

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, MARCH 4, 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
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. PRESENTATIONS

John Papadakis
Dolores Canez
Truck Program Update – John Holmes

G. APPROVAL OF MINUTES

Minutes of the Special Meeting of July 16, 2009 and Regular Meetings of November 5, 2009 and November 19, 2009 for approval.

H. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 and 2)

Commission Office

1. Re: RESOLUTION NO. _____ - APPROVING THE TRAVEL FOR COMMISSIONER JOSEPH RADISICH TO PERU AND BRAZIL

Recommendation: Adoption of the subject Resolution approving travel for Commissioner Joseph Radisich to participate in Business Development meetings in Peru and Brazil.

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2. Re: RESOLUTION NO. _____ - APPROVING THE TRAVEL FOR COMMISSIONER KAYLYNN KIM TO THE DISTRICT OF COLUMBIA

Recommendation: Adoption of the subject Resolution approving travel for Commissioner Kaylynn Kim to participate in ACCESS D.C. in Washington, DC.

REGULAR ITEMS (3 and 4)

Goods Movement

3. Re: TEMPORARY ORDER NO. _____ - AND PERMANENT ORDER NO. _____ - AMENDING PORT OF LOS ANGELES TARIFF NO. 4, SECTION 21, ITEM NO. 2105, INFRASTRUCTURE CARGO FEE

SUMMARY: On April 16, 2009, the Board of Harbor Commissioners (Board) approved permanent Order No. 6996 amending the Port of Los Angeles (POLA) Tariff No. 4, Section 21, Item No. 2105, postponing the Infrastructure Cargo Fee (ICF) collection until at least July 1, 2010, at an amount to be determined by March 31, 2010.

New temporary and permanent Orders (Transmittals 2 and 3) are being proposed to postpone the commencement of collection of the ICF until at least January 1, 2012, at an amount to be determined by September 30, 2011. City of Los Angeles Harbor Department (Harbor Department) General Revenue funds in the amount of \$25,513,000 will be needed in Fiscal Years (FY) 2010/11 and 2011/12 to offset this ICF collection postponement.

Recommendation: Board resolve to (1) approve the amendment to the POLA Tariff No. 4, Section 21, Item No. 2105 (Transmittal 1), to (i) amend the date of ICF collection to commence on January 1, 2012, and (ii) revise the amount of the ICF to be unspecified at this time, but state that such amount shall be determined by this Board by September 30, 2011, in a future tariff amendment. This amendment shall be subject to California Association of Port Authorities (CAPA) review and approval, and the Executive Director is authorized to present the tariff amendment to CAPA to secure CAPA approval or proceed to take independent action in accordance with CAPA procedure; (2) adopt Temporary Order No. _____ (Transmittal 2) and Permanent Order No. _____ (Transmittal 3) to amend the Port of Los Angeles Tariff No. 4, Section 21, Item No. 2105, Infrastructure Cargo Fee; (3) authorize the Board Secretary to certify to the adoption of the temporary Order by the Board of Harbor

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3. (Continued)

Commissioners 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 approving and authorizing the amendment to Tariff No. 4 pursuant to City Charter 653(a); (5) authorize the Board Secretary to execute the proposed Board Order and Ordinance amending Tariff No. 4, and upon 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 POLA website as regulated by the Federal Maritime Commission; and (6) direct staff to revise the "Computation Methodology" referred to in the Tariff, recompute the ICF, and present an amendment to the Tariff No. 4, Item 2105 with a new proposed specific amount for the ICF for approval by this Board by September 30, 2011.

Port Police

4. Re: RESOLUTION NO. _____ - AWARD OF CONTRACT BETWEEN CITY OF LOS ANGELES AND STEPHEN E. FLYNN, Ph.D., FOR AS-NEEDED CONTAINER SECURITY CONSULTANT SERVICES

SUMMARY: The Port Police Division recommends the approval of a sole source contract award with Stephen E. Flynn, Ph.D., to provide professional services in assisting the City of Los Angeles Harbor Department (Harbor Department). Dr. Flynn's contract involves assisting the Harbor Department in developing a program and securing support from government and industry to increase the scanning of containerized cargo destined for the Port of Los Angeles prior to loading at overseas terminals. Dr. Flynn will also be responsible for working with the Harbor Department in seeking public sector and/or industry funding for this program, including funding for the overseas deployment of cargo screening equipment. This action will authorize a one-year contract term with two, one-year renewal options, for an amount not-to-exceed \$200,000.

Dr. Flynn has been awarded two prior sole source Executive Director Agreements with the Harbor Department to provide professional services with regards to the development of container inspection initiatives. Agreement No. E6419 was for a term of one year (expired October 21, 2008) at a not-to-exceed amount of \$149,500 and Agreement No. E6492 for a term of two months (expired March 14, 2009) at a not-to-exceed amount of \$25,000.

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4. (Continued)

Recommendation: Board resolve to (1) find that in accordance with the Los Angeles Charter Code Section 371(e)(2), a competitive bidding process is not practicable or advantageous because Dr. Flynn has the experience, knowledge and scope of contacts necessary to provide the requested services; (2) find, that in accordance with the Los Angeles Charter Code Section 1022, that City employees do not have the expertise to perform the proposed work, therefore, it is more feasible to hire an outside consultant to perform the required unique, technical, and professional services; (3) approve a one-year Agreement with Dr. Flynn at a not-to-exceed amount of \$200,000 with an option up to two, one year renewal term extensions (Transmittal 1); (4) authorize the Executive Director or designee to approve each subsequent renewal option at her discretion; (5) authorize the Executive Director to execute and the Board Secretary to attest to said Agreement for and on behalf of the Board; and (6) adopt Resolution No._____.

I. 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.

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

Joseph Sanchez. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. BC410927

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

Vince Lauro. v. City of Los Angeles, et al., Los Angeles Superior Court Case No. NC043115

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I. CLOSED SESSION (Continued)

**4. 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**

**5. 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**