

RESOLUTION 2013-27

RESOLUTION AMENDING BPC POLICIES 018, 730, 609, 255, ENVIRONMENTAL ADVISORY COMMITTEE CHARTER, AUDIT ADVISORY COMMITTEE CHARTER, AND ACCESSIBILITY ADVISORY COMMITTEE BYLAWS TO INCLUDE AMENDED CONFLICT OF INTEREST LANGUAGE AND COMMITTEE MEMBERSHIP STRUCTURE, AND ADOPTING BPC POLICY NO. 018A ESTABLISHING BOARD STAKEHOLDER FORUMS

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's advisory committees are established by the Board of Port Commissioners (BPC) Chair each calendar year pursuant to BPC Policy No. 018; and

WHEREAS, at the November 2011 meeting, the BPC considered recommendations made by former Port Attorney Duane Bennett regarding conflict of interest issues affecting advisory committees; and

WHEREAS, at the March 2012 meeting the BPC considered conflict of interest issues affecting advisory committees and made a determination as to how to avoid actual and perceived conflicts of interest on BPC advisory committees, as well as determinations as to the composition of the Maritime and Real Estate advisory committees; and

WHEREAS, at the July 2012 meeting the BPC adopted District staff recommendations to streamline advisory committees, to eliminate certain committees; and

WHEREAS, at the December 2012 meeting the BPC adopted District staff recommendations related to the establishment of "Board Stakeholder Forums" and conflict of interest language for advisory committees; and

WHEREAS, the BPC directed that BPC Policy No. 018 be amended to add that, Commissioners shall not offer a motion or vote at any Board Advisory Committee Meeting, no more than two Commissioners shall serve on any Board Advisory Committee, a Commissioner may serve as an advisory committee Chair, the Chair of the BPC is authorized to immediately remove any advisory committee member who violates BPC Policy No. 018 provisions governing

conflicts of interest, and to the extent required by law, advisory committees will operate in compliance with the Political Reform Act, and Government code section 1090 regarding conflicts of interest. Committee members with financial interests in matters coming before the Committee shall be required to disclose the interest and abstain from any participation as to the matter; and

WHEREAS, BPC Policy No. 730, "Port Environmental Advisory Committee," "Environmental Advisory Committee Charter," BPC Policy No. 609, "Public Art," BPC Policy No. 255, "Port With No Borders Scholarship Program," the "Audit Advisory Committee Charter," and the "Accessibility Advisory Committee Bylaws" have been amended to reflect the BPC's direction and to eliminate conflicting language between those BPC advisory committee policies, charters, and bylaws, and the amended language contained in BPC Policy No. 018; and

WHEREAS, BPC Policy No. 018A, "Board Stakeholder Forums" (Forum) has been established to provide:

- Venues for the District, Port tenants, and other stakeholder discussions, and sets forth that, Forum issues may be referred by the BPC.
- District staff may convene a Forum on an as-needed basis.
- Forums shall be for discussion only, no voting will occur.
- District staff shall prepare a summary of Forum discussions for review by the BPC after each Forum.
- An annual work plan for each Forum shall be adopted by the BPC and may be modified by the BPC as other issues arise.
- The Chair of the BPC may consider new matters requested by District staff, stakeholders or tenants for inclusion in the work plan.
- Any new matters to be included in the work plan shall be approved by the BPC prior to convening a Forum on the new matter.
- The BPC may refer matters to Forums as it deems appropriate.
- The BPC Chair may appoint a minimum of two members from the BPC as Forum facilitators.

NOW, THEREFORE, BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That BPC Policy No. 018, "Board Advisory Committees," BPC Policy No. 730, "Environmental Advisory Committee," "Environmental Advisory Committee Charter," BPC Policy No. 609, "Public Art," BPC Policy No. 255, "Port With No Borders Scholarship Program," the "Audit Advisory Committee Charter," the "Accessibility Advisory Committee Bylaws", as amended, and BPC Policy No. 018A, "Board Stakeholder Forums" copies of which are on file in the Office of the District Clerk are hereby adopted.

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 12th day of February, 2013, by the following vote:

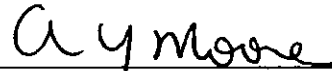
AYES: Malcolm, Moore, Nelson, Smith, Valderrama

NAYS: None.

EXCUSED: None.

ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair
Board of Port Commissioners

ATTEST:



Timothy A. Deuel
District Clerk

(Seal)