

**RESOLUTION 2013-43**

**RESOLUTION AMENDING BPC POLICY NO. 021,  
MEETINGS 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; and

**WHEREAS**, BPC Policy No. 021, Meetings of the Board of Port Commissioners presently states, in relevant part:

1. Board meetings shall be conducted by the Chairman of the Board (Chairman) according to Robert's Rules of Order.

\* \* \*

6. A majority of the members of the Board shall constitute a quorum for the transaction of business.

\* \* \*

12. The affirmative vote of a majority of the members present shall be required for any official act of the Board, except as otherwise provided by law; and

**WHEREAS**, to conform to applicable law and the proposed ordinance (attached to the corresponding staff report) it is recommended that BPC Policy No. 021, Meetings of the Board of Port Commissioners should be amended as follows:

1. Board meetings shall be conducted by the Chairman of the Board (Chairman) according to Robert's Rules of Order, except as otherwise provided by law.

\* \* \*

6. A majority of the members of the Board (four) shall constitute a quorum for the transaction of business.

\* \* \*

12. The affirmative vote of a majority of the members of the Board (four) shall be required for any official act of the Board, except as otherwise provided by law.

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

That BPC Policy No. 021, Meetings of the Board of Port Commissioners, as amended above, a copy of which is on file in the Office of the District Clerk is hereby adopted.

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.

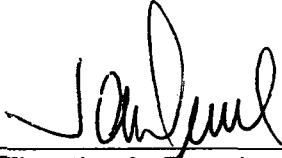
ABSENT: None.

ABSTAIN: None.



\_\_\_\_\_  
Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:



\_\_\_\_\_  
Timothy A. Deuel  
District Clerk

(Seal)

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EXCUSED: None.

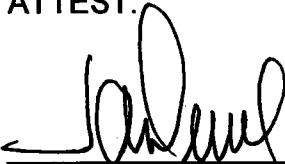
ABSENT: None.

ABSTAIN: None.



Ann Y. Moore, Chair  
Board of Port Commissioners

ATTEST:



Timothy A. Deuel  
District Clerk



(Seal)