to the following:

1. City shall make available sufficient strands of high-speed data fiber (from the City's existing interoperable fiber optic network) to facilitate communications from marine terminals to CBP offices via the Golden Spike and Long Beach Maritime Coordination Center;
2. City shall be responsible for maintenance of the interoperable fiber optic network under its jurisdiction and control;
3. CBP shall be responsible for maintenance of security-related equipment (radiation portal monitors, etc) and supporting information technology network equipment under its jurisdiction and control; and
4. Where possible and consistent with internal security protocols, the parties agree to share video feeds of area surveillance cameras.

The unused data fiber strands included in the City's fiber optic network referenced above are pre-existing and not currently being used by the Harbor Department. These fiber strands are the property of the Harbor Department and will continue to be maintained by the Information Technology division.

ENVIRONMENTAL ASSESSMENT:

The proposed action is the approval of the First Amendment to Agreement No. 09-2153, an MOU with CBP for layered security practices, which is an administrative activity. Therefore, the Director of Environmental Management has determined that the proposed action is administratively exempt from the requirements of CEQA in accordance with Article II Section 2(f) of the Los Angeles City CEQA Guidelines.

DATE: FEBRUARY 26, 2019

PAGE 3 OF 3

SUBJECT: RESOLUTION NO. _____ - FIRST AMENDMENT TO AGREEMENT NO. 09-2153 BETWEEN THE CITY OF LOS ANGELES AND THE U.S. CUSTOMS AND BORDER PROTECTION

FINANCIAL IMPACT:

Approval of the proposed First Amendment will have no material financial impact upon the City. Award of any future contracts associated with Agreement No. 09-2153 and the proposed First Amendment will be brought before the Board as required.

CITY ATTORNEY:

The Office of the City Attorney has reviewed and approved this First Amendment as to form and legality.

TRANSMITTALS:

1. First Amendment to Agreement No. 09-2153
2. Agreement No. 09-2153

FIS Approval: Myk
CA Approval: [Signature]



RANDY ALLEN
Deputy Chief of Police



THOMAS E. GAZSI
Chief of Public Safety and Emergency
Management

APPROVED:



EUGENE SEROKA
Executive Director

FOR

TEG:RA:cj
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