

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, MARCH 18, 2010 AT 8:30 A.M.
BANNING'S LANDING COMMUNITY CENTER
100 EAST WATER STREET
WILMINGTON, CA 90744**

**BOARD OF HARBOR COMMISSIONERS
President Cindy Miscikowski
Vice President Jerilyn López Mendoza
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 (<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. REPORT OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. PRESENTATION

Retirement Resolution for Don Kee, Stevedoring Services of America

G. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 8)

Clean Truck Program

1. Re: TEMPORARY ORDER NO. _____ AND PERMANENT ORDER NO. _____ - AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 20 – GENERAL RULES AND REGULATIONS – DRAYAGE TRUCKS

SUMMARY: *Two tariff amendments are proposed that would align Port of Los Angeles (Port) Tariff No. 4 with the California Air Resources Board (ARB) Drayage Truck Rule regarding (i) an ARB-approved truck ban extension and (ii) clarification of the definition of an alternative fueled vehicle. This change has already been enacted by the Port of Long Beach (POLB) Board of Harbor Commissioners for the sake of consistency with ARB.*

Recommendation: Board resolve to (1) approve an amendment to modify Items 2000, 2015, 2025, and 2041 in Port of Los Angeles Tariff No. 4, Section 20, Clean Air Action Plan – General Rules and Regulations, subject to California Association of Port Authorities (CAPA) review and approval, and authorize the Executive Director to work with CAPA to secure this approval or proceed to take independent action in accordance

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1. (Continued)

with CAPA procedure (Transmittal 1); (2) adopt Temporary Order No. 10-_____ and Permanent Order No. 10-_____, to amend items 2000, 2015, 2025, and 2041 in Port of Los Angeles Tariff No. 4, Section 20, Clean Air Action Plan - General Rules and Regulations (Transmittals 2 and 3); (3) authorize the Board Secretary to certify to the adoption of the Temporary Order by the Board and cause the same to be published once in a newspaper printed and published in the City of Los Angeles, to take effect prior to adoption by Ordinance for a period not to exceed 90 days pursuant to Charter Section 653(b); (4) direct the Board Secretary to transmit to the City Council for approval the Permanent Order and proposed Ordinance (Transmittal 4) approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); (5) authorize the Board Secretary to execute the Temporary Order, Permanent Order and Ordinance amending Tariff No. 4, and upon its publication, transmit the Order and Ordinance to the Chief Wharfinger for implementation of the tariff change and posting the amended Tariff No. 4 to the Port's website as regulated by the Federal Maritime Commission; and (6) adopt the Resolution No. 10-_____.

Construction and Maintenance

2. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT NO. 39509 TO NIXON-EGLI FOR PURCHASE OF A STREET SWEEPER; AWARD OF CONTRACT NO. 39510 TO RUSH TRUCK CENTER FOR PURCHASE OF A DUMP BED TRUCK; AWARD OF CONTRACT NO. 39511 TO L.A. FREIGHTLINER FOR PURCHASE OF A FUEL TRUCK

SUMMARY: The Construction and Maintenance Division requests approval of three separate Purchase Order Contracts. First, staff recommends awarding Contract No. 39509 to Nixon-Egli of Ontario, California for the purchase of one street sweeper in the amount of \$309,121. Second, staff recommends awarding Contract No. 39510 to Rush Truck Center of Pico Rivera, California for the purchase of one dump bed truck in the amount of \$180,245. Third, staff recommends awarding Contract No. 39511 to L.A. Freightliner of Whittier, California for the purchase of one fuel truck for a total amount of \$277,839. In aggregate, the total cost for all three Purchase Order Contract awards is \$767,205, of which \$92,500 is eligible for reimbursement through federal

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2. (Continued)

grant number 2A-00T13601-0 awarded by the United States Environmental Protection Agency (EPA) to the City of Los Angeles Harbor Department (Harbor Department). This grant is part of the American Recovery and Reinvestment Act (ARRA) of 2009 and Diesel Emission Reduction Act (DERA). Further, the dump bed truck and street sweeper are powered by Compressed Natural Gas (CNG) and the fuel truck is powered by a hybrid fueled engine, all to replace existing diesel fueled trucks.

Recommendation: Board resolve to (1) approve Contract No. 39509 with Nixon-Egli in the amount of \$309,121; Contract No. 39510 with Rush Truck Center in the amount of \$180,245; and Contract No. 39511 with L.A. Freightliner in the amount of \$277,839 and authorize said expenditures; (2) authorize the Executive Director to execute Contract Nos. 39509, 39510, and 39511 (see Transmittal Nos. 2-4); and (3) adopt Resolution No. _____.

Corporate Communications

3. Re: RESOLUTION NO. _____ – AGREEMENT WITH
ADOPT-A-HIGHWAY MAINTENANCE CORPORATION FOR
LITTER REMOVAL

SUMMARY: *The City of Los Angeles Harbor Department (Harbor Department) is proposing an agreement with Adopt-A-Highway Maintenance Corporation, Santa Ana, California, to administer the adoption program and provide litter removal services on the 110 (Harbor) Freeway in areas adjacent to the Port. Adopt-A-Highway is the contractor selected by Caltrans to provide these services. The service includes twice monthly cleaning and signs which will be posted on the freeway informing the public of the Harbor Department's participation in the program and reinforcing the Harbor Department's efforts to maintain a clean harbor area. The agreement is for a total contract term of two years and a not-to-exceed amount of \$52,560 for the term of the contract.*

Recommendation: Board resolve to (1) find that the work is of a specialized and temporary nature which can be performed more feasibly by an outside contractor; (2) approve the Harbor Department's continued participation in the statewide Adopt-A-Highway Program for a two-year period and contract amount not-to-exceed \$52,560; (3) authorize the Executive Director to enter into, and the Board Secretary to attest to, an agreement with Adopt-A-Highway Maintenance Corporation, 1211 E. Dyer Road, Suite 110, Santa Ana, California 92705, to maintain two, two-mile stretches at the southern terminus of the 110 Freeway; and (4) adopt Resolution No. _____.

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Engineering

4. Re: RESOLUTION NO. _____ - 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: The City of Los Angeles Harbor Department (Harbor Department) and the Los Angeles Department of Water and Power (LADWP) are working together to install photovoltaic (PV) solar power generation systems at selected rooftops within the Port of Los Angeles (Port). These installations will be performed at LADWP expense under the terms of the "Solar Power System Memorandum of Understanding" (LADWP MOU) (Transmittal No. 2) between the Harbor Department and LADWP approved by the Board of Harbor Commissioners (Board) on December 14, 2009. Per the LADWP MOU, Letters of Agreement (LOA) are required for specific installations. Staff is recommending approval of the initial four LOAs which bind the parties to these specific projects. The LOAs will give LADWP permission to design, install, and operate PV solar power generation systems at four selected rooftops and commit the Harbor Department to allowing the systems to remain on these structures for 30 years subject to rights of the Harbor Department to remove the systems or purchase them at fair market value as defined in the LADWP MOU.

Recommendation: Board resolve to (1) approve the four 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; (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. _____.

Marketing

5. Re: RESOLUTION NO. _____ APPROVAL OF PROPOSED FOREIGN-TRADE ZONE GENERAL PURPOSE OPERATING AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND CALIFORNIA CARTAGE COMPANY LLC, FTZ 202, SITE 1A

SUMMARY: The Los Angeles Harbor Department (Harbor Department), as the Foreign-Trade Zone (FTZ) grantee, establishes FTZ General Purpose Operating Agreements (Operating Agreements) with FTZ operators in order to enable the Harbor Department to oversee their FTZ operations.

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5. (Continued)

On July 17, 2008, the Board of Harbor Commissioners (Board) approved Operating Agreement No. 2699 with California Cartage Company LLC. (California Cartage) at FTZ 202, Site 1A, located at 2401 E. Pacific Coast Highway in Wilmington. The original term for this Operating Agreement began on May 1, 2008 and expired on April 30, 2009, with a term of one year with one, one-year renewal option. The renewal option was granted last year and the current Operating Agreement is due to expire April 30, 2010. The Harbor Department received a request from California Cartage to maintain FTZ status of Site 1A. This site includes 600,000 square feet of warehouse and office space. California Cartage will be operating their warehouses under FTZ operation rules and this Operating Agreement will provide a term of one year with two, one-year renewal options.

Recommendation: Board resolve to (1) approve the proposed Operating Agreement between the City of Los Angeles and California Cartage; (2) authorize and direct the Board Secretary to transmit the proposed Operating Agreement to the City Council for approval pursuant to Section 373 of the Charter of the City of Los Angeles; (3) upon approval by the Board, authorize the Executive Director to execute and the Board Secretary to attest to the proposed Operating Agreement; and (4) adopt Resolution No. _____.

Planning & Economic Development

6. Re: RESOLUTION NO. _____ - ISSUANCE OF A LEVEL I COASTAL DEVELOPMENT PERMIT (NO. 10-02) TO MILLENNIUM MARITIME, INC. FOR THREE MODULAR BUILDINGS AND ASSOCIATED UTILITY CONNECTIONS AT BERTH 301

SUMMARY: Millennium Maritime, Inc. (MMI), which operates a fleet of tugboats and barges, is proposing to erect three modular buildings and construct associated utility connections at Berth 301 in order to replace previous operations at 300 Water Street, Wilmington. Staff is recommending the Board of Harbor Commissioners (Board) approve Coastal Development Permit (CDP) No. 10-02, a Level I non-appealable permit for the proposed project.

Recommendation: Board resolve to (1) find that the proposed project is in conformity with the Port Master Plan and the California Coastal Act of 1976, as amended, and find that this project will have no significant adverse environmental impacts as provided in the California Environmental Quality Act (CEQA); (2) authorize the Executive Director to approve the issuance of CDP No. 10-02; and (3) adopt Resolution No. _____.

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Port Police

7. Re: RESOLUTION NO. _____ - MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LOS ANGELES HARBOR DEPARTMENT AND THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION FOR LIMITED RESTRICTED ACCESS TO PORTIONS OF THE VINCENT THOMAS BRIDGE

SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) is proposing to enter into a Memorandum of Understanding (MOU) with the State of California, Department of Transportation (State) for the purpose of providing the Harbor Department and its contractors with limited, restricted access to portions of the Vincent Thomas Bridge (VTB). The limited, restricted access would be granted for inspection, maintenance, and repair of the Harbor Department's security video cameras, camera mountings, wiring, and power supplies that are installed on the VTB.

The State requires that a State Structural Engineer be present anytime the bridge is accessed by individuals from other organizations, and that the State be compensated for time incurred at that representative's daily wage rate. The Harbor Department anticipates four annually scheduled visits will be required to conduct necessary and ongoing maintenance and repair of the Harbor Department's security video cameras and supporting infrastructure, and unscheduled maintenance and repairs may also be necessary. The compensation for the State's Structural Engineer is \$60.58 per hour for 16 hours per visit. This will result in the estimated annual cost of \$3,877.

The intent of the MOU is to memorialize the understanding between the Harbor Department and the State with respect to providing the Harbor Department and its contractors with limited restricted access to portions of the VTB. The MOU will remain in effect until terminated by either party.

Recommendation: Board resolve to (1) approve the MOU between the Harbor Department and the State with respect to providing the Harbor Department and its contractors with limited, restricted access to portions of the VTB; (2) authorize the Executive Director or designee to execute and the Board Secretary to attest to the proposed MOU for and on behalf of the Board; and (3) adopt Resolution No. _____.

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City Attorney

8. Re: RESOLUTION NO. _____ WAIVING THE POTENTIAL CONFLICT WITH RESPECT TO O'MELVENY & MYERS, LLP REPRESENTATION OF PACIFIC HARBOR LINES, INC.

SUMMARY: *The proposed action involves the Board approval of a requested waiver of a conflict of interest from the law firm of O'Melveny & Myers, LLP. The firm represented the City of Los Angeles in various matters, most recently, the United States of America Ex Rel. State Of California Ex Rel., Stanley D. Mosler vs. City Of Los Angeles, et al., U.S.D.C., Case No. CV-02-2278 SJO (RZX). Now, it seeks to represent Pacific Harbor Lines, Inc. in negotiations with the Port of Long Beach and the City of Los Angeles Harbor Department concerning a potential amendment to Agreement No. 1989.*

Recommendation: Board resolve to (1) formally waive any potential conflict that might arise by way of O'Melveny & Myers, LLP representation of Pacific Harbor Lines, Inc.; (2) authorize the City Attorney's Office to execute a written conflict waiver; and (3) adopt Resolution No. _____.

REGULAR ITEMS (9 - 11)

Clean Truck Program

9. Re: RESOLUTION NO. _____ - AWARD OF PURCHASE ORDER CONTRACT WITH VISION MOTOR CORPORATION OF SANTA MONICA, CALIFORNIA TO PURCHASE A ZERO EMISSION CLASS 8 HYBRID ELECTRIC TRUCK

SUMMARY: *Staff requests the award of a Purchase Order Contract with Vision Motor Corporation, Santa Monica, California for a zero emission Class 8 hybrid electric truck, which would be used for moving the City of Los Angeles Harbor Department's (Harbor Department) Transporter Exhibit. The resulting zero emission truck would be one of only a handful of zero emission Class 8 hybrid electric trucks operating in the world. The cost to purchase the zero emission truck would not exceed \$280,000 including sales tax, of which approximately \$180,000 is reimbursable from \$1.7 million that has been authorized for the Harbor Department from a United States Department of Energy's (USDOE) Energy Efficiency and Conservation Block Grant (EECBG). Staff recommends approval of this Purchase Order Contract due to the environmental benefits and long-term economic advantages to the Harbor Department and the City of Los Angeles. The zero emission Class 8 hybrid electric truck would be maintained and operated by the Harbor Department's Construction and Maintenance Division.*

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9. (Continued)

Recommendation: Board resolve to (1) approve the Purchase Order Contract to purchase a zero emission Class 8 hybrid electric truck from Vision Motor Corporation and authorize said expenditures (Transmittal 1); (2) authorize the Executive Director to execute to the Purchase Order Contract for and on behalf of the Board; and (3) adopt Resolution No. _____.

Construction and Maintenance

10. Re: RESOLUTION NO. _____ - AWARD OF PURCHASE ORDER CONTRACT WITH ENERGYTECH MARINE GROUP OF SAN DIEGO, CALIFORNIA TO PURCHASE AN ULTRA LOW EMISSION SERIAL HYBRID PROPULSION SYSTEM FOR THE ANGELENA II

SUMMARY: *This request is for the approval to award a Purchase Order Contract with EnergyTech Marine Group, San Diego, California, for an ultra low emission serial Hybrid Propulsion System (HPS) for the ANGELENA II. The installation will be the world's first retrofit of a hybrid drive system on this type of vessel. The cost to purchase the HPS will not exceed \$480,000, which is fully reimbursable by the \$1.7 million United States Department of Energy's (USDOE) Energy Efficiency and Conservation Block Grant (EECBG) funds authorized for the Harbor Department through the American Recovery and Reinvestment Act (ARRA) of 2009. This retrofit is being conducted as a result of the State of California phase out of the vessel's existing engines. Staff recommends approval of this Purchase Order Contract due to the environmental benefits to the Harbor Department. This retrofit, which will be conducted by Harbor Department personnel, will reduce the vessels fuel costs and emissions by over 95 percent and total energy usage by over 50 percent.*

Recommendation: Board resolve to (1) approve the Purchase Order Contract for Hybrid Propulsion System, inclusive of all related components, for the ANGELENA II with EnergyTech Marine Group and authorize said expenditure (Transmittal 1); (2) authorize the Executive Director to execute the Agreement for and on behalf of the Board; and (3) adopt Resolution No. _____.

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Construction

11. Re: RESOLUTION NO. ____ - CHANGE ORDER NO. 11
HOMELAND SECURITY INFRASTRUCTURE CONTRACTOR:
GRIFFITH/DUTRA JOINT VENTURE CABRILLO WAY MARINA
SPECIFICATION NO. 2712- CONTRACT NO. 2262

SUMMARY: Change Order No. 11 to Contract No. 2262, in the amount of \$900,000, authorizes Griffith/Dutra Joint Venture to purchase, deliver and install homeland security infrastructure as part of the Cabrillo Way Marina project (Project). This work is a key safety and security feature of the Project which consists of installation of fiber optic lines and security cameras. Performing this work as a Change Order on the existing Project will allow the underground portion of this infrastructure to be installed before roadway paving and other improvements are constructed and prevent the need to demolish portions of newly constructed work in order to install this infrastructure at a later date under a separate contract. Therefore, staff recommends adding this work to the existing Cabrillo Way Marina Contract No. 2262 with Griffith/Dutra Joint Venture, located in Brea, California. All funds for Change Order No. 11 will be reimbursed through Round 5 of the Department of Homeland Security's Port Security Grant Program (PSGP).

Recommendation: Board resolve to (1) find that in accordance with the City Charter Section 1022, the work covered under this Change Order can be performed more feasibly by an independent contractor rather than by City employees; (2) approve and authorize the Executive Director to execute Change Order No. 11 (Transmittal No. 1) for an increase not-to-exceed amount of \$900,000; and (3) adopt Resolution No. _____.

H. CLOSED SESSION

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

The United States of America ex rel. State of California ex rel.
Stanley D. Mosler v. City of Los Angeles, et al., United States
District Court Case No. 02-02278-SJO

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H. CLOSED SESSION (Continued)

**2. 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.

**3. CONFERENCE WITH LEGAL COUNSEL –ANTICIPATED LITIGATION
(Subdivision (c) of Government Code Section 54956.9)**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: one case.

**4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

City of Riverside v. City of Los Angeles, et al., Orange County Superior Court Case No. 30-2009-00123216

**5. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Government Code Section 54956.9)**

American Trucking Associations, Inc. v. City of Los Angeles, et al., United States District Court Case No. 08-04920-CAS, and United States Court of Appeals for the Ninth Circuit Case No. 08-56503