

**AGENDA OF THE REGULAR MEETING OF THE  
LOS ANGELES BOARD OF HARBOR COMMISSIONERS  
THURSDAY, AUGUST 19, 2010 AT 8:30 A.M.  
PORT OF LOS ANGELES ADMINISTRATION BUILDING  
425 S. PALOS VERDES STREET  
SAN PEDRO, CA 90731**

**BOARD OF HARBOR COMMISSIONERS  
President Cindy Miscikowski  
Commissioner Kaylynn L. Kim  
Commissioner Douglas P. Krause  
Commissioner Joseph R. Radisich**

**A. OPENING STATEMENT – AN OPPORTUNITY FOR MEMBERS OF  
THE PUBLIC TO ADDRESS THIS BOARD**

**PERSONS IN THE AUDIENCE MAY ADDRESS THIS BOARD IN  
CONNECTION WITH ANY AGENDA ITEM OR DURING THE PUBLIC  
COMMENT PERIOD.**

**AS PROVIDED BY THE BROWN ACT, THE BOARD HAS LIMITED  
EACH INDIVIDUAL’S SPEAKING TIME TO THREE MINUTES.  
ANYONE DESIRING TO SPEAK DURING THE PUBLIC COMMENT  
PERIOD IS REQUESTED TO COMPLETE A SPEAKER CARD AND  
SUBMIT IT TO THE COMMISSION SECRETARY, VIA THE  
SERGEANT AT ARMS, PRIOR TO THE START OF THE MEETING.**

Commission actions, except actions which are subject to appeal or review by the Council pursuant to other provisions of the Charter, ordinance or other applicable law, are not final until the expiration of the next five meeting days of the City Council during which the Council has convened in regular session. If the Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

Please note that this agenda is subject to revision in accordance with the Brown Act. In the event the agenda is revised prior to the meeting, Port staff will endeavor to post the revised agenda on the Port’s web site ([://www.portoflosangeles.org](http://www.portoflosangeles.org)). Updated agendas also will be available in hard copy at the meeting. Live Board meetings can also be heard at: (213) 621-City (Metro), (818) 904-9450 (Valley), (310) 471-City (Westside) and (310) 547-City (Harbor).

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities.

Sign language interpreters, assistive listening devices, and translation services may be provided. To ensure availability, 72-hour advance notice is required. Contact the Commission office at (310) 732-3444.

Interpretes de señas, sistemas auditivos y servicios de traducciones están disponibles. Para asegurar disponibilidad, se requiere solicitarlos con 72 horas de anticipación. Para hacer la solicitud, llame a la oficina de la Comisión al (310) 732-3444.

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**B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

**C. EXECUTIVE DIRECTOR REMARKS**

**D. REPORTS OF THE COMMISSIONERS**

**E. BOARD COMMITTEE REPORTS**

**F. APPROVAL OF MINUTES**

Minutes of the Special meetings of April 28, 2009, October 15, 2009, and May 18, 2010, and Regular meeting of May 20, 2010 for approval.

**G. BOARD REPORTS OF THE EXECUTIVE DIRECTOR**

**CONSENT ITEMS (1 - 6)**

**Commission Office**

1. Re: RESOLUTION NO. \_\_\_\_\_ - APPOINTING COMMISSIONER DOUGLAS KRAUSE TO REPRESENT THE CITY OF LOS ANGELES HARBOR DEPARTMENT ON THE EXECUTIVE COMMITTEE OF THE I-710 CORRIDOR IMPROVEMENT PROGRAM

**Recommendation:** Adoption of subject Resolution appointing Commissioner Douglas Krause as the regular member of the I-710 Executive Committee.

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Commission Office

2. Re: RESOLUTION NO. \_\_\_\_\_ - APPROVAL OF TRAVEL FOR COMMISSIONER KAYLYNN KIM TO ASIA

**Recommendation:** Adoption of subject Resolution approving travel for Commissioner Kaylynn Kim to participate in the California Governor's Trade Mission to Asia.

Environmental

3. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED FIRST AMENDMENT TO AGREEMENT NO. 2653 WITH STARCREST CONSULTANT GROUP, LLC

***SUMMARY: Starcrest Consulting Group, LLC (Starcrest) is currently under contract with the City of Los Angeles Harbor Department (Harbor Department) for As-Needed Air Quality Services. Staff recommends amending Agreement No. 2653 with Starcrest to complete future assignments related to the preparation of the 2010 Emissions Inventory and further development of the Environmental Database System by increasing the total contract amount by \$800,000 from \$3,500,000 to \$4,300,000. The amendment will not extend the term of the contract which is due to expire April 22, 2011.***

**Recommendation:** Board resolve to (1) approve the First Amendment to Agreement No. 2653 with Starcrest Consulting Group, LLC to increase the total contract authority from \$3,500,000 to \$4,300,000; (2) authorize the Executive Director to execute and the Board Secretary to attest to said amendment for and on behalf of the Board; and (3) adopt Resolution No. \_\_\_\_\_.

Government Affairs

4. Re: RESOLUTION NO. \_\_\_\_\_ - SECOND AMENDMENT TO PERSONAL SERVICES AGREEMENT NO. 2385 WITH NORMAN E. EMERSON, DBA EMERSON & ASSOCIATES, FOR PROFESSIONAL TRANSPORTATION FUNDING DEVELOPMENT

***SUMMARY: Norman H. Emerson dba Emerson & Associates (Emerson) provides transportation funding and policy development services to the City of Los Angeles Harbor Department (Harbor Department). The contract was originally approved by the Board of Harbor Commissioners (Board) on March 31, 2005, and later extended by the Board and the Los***

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**4. (Continued)**

*Angeles City Council (City Council) through March 31, 2011, for a total amount not to exceed \$1,300,000. Due to expanded utilization of Emerson's services, especially associated with Proposition 1B and the American Recovery & Reinvestment Act (ARRA), additional funding authority is necessary. To continue our enhanced pursuit of transportation funding, for which Emerson has proven essential, staff is recommending an amendment adding \$120,000 for a total not-to-exceed amount of \$1,420,000.*

**Recommendation:** Board resolve to (1) find that in accordance with the City Charter Section 1022, the work covered under the Second Amendment can be performed more feasibly by Norman H. Emerson, dba Emerson & Associates, rather than by City employees; (2) approve the Second Amendment to Agreement No. 2385 with Norman H. Emerson dba Emerson & Associates, to increase funding authority by \$120,000 for a total contract amount of \$1,420,000, and ratify the requests for services that exceeded the previous compensation limit from May 2010 through execution of the Second Amendment; (3) authorize the Executive Director to execute, and the Board Secretary to attest to, the proposed Second Amendment; (4) authorize and direct the Board Secretary to forward the Second Amendment to the City Council for its approval pursuant to Section 373 of the City Charter; and (5) adopt Resolution No. \_\_\_\_\_.

**Real Estate**

**5. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED JOINT  
REVOCABLE PERMIT WITH THE COMMUNITY  
REDEVELOPMENT AGENCY OF THE CITY OF LOS ANGELES  
- LAHD NO. 70066**

***SUMMARY: In February 2009, the Board of Harbor Commissioners (Board) allocated \$1,814,041 from the China Shipping Community Aesthetic Mitigation fund for the Alameda Street/Harry Bridges Boulevard Landscape Buffer Project (Project) and approved an agreement between the City of Los Angeles Harbor Department (Harbor Department) and the Community Redevelopment Agency of the City of Los Angeles (CRA/LA) to establish a funding mechanism for the Project and establish the CRA/LA's responsibilities for Project implementation and construction. The Project includes the installation of irrigation and landscaping on railroad right-of-way (ROW) property jointly owned by the Harbor Department and the Port of Long Beach (POLB). In order for the CRA/LA to access the property and construct and install the landscape buffer***

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5. (Continued)

*improvements, joint authorization from the Harbor Department and POLB is required.*

*A Joint Revocable Permit (JRP) issued by the Harbor Department and POLB for approximately 7,336 square feet of surface area in the railroad ROW, with a three-year term and no rental fees is recommended in order to allow CRA/LA to implement the Project. It is proposed that the JRP include no rent, since the Project is a community improvement funded by the Harbor Department.*

**Recommendation:** Board resolve to (1) approve the JRP with CRA/LA, substantially as to form and authorize the Executive Director to finalize the JRP; (2) authorize the Executive Director to execute and the Board Secretary to attest to the proposed JRP; and (3) adopt Resolution No. \_\_\_\_\_.

Engineering

6. Re: RESOLUTION NO. \_\_\_\_\_ - REVISED LETTERS OF AGREEMENT BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER TO INSTALL AND OPERATE PHOTOVOLTAIC SOLAR POWER GENERATION SYSTEMS ON FOUR LOS ANGELES HARBOR DEPARTMENT OWNED BUILDINGS

**SUMMARY:** *On March 18, 2010, the Board of Harbor Commissioners (Board) adopted Resolution No. 10-6897 (Transmittal No. 1) in which four Letters of Agreement (LOA - Transmittal No. 2) were approved between the City of Los Angeles Harbor Department (Harbor Department) and the City of Los Angeles Department of Water & Power (LADWP). The Resolution designated the four LOAs as Agreement Nos. 10-2787-1, 10-2787-2, 10-2787-3, and 10-2787-4. The LOAs gave LADWP permission to design, install, and operate photovoltaic (PV) solar power generation systems on four Harbor Department owned building rooftops. The LOAs also committed the Harbor Department to allow the systems to remain on these structures for 30 years subject to the rights of the Harbor Department to remove the systems or purchase them at fair market value as defined in the "Solar Power System Memorandum of Understanding" (LADWP MOU - Transmittal No. 3) between the Harbor Department and LADWP. After the Board approved the LOAs, and before LADWP did so, the Departments determined that the 30-year duration for the LOAs'*

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6. (Continued)

*should be reduced to a 25-year term as to not exceed the 30-year term of the LADWP MOU. Staff recommends approval of the revised LOAs with the term reduced from 30 years to 25 years.*

**Recommendation:** Board resolve to (1) approve the four revised Letters of Agreement between the Harbor Department and LADWP for the PV solar power generation systems to be installed at the four Harbor Department owned facilities identified, subject to approval by the LADWP Board; (2) authorize the Executive Director to execute and the Board Secretary to attest to the Letters of Agreement for and on behalf of the Board; and (3) adopt Resolution No. \_\_\_\_\_.

**REGULAR ITEMS (7 - 10)**

**Public Relations**

7. Re: RESOLUTION NO. \_\_\_\_\_ - AGREEMENT FOR SPONSORSHIP OF INTERNATIONAL TRADE EDUCATION PROGRAMS, INC.

***SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) is proposing to enter into an Agreement with International Trade Education Programs, Inc. (ITEP), Glendale, CA, for sponsorship of their educational program, which provides maritime industry-related curricula in high schools in the Southern California region and Oakland for the purpose of promoting international trade job and career opportunities. The Harbor Department and Port customers (ITEP's other primary funding source) benefit from having a large, knowledgeable labor pool available for the variety of jobs associated with its operations.***

***Harbor Department sponsorship is recommended for ITEP programming for four academies (subject-specific learning centers) on the Banning High School campus in Wilmington and for the Mojave Xpress Logistics Academy at Barstow High School (Barstow, CA). Banning High School ITEP academies include the International Trade Academy, the Global Environmental Sciences Academy, the Global Safety and Security Academy and the Maritime Agriculture, Tourism, Cuisine and Hospitality Academy. These five academies serve a total of 980 students. ITEP is opening four new academies in San Pedro, Gardena, Carson and Oakland. Sponsorship is recommended for a term of up to three years for a total not-to-exceed amount of \$1,200,000.***

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7. (Continued)

**Recommendation:** Board resolve to (1) find that, in accordance with City Charter Section 1022, the scope of work of the proposed Agreement is of a temporary and occasional nature and is best completed by a contractor on an interim basis; (2) find that the proposed sponsorship is consistent with the criteria of the Board-approved Sponsorship/Hosting Policy (March 2010); (3) approve the Agreement with ITEP for a term of up to three years and a total not-to-exceed amount of \$1,200,000; (4) authorize the Board Secretary to transmit the Agreement to the Los Angeles City Council for approval pursuant to LAAC 10.5(b)2; (5) authorize the Executive Director to execute and the Board Secretary to attest to the Agreement upon approval by the Los Angeles City Council; and (6) adopt Resolution No. \_\_\_\_\_.

**Real Estate**

8. Re: RESOLUTION NO. \_\_\_\_\_ - PROPOSED FIRST AMENDMENT TO REVOCABLE PERMIT NO. 07-21 BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND EASTVIEW LITTLE LEAGUE, INC.

***SUMMARY: Revocable Permit No. 07-21 (RP No. 07-21) between the City of Los Angeles Harbor Department (Harbor Department) and Eastview Little League, Inc. (Eastview) was issued for the temporary use of Harbor Department property located on Knoll Hill, San Pedro, for the purposes of construction, operation, and maintenance of temporary youth baseball fields and associated parking lots for a term not to exceed three years. RP No. 07-21 expires January 31, 2011, with no option for a holdover period. Eastview has not yet identified a permanent baseball field location and has requested an extension to RP No. 07-21.***

***The Harbor Department has no immediate need for the Knoll Hill property and Eastview's presence at the site alleviates Harbor Department maintenance responsibilities for the 4.7-acre site. Therefore, a First Amendment to RP No. 07-21 extending the term beyond January 31, 2011, on a 30-day revocable basis is proposed.***

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8. (Continued)

**Recommendation:** Board resolve to (1) approve the proposed First Amendment to RP No. 07-21 with Eastview; (2) find, pursuant to Los Angeles City Charter Section 605(b), that the Harbor Department property located on Knoll Hill, San Pedro:

- a) Not immediately needed for Harbor Departmental purposes;
- b) The continued temporary use by Eastview does not interfere with Harbor Departmental purposes; and
- c) The continued temporary use is not inconsistent with the California State Tidelands Trust;

3) authorize the Executive Director to execute and the Board Secretary to attest to the proposed First Amendment to RP No. 07-21; and (4) adopt Resolution No. \_\_\_\_\_.

**Executive Offices**

9. Re: RESOLUTION NO. \_\_\_\_\_ - FIRST AMENDMENT TO AGREEMENT NO. 09-2817 WITH MISSION INFRASTRUCTURE GROUP TO PROVIDE "INTERIM ENTITY" SERVICES IN ACCORDANCE WITH MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ANGELES AND THE APPELLANTS OF THE TRAPAC ENVIRONMENTAL IMPACT REPORT.

***SUMMARY: On April 3, 2008, the Board of Harbor Commissioners (Board) approved a Memorandum of Understanding (MOU) between the City of Los Angeles (City) and the Appellants of the TraPac Environmental Impact Report (Appellants). The MOU provided for the establishment of the Port Community Mitigation Trust Fund (Trust Fund or PCMTF) to be funded upon approval of specified port development projects, for the Trust Fund to be operated by a non-profit entity established for the purpose of overseeing grants from the Trust Fund, and for the City of Los Angeles Harbor Department (Harbor Department) to fund an "interim entity" agreed upon by the parties to establish the non-profit entity and implement various aspects of the MOU. On December 10, 2009, the Board approved Agreement No. 09-2817 with Mission Infrastructure Group (Mission Infrastructure) to provide the interim entity services in an amount not-to-exceed \$450,000 and a term of one year. Completion of the process of creating the non-profit to administer the Trust Fund is not yet complete,***

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9. (Continued)

*and Mission Infrastructure has reached the not-to-exceed limit of the Agreement. Staff is proposing an additional \$50,000 bringing the not-to-exceed amount to \$500,000 which is the total amount specified in the MOU for non-profit organizational costs.*

**Recommendation:** Board resolve to (1) find that in accordance with the Los Angeles City Charter Section 1022, this work can be performed more feasibly by independent contractors than by City employees; (2) approve the First Amendment to Agreement No. 09-2817 with Mission Infrastructure Group amending the not-to-exceed compensation amount from \$450,000 to \$500,000; (3) authorize the Executive Director to execute and the Board Secretary to attest to said Agreement; and (4) adopt Resolution No. \_\_\_\_\_.

10. (Continued from the Wednesday, July 28, 2010, Special Board Meeting - Agenda Item No. 1)

Re: RESOLUTION NO. \_\_\_\_\_ - GAMBOL INDUSTRIES, INC.  
MEMORANDUM OF UNDERSTANDING FOR EXCLUSIVE  
RIGHT TO NEGOTIATE, DATED JUNE 29, 2009

***SUMMARY: On June 29, 2009, the Harbor Department entered into a "Memorandum of Understanding for Exclusive Right to Negotiate" with Gambol Industries, Inc. ("Gambol"), and the Los Angeles Conservancy ("MOU"). Among other things, the MOU created a one-year exclusive negotiating period for Gambol to attempt to convince the Harbor Department to designate the former Southwest Marine premises ("Southwest Marine site") along the Main Channel of the Port of Los Angeles ("POLA") for future use as a shipyard, and then to select Gambol to operate that shipyard.***

***The MOU establishes how Gambol's proposed shipyard project must be submitted to and acted upon by the Harbor Department:***

- ***First, before the end of the one-year exclusive negotiating period, Gambol must submit a "Conceptual Project Description" and a "Proposed Business Plan." The MOU also requires that the Harbor Department and Gambol work collaboratively during that period to try to minimize fill, and to preserve water area of the Berths 243-245 slips at the Southwest Marine site.***

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**10. (Continued)**

- *Second, staff must review Gambol's proposed project and provide recommendations in a single report to the Board of Harbor Commissioners ("Board").*
- *Third, the Board must decide whether to designate the Southwest Marine site for future use as a shipyard. In making this decision, "the Board retains its full discretion to proceed in any manner it deems best at such time."*
- *Fourth, if the Board designates the Southwest Marine site for future use as a shipyard, it then must determine whether facts exist to support findings that issuing a sole-source shipyard lease to Gambol is in the best interests of the Harbor Department.*

*The one-year exclusive negotiation period will expire upon the Board action noted in the third item above. Gambol submitted its "Conceptual Project Description" on January 22, 2010. It submitted a portion of its "Proposed Business Plan" on June 28, 2010 and designated the bulk of it confidential. Staff has reviewed both these submittals, and the rest of the information comprising Gambol's proposed project.*

*As such, the first and second phases of the process above have been completed, triggering the need to commence the third phase. Pursuant to Section 2(g) of the MOU, this report sets forth staff's analysis of Gambol's proposal, and provides recommendations to the Board.*

*Staff's recommendations are based on significant flaws in Gambol's proposal to preserve water area at the Berths 243-245 slips. That proposal would delay the Main Channel Deepening Project by a minimum of 16 months, and would result in millions of dollars of additional costs, in material violation of fundamental provisions of the MOU. Additionally, such delay would likely impact ongoing terminal developments at the China Shipping and TraPac terminals, resulting in both monetary and operational damage.*

*Staff's recommendations also are based on Gambol's failure to provide persuasive evidence of the commercial viability of the proposed shipyard. The economic scope of Gambol's misstatement of the tasks necessary to physically build the shipyard it desires – it omits or underestimates close to \$60 million worth of work -- renders the feasibility of its project doubtful. Furthermore, Gambol's business plan does not establish a convincing strategic and financial case for the Harbor Department to depart at this time from its present long-range planning for the site.*

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10. (Continued)

*On these grounds, which are discussed in detail in the board report, staff recommends that the Board decline to designate the Southwest Marine site for future use as a shipyard at this time, and decline to direct staff to commence lease negotiations with Gambol. The Board should note that such actions would leave the land use of that site and any landfills created thereon through the Main Channel Deepening Project open and available for future designation as the Board sees fit, and would not permanently foreclose on the possibility of a shipyard use at the Southwest Marine site, or Gambol as its operator. Rather, such actions would end the MOU-created exclusive relationship with Gambol that, for the past year, has required the Harbor Department to entertain in a single proposal, for a single use at the Southwest Marine site. In so doing, they would return land use planning for the Southwest Marine site to the norm consistent with the Charter, the Harbor Department's leasing policy, and the Harbor Department's role as a trustee for public lands, which require land use decisions be made based on a public and wide-ranging assessment of potential uses open to all entities interested in operating within POLA.*

**Recommendation:** Board resolve to (1) decline to designate the Southwest Marine site for future use as a shipyard, pursuant to Section 2(g) of the MOU; (2) in connection with the foregoing, also decline to direct the commencement of negotiations with Gambol for a lease of the Southwest Marine site for purposes of operating a shipyard, also pursuant to Section 2(g) of the MOU; and (3) adopt Resolution No. \_\_\_\_\_.

H. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
(Subdivision (b) of Government Code Section 54956.9)

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 regarding subject matter of mediation with Gambol Industries, Inc.

