

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 1
THURSDAY, APRIL 15, 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.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 2
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

B. COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

C. EXECUTIVE DIRECTOR REMARKS

D. REPORT OF THE COMMISSIONERS

E. BOARD COMMITTEE REPORTS

F. PRESENTATIONS

Julia Nagano Retirement
Dave Chrisman Retirement
CAAP Update

G. BOARD REPORTS OF THE EXECUTIVE DIRECTOR

CONSENT ITEMS (1 - 9)

Commission Office

1. Re: RESOLUTION NO. _____ - APPOINTING BOARD SECRETARY AND ACTING BOARD SECRETARY IN THE TEMPORARY ABSENCE OF THE BOARD SECRETARY

Recommendation: Adoption of the subject resolution appointing Board Secretary and Acting Board Secretary in the temporary absence of the Board Secretary.

Engineering

2. Re: RESOLUTION NO. _____ - AWARD OF BID NO. F-673, FOR PURCHASE AND DELIVERY OF MEDIUM VOLTAGE METAL CLAD ELECTRICAL SWITCHGEAR FOR BERTH 93 A & B CRUISE TERMINAL 6.6 KILO-VOLT (KV) ALTERNATIVE MARITIME POWER (AMP) SYSTEM, TO DAVIS WHOLESALE ELECTRIC, NORTH HOLLYWOOD, CALIFORNIA

SUMMARY: Staff recommends award of bid to Davis Wholesale Electric, North Hollywood, California for purchase and delivery of medium voltage

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 3
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

2. (Continued)

metal clad electrical switchgear for Berth 93 A & B Cruise Terminal 6.6 kilo-volt (kV) Alternative Maritime Power (AMP) system. Installation of this equipment will allow 6.6 kV cruise vessels to utilize shore power while at berth.

Recommendation: Board resolve to (1) award Bid No. F-673 for the purchase and delivery of the medium voltage, metal clad electrical switchgear for Berth 93 A & B Cruise Terminal, 6.6 kV AMP system to Davis Wholesale Electric, North Hollywood, California, for a total amount (excluding sales tax) of \$2,886,398; (2) authorize the Executive Director to execute and the Board Secretary to attest to said Contract for and on behalf of the Board; and (3) adopt Resolution No. _____.

Environmental

3. Re: RESOLUTION NO. _____ - THIRD AMENDMENT TO AGREEMENT NO. 1989 BETWEEN THE CITY OF LOS ANGELES AND PACIFIC HARBOR LINES, INC.

SUMMARY: Pacific Harbor Lines, Inc. (PHL) is proposing to upgrade its existing fleet of Tier 2 switcher locomotives operating in the ports of Los Angeles and Long Beach (Ports) to above Tier 3 levels at no cost to the City of Los Angeles Harbor Department (Harbor Department). Upgrading its fleet would result in significant emission reductions compared to its Tier 2 fleet. In order to be eligible for the maximum grant amount of Carl Moyer Program Funds from the South Coast Air Quality Management District (SCAQMD), the upgraded locomotives are required to be in port-related service for a minimum thirteen years. Consequently, to maximize the benefits to the Ports and PHL, PHL is requesting a Third Amendment to its existing Operating Permit (Agreement No. 1989) that would extend the term an additional six and a half years from 2018 to 2024. To accommodate this extension, certain commercial and administrative provisions of the Agreement have been modified and updated and are included in the Third Amendment. The Port of Long Beach (POLB) is proposing a similar amendment to its Operating Permit with PHL. It is anticipated that the POLB Board of Harbor Commissioners will consider approval of the amendment on April 12, 2010.

Recommendation: Board resolve to (1) approve the proposed Third Amendment to Agreement No. 1989 with PHL (Transmittal 1); (2) authorize the Board Secretary to transmit the proposed Third Amendment to Agreement No. 1989 to the Los Angeles City Council for approval pursuant to Charter Section 606; (3) authorize the Executive Director to execute and Board Secretary to attest to the proposed Third Amendment

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 4
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

3. (Continued)

To Agreement 1989 for and on behalf of the Board of Harbor Commissioners upon approval by the City Council; and (4) adopt resolution No. _____.

4. Re: RESOLUTION NO. _____ - PROPOSED AGREEMENT BETWEEN KEANE BIOLOGICAL CONSULTING, INC. AND THE CITY OF LOS ANGELES FOR MONITORING SERVICES OF THE CALIFORNIA LEAST TERN NESTING SITE

SUMMARY: The endangered California least tern (bird species) shares a home with the City of Los Angeles Harbor Department's (Harbor Department) largest container terminal on Pier 400. The Harbor Department maintains, monitors, and protects 15 acres on Pier 400 for the nesting of these indigenous birds. This Agreement with Keane Biological Consulting, Inc. (KBC), Long Beach, California, provides the Harbor Department with the continuation of mandated monitoring services of the California least tern nesting site on Pier 400. This action will authorize a three-year contract term for an amount not-to-exceed \$300,000.

Recommendation: Board resolve to (1) find that in accordance with the City Charter Section 1022, work under the subject Agreement can be performed more feasibly by independent consultants rather than by City employees; (2) approve the Agreement with Keane Biological Consulting, Inc., a Small Business Enterprise, for a term of three years for a not-to-exceed amount of \$300,000; (3) authorize the Executive Director and the Board Secretary to execute and attest to said Agreement for and on behalf of the Board; and (4) adopt Resolution No. _____.

Finance

5. Re: RESOLUTION NO. _____ - AWARD OF PERSONAL SERVICES AGREEMENTS WITH FRASCA & ASSOCIATES, LLC; GARDNER; UNDERWOOD & BACON, LLC; NORBRIDGE, INC., AND PUBLIC FINANCIAL MANAGEMENT, INC., TO PROVIDE FINANCIAL ADVISORY AND LEASE STRUCTURING SERVICES

SUMMARY: The City of Los Angeles Harbor Department (Harbor Department) proposes to enter into contractual Agreements with four financial advisory firms for three-year periods for each firm. The Harbor Department uses financial advisors to assist on a wide variety of issues, including the latest developments in the financial markets, debt issuance and structuring, the costs and benefits analysis for financial opportunities and leasing activities, among other issues. Staff is now recommending

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 5
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

5. (Continued)

approval of the Agreements for: \$225,000 with Frasca & Associates, LLC, with offices in New York and San Francisco, CA; \$200,000 with Gardner, Underwood & Bacon, LLC, with offices in Los Angeles, CA; \$250,000 with Norbridge, Inc., with offices in Reston, VA; and \$225,000 with Public Financial Management, Inc., with offices in Los Angeles, CA and other major cities nationwide, to provide financial advisory and lease structuring services for an aggregate not-to-exceed amount of \$900,000, including related expenses, for a 36-month term. Selection of these firms resulted from a competitive Request for Proposal (RFP) process. Three of the four previous firms are being recommended. The prior financial advisory Agreements expired in March 2010.

The four firms will be utilized on an as-needed basis through directives issued by the Harbor Department's Chief Financial Officer and/or Director of Debt and Treasury.

Recommendation: Board resolve to (1) find that in accordance with the Los Angeles City Charter Section 1022, the services required are temporary and of a professional, expert, and technical nature, which can be performed more feasibly by an independent contractor; (2) approve the Agreements at an aggregate not-to-exceed amount of \$900,000, for a 36-month term, including related expenses, with Frasca & Associates, LLC, Gardner, Underwood & Bacon, LLC, Norbridge, Inc., and Public Financial Management, Inc., to provide financial advisory and lease structuring services on an as-needed basis; and (3) authorize the Executive Director or designee to execute and the Board Secretary attest to said Agreements for and on behalf of the Board.

6. Re: RESOLUTION NO. _____ - REQUEST FOR BUDGETARY TRANSFERS

SUMMARY: *The City of Los Angeles (City) Harbor Department is proposing that savings in the "Outside Services" account be transferred into the "Materials and Supplies" and "City Services" accounts. Based on preliminary financial statements for the period ending February 28, 2010 for Fiscal Year (FY) 2010 as well as input from Harbor Department divisions, it is projected that, while spending is anticipated to be within the Harbor Department's Adopted Operating Expense Budget of \$260.4 million, budgetary transfers within operating expense categories will be necessary to meet the needs in the Materials and Supplies and City Services accounts. In compliance with the Los Angeles City Charter Section 343(b), such budgetary transfers require the approval of the Board of Harbor Commissioners (Board) as well as the Mayor.*

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 6
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

6. (Continued)

Recommendation: Board resolve to (1) approve the following budgetary transfers to resolve projected shortfalls in the respective operating expense accounts:

- a. Transfer \$375,000 from Outside Services (Center 430, Account 54286, Program 640) to Materials and Supplies as follows:
 - i. \$300,000 to Center 510, Account 55010, Program 000; and
 - ii. \$75,000 to Center 510, Account 55040, Program 000;

- b. Transfer \$2,100,000 from Outside Services (Center 430, Account 54286, Program 640) to City Services as follows:
 - i. \$1,900,000 to Center 900, Account 57070, Program 000;
 - and ii. \$200,000 To Center 520, Account 57045, Program 000;

(2) direct the Board Secretary to transmit the Resolution to the Mayor for approval pursuant to Section 343(b) of the City Charter; and (3) adopt Resolution No. _____.

Planning and Economic Development

7. Re: RESOLUTION NO. _____ - FOR THE APPROVAL OF CHANGES TO THE MEMBERSHIP OF THE PORT OF LOS ANGELES COMMUNITY ADVISORY COMMITTEE

SUMMARY: *As required by the Port of Los Angeles Community Advisory Committee (PCAC) By-laws, the Board of Harbor Commissioners (Board) is being asked to approve changes in the PCAC membership for the Central San Pedro Neighborhood Council.*

Recommendation: Board resolve to (1) approve J.R. Perez as the Central San Pedro Neighborhood Council alternate member; and (2) adopt Resolution No. _____.

Real Estate

8. Re: ORDER NO. _____ - SETTING COMPENSATION UNDER PERMIT NO. 520 WITH SAN PEDRO OWNERSHIP, INC., DBA DOUBLETREE HOTEL

SUMMARY: *Permit No. 520 grants San Pedro Ownership, Inc. (SPOI), dba Doubletree Hotel, the use of Los Angeles Harbor Department (Harbor Department) property in the outer harbor, as depicted in Transmittal 1, for the purpose of constructing, operating, and maintaining facilities for hotel, dinner and convenience restaurants, vessel brokerage and insurance,*

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 7
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

8. *(Continued)*

banquet facilities, sale of marine hardware, supplies and equipment, rental of office space, general retail sales, and incidental purposes.

The proposed Order setting compensation covers the five-year period of January 24, 2007 through January 23, 2012. Compensation is proposed to largely remain the same as the current compensation rate.

Recommendation: Board resolve to (1) approve the Order setting compensation under Permit No. 520 for the five-year period of January 24, 2007 through January 23, 2012; (2) authorize the Executive Director to execute and the Board Secretary to attest to the Order setting compensation pursuant to Section 4(a) of Permit No. 520; and (3) adopt Order No. _____.

9. Re: ORDER NOS. _____ - DIRECTING VARIOUS LOS ANGELES HARBOR DEPARTMENT TENANTS TO RELOCATE UTILITY PIPELINES INTERFERING WITH THE SOUTH WILMINGTON GRADE SEPARATION PROJECT

SUMMARY: The Los Angeles Harbor Department (Harbor Department) is currently coordinating the construction of the South Wilmington Grade Separation (SWGS) Project, which will eliminate two existing at-grade railroad crossings at Fries Avenue and Avalon Boulevard, minimizing interruptions and delays in both vehicular and rail traffic thereby, improving access to Harbor Department terminals and the Wilmington Waterfront. In order to complete the SWGS Project, several underground and possibly above-ground pipelines from various utility companies must first be removed, relocated, or protected in place. The proposed Orders will serve as notice to impacted Harbor Department pipeline tenants, in accordance with each pipeline tenant's permit, to remove and/or relocate the affected pipelines.

Recommendation: Board resolve to (1) approve the Orders directing Chevron U.S.A, Inc.; Exxon Mobil Oil Corporation; Mobil Pacific Pipeline Company; Kinder Morgan Tank Storage Terminals, LLC; Southern California Gas Company; Paramount Petroleum Corporation; Shell Oil Company; Ultramar Inc.; and BP West Coast Products LLC/ARCO Terminal Services Corporation to remove or relocate certain pipeline(s); (2) authorize the Board Secretary to attest to the Orders directing the aforementioned Harbor Department tenants to relocate pipelines; and (3) adopt Order Nos. _____.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 8
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

REGULAR ITEMS (10 - 13)

Engineering

10. Re: RESOLUTION NOS. _____ AND _____ - STATEWIDE PARK PROGRAM GRANT FUNDS APPLICATION

SUMMARY: *Staff is requesting approval from the Board of Harbor Commissioners (Board) to apply for the Statewide Park Program Grant (Grant) through the State Department of Parks and Recreation for the Downtown Harbor – Phase I Project in the amount of \$5,000,000. The Grant does not have a match requirement.*

Recommendation: Board resolve to (1) approve the Statewide Park Program Grant application for the Downtown Harbor – Phase I Project (Transmittal 2); (2) authorize the Executive Director to execute and the Board Secretary to attest to the Grant application; (3) adopt Resolution No. _____; and (4) adopt Resolution Concerning the Application for Grant Funding for Downtown Harbor – Phase I Project, Resolution No. _____ (Transmittal 1).

Finance

11. Re: RESOLUTION NO. _____ - TO ADOPT REVISIONS TO THE CITY OF LOS ANGELES HARBOR DEPARTMENT FINANCIAL POLICIES

SUMMARY: *Staff is recommending that the Los Angeles Board of Harbor Commissioners approve and adopt proposed changes to the City of Los Angeles Harbor Department's (Harbor Department) Financial Policies for the following three reasons: 1) to comply with the Los Angeles City Council motion, Council File No. 09-0600-S159, in which the Department is requested to provide an annual reporting of its financial policies to the City Council by April 1st of each year; 2) to comply with the City Administrative Officer and the Chief Legislative Analyst request, as directed by the Los Angeles City Council motion, Council File No. 08-2624, to implement certain financial policies that more closely align with those of the City of Los Angeles; and 3) to reflect the latest developments in the capital markets, as well as current economic conditions.*

These financial policies, consisting of Fiscal (Revenue and Budgetary), Capital Improvement Plan Funding, Financial Reserve, Risk Management, and Debt Management Policies, were adopted in September 2008 and last revised in April 2009. The Financial Policies provide the Harbor Department with general guidelines to manage its finances. A summary of the proposed revisions to these policies is labeled Transmittal No. 1. The revisions as proposed are highlighted in Transmittal No. 2, and the policies in their final form are labeled Transmittal No. 3.

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 9
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

11. (Continued)

Recommendation: Board resolve to (1) amend the Introduction Section of the Financial Policies to require the Harbor Department to provide annual updates of its Financial Policies, highlighting any changes therein, to the Los Angeles City Council by April 1st of each year; (2) amend Section XIV of the Debt Management Policy – Compliance with Tax Law and Market Disclosure Obligations to include an arbitrage rebate review, as well as an Initial Disclosure requirement; (3) revise Section 4 – Financial Reserve Policy by deleting the “Strategic Reserve Fund” because this fund has never been active; (4) revise Section 4 – Financial Reserve Policy by replacing the name “Strategic Operating Fund” with the name “Special Operating Fund”; (5) amend Section VII of Debt Management Policy to: (a) formally recognize the need to replace surety policies on bonds issued with the cash-funded Debt Service Reserve Fund; and (b) provide flexibility in Call Provisions for any Build America Bonds (BAB) issued in relation to the American Recovery and Reinvestment Act (ARRA) of 2009; (6) replace the term “Capital Improvement Plan Policy” with “Capital Improvement Plan Funding Policy” in Section 3; (7) replace the term “Debt Management ” with the term “Debt and Treasury” throughout the Financial Policies document; (8) approve the minor edits and formatting changes that appear throughout the Financial Policies document; and (9) adopt Resolution No. _____.

Goods Movement

12. 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 July 1, 2010, at an amount to be determined by March 31, 2010. The ICF structure entails the use of fees collected on all loaded containers in both the POLA and the Port of Long Beach (POLB) to fund the design and construction phases of all ICF program projects. At the present time, the POLA and POLB have sufficient pre-construction funds to support these projects. The Alameda Corridor Transportation Authority (ACTA) Board has already elected to defer funding the final design phases of their two ICF projects (Cerritos

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 10
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

12. (Continued)

Channel Rail Bridge and SR-47 Expressway). The ICF will commence on January 1, 2012, only if there is insufficient Harbor Department General Revenue and other public funding from State and/or federal sources. Regarding federal sources, the POLA and POLB, along with many other proponents and members of Congress, have been advocating for a new goods movement program to be funded from a new revenue source. There is considerable discussion about a national container or cargo fee. A national fee would have the obvious advantage of not putting the San Pedro Bay Ports at a competitive disadvantage, especially if the fee were collected at all border crossings. If a national fee was enacted, it could possibly reduce, or obviate the need for the ICF.

New temporary and permanent Orders (Transmittals 2 and 3) are being proposed to postpone the commencement of collection of the ICF until 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 \$25,712,000 will be needed in Fiscal Years (FY) 2010/11 and 2011/12 to offset this ICF collection postponement. The POLB Board is expected to consider a similar ICF amendment on April 12, 2010.

Recommendation: Board resolve to (1) approve the amendment to Item No. 2105 in the POLA Tariff No. 4, Section 21, (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 authorize the Executive Director 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 Item No. 2105 in POLA 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 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

AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 11
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731

12. (Continued)

Permanent 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.

Real Estate

13. Re: ORDER NO. _____ - SETTING COMPENSATION UNDER PERMIT NO. 787 WITH YANG MING MARINE TRANSPORTATION CORPORATION

SUMMARY: Permit No. 787 between the Los Angeles Harbor Department (Harbor Department) and Yang Ming Marine Transport Corporation (Yang Ming) grants nonexclusive use of 186.13 acres at Berths 121-131 for container terminal operations. The proposed Order setting compensation is for the five-year period of October 11, 2006 through October 10, 2011. Compensation for this period is proposed to remain unchanged from the previous five-year compensation period.

Recommendation: Board resolve to (1) approve the Order to reset compensation under Permit No. 787 for the five-year period of October 11, 2006 through October 10, 2011; (2) authorize the Executive Director to execute and the Board Secretary to attest to the Order setting compensation to be paid by Yang Ming pursuant to Section 4(h) of Permit No. 787; and (3) adopt Order 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.

**AGENDA OF THE REGULAR MEETING OF THE
LOS ANGELES BOARD OF HARBOR COMMISSIONERS 12
THURSDAY, APRIL 15, 2010 AT 8:30 A.M.
PORT OF LOS ANGELES ADMINISTRATION BUILDING
425 S. PALOS VERDES STREET
SAN PEDRO, CA 90731**

H. CLOSED SESSION (Continued)

**2. 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.

**3. 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