

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2706

ORDINANCE CONFIRMING THE NUMBER OF BOARD MEMBERS NECESSARY TO CONSTITUTE A QUORUM AND TO RENDER DECISIONS OF THE BOARD OF PORT COMMISSIONERS

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; and

WHEREAS, in creating the District the Legislature recognized that several separate cities and unincorporated populated areas exist in the San Diego Bay area and "only a specially created district could operate effectively in developing the harbors and port facilities." (Harb. & Nav. Code, appen. 1, § 2; *see generally*, San Diego Unified Port District Act (Port Act), Harb. & Nav. Code, appen. 1.); and

WHEREAS, the District is governed by a seven-member Board of Port Commissioners (BPC) intended to provide representation for each of the cities within the District: three commissioners from San Diego, and one each from National City, Chula Vista, Coronado and Imperial Beach; and

WHEREAS, all of the powers and duties conferred upon the District shall be exercised through the BPC; and

WHEREAS, section 21 of the Port Act authorizes the BPC to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, from time to time board member vacancies have resulted in fewer than seven commissioners in office. This has raised questions regarding the number of commissioners necessary to constitute a quorum, and the number of votes required for the BPC to transact business; and

WHEREAS, the BPC desires to confirm the minimum number of board members of the BPC required to constitute a quorum for the transaction of business, and the minimum number of board members of the BPC required for any official act.

NOW THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That a majority of the members of the Board of Port Commissioners (four) shall constitute a quorum for the transaction of business.

Section 2. That the affirmative vote of a majority of the members of the Board of Port Commissioners (four) shall be required for any official act of the Board of Port Commissioners, except as otherwise provided by law.

Section 3. That this ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 5th day of March, 2013, by the following vote:

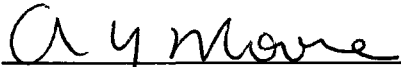
AYES: Malcolm, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

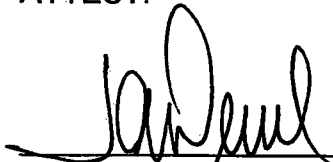
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

