

**BY-LAWS FOR THE
LOS ANGELES/LONG BEACH HARBOR SAFETY COMMITTEE
(Revised February 1, 2006)**

PURPOSE:

The Los Angeles/Long Beach Harbor Safety Committee (Committee) is responsible for planning and providing for the safe navigation and operation of all vessels operating within San Pedro Bay, Santa Monica Bay, the Los Angeles/Long Beach port complex (and the approaches thereto); and to address the prevention of oil spills and other mishaps that could endanger (pollute) the harbors, channels and coastal waters within its defined Geographic Boundary (see page I-I of the LA/LB HSP for details). The Committee is also charged with the responsibility of creating (and updating annually, as may be required) a "Harbor Safety Plan for Los Angeles/Long Beach Harbor" (HSP). This Committee has been created under the authority of Government Code Section 8670.23(a), which requires the Administrator of the Office of Spill Prevention and Response (OSPR) to create a Harbor Safety Committee for the Los Angeles/Long Beach Harbor area.

PROCEDURES:

I. Meetings

- A. The Los Angeles/Long Beach Harbor Safety Committee shall follow Robert's Rules of Order for conducting meetings. Motions being acted upon will be approved or rejected upon a majority vote by the Committee members or their appointed alternates who constitute a quorum. A minority report may be prepared and included as a separate section of the HSP, if the dissenting members so desire.
- B. The time, location and frequency of meetings shall be determined by the Chair, and when possible, with the approval of the Committee. All meetings will require a quorum which is a simple majority of all appointed members or their alternates. The specific meeting arrangements (room reservations, equipment, supplies, etc.) will be the responsibility of the committee Secretariat, under contract with OSPR.
- C. OSPR shall provide administrative and secretariat support services. The Marine Exchange of Southern California has been contracted by OSPR for the purpose of providing secretariat and administrative support to the LA/LB HSC. These services are to include (but are not be limited to): meeting arrangements, announcements, agendas, minutes, as well as any and all other documentation deemed necessary by the Committee Chair.
- D. All Committee members, alternates, OSPR staff and interested parties shall receive at least 7 days advance notice of meetings. Agendas shall be mailed at least 72 hours prior to the date of the meeting. Items to be voted on must be on this agenda, however the Committee may take action on an item not appearing on the agenda by determining that an immediate need exists and it came to the attention of the Committee after the agenda was distributed. This determination must be approved by a two-thirds (2/3rd) vote of all appointed Committee members or, if less than two-thirds (2/3rd) of all appointed members are in attendance, by a unanimous vote of those appointed members present. Meeting announcements and agendas may also

be sent to the representatives and their alternates via e-mail and/or fax transmission. Meeting announcements and agendas shall also be sent to all interested parties who sign up for such notices, and/or who have attended the meeting(s).

- E. OSPR shall provide for minutes to be taken during each meeting. Minutes of the meetings will include a list of attendees. Minutes shall be sent to Committee members and their alternates, to OSPR's Marine Safety Branch, to all individuals attending the meeting and all interested parties, along with the meeting notices. Such information may be mailed, e-mailed, posted to the Marine Exchange and/or OSPR web sites, or faxed, depending on need. After being approved by the Committee, the minutes shall become the official record of each meeting.
- F. OSPR will regularly attend meetings to answer questions regarding the development of harbor safety plans, and to report on OSPR activities, plans, and decisions that have occurred (or will occur in the future).
- G. Meetings shall be conducted by the Committee Chair or Vice Chair – both of whom shall be selected and appointed by the OSPR Administrator from amongst the members of the Committee. All meetings shall be open to the general public, and to other interested parties, in accordance with the Brown Act (Government Code, Sections 54950 through 54962). The above procedures also apply to any and all sub-committees that may be formed and authorized by the full Committee.

II. Expenses and Committee Support

- A. Each Committee member and/or their alternate may be reimbursed by OSPR for actual and necessary expenses incurred in the participation of Committee meetings called by the chair of the Committee, or by the Administrator of OSPR. Expense claims must be in compliance with the State Board of Control Rules.
- B. Claims for expenses incurred shall be submitted to the Marine Safety Branch, Office of Spill Prevention & Response, (P.O. Box 944209, Sacramento, CA 94244-2090). Expense claims may be submitted on letterhead stationery or on State form STD. 262 for Travel Expense Claims. Claims submitted on stationery will be transferred to form STD. 262 by OSPR staff and returned to the applicant for signature. Original receipts must accompany the claim forms. If a Committee representative and/or alternate has questions regarding claims, contracts, and other administrative functions, they should contact the Marine Safety Branch secretary at telephone (916) 324-6251.
- C. The Committee Secretariat, shall arrange for the handling of general mailings, producing minutes of Committee meetings, typing and mailing of Committee correspondence, making guest speaker arrangements, coordinating special events, posting minutes and HSP to their website (www.mxsocial.org), and otherwise facilitating general week-to-week activities as reviewed, requested, and approved by the HSC Chair, and as stipulated in the OSPR secretariat services contract.
- D. OSPR shall arrange for records of Committee activities, including meeting agendas, minutes, correspondence, the HSP, etc., to be maintained and archived by the contracted Secretariat. Records that are not otherwise exempt shall be considered "public records"

which are subject to California's Public Records Act (Government Code Sections 6250, et seq.) – and all will be made available through the Secretariat for public viewing by interested parties.

GUIDELINES:

I. Committee Composition

A. The Committee shall consist of the following members:

1. A designee of the Port of Los Angeles.
2. A designee of the Port of Long Beach.
3. A representative of tanker operators.
4. Two representatives from pilot organizations within the scope of the HSP – namely, one from Jacobsen Pilot Service (Port of Long Beach) and one from the Port of Los Angeles Pilot Service.
5. A representative of an offshore marine terminal who is also a Mooring Master.
6. A representative of dry cargo vessel operators.
7. A representative of commercial fishing interests.
8. A representative of recreational boating interest
9. A representative of scheduled passenger ferry or excursion vessel operators.
10. A representative of local marine oil terminal operators.
11. Two representatives from recognized non-profit environmental organizations that have as a purpose the protection of marine resources, one of which is dedicated to preserving and protecting the waters of Santa Monica Bay.
12. A designee of the California Coastal Commission.
13. A designee of the California State Lands Commission Marine Facilities Division (by petition),
14. A representative from a recognized organized labor union involved with operations of vessels.
15. A representative of tug or barge operators, who is not also engaged in the business of operating either tankers or dry cargo vessels.
16. The Captain of the Port, U.S. Coast Guard, Sector LA/LB Command, to the extent they consent to participate on the Committee.
17. A designee of the U.S. Navy, to the extent they consent to participate on the Committee.

18. A designee of the U.S. Army Corps. of Engineers, to the extent they consent to participate on the Committee.
 19. A designee of NOAA/NOS, to the extent they consent to participate on the Committee.
- B. Members listed in 1 – 15 above will be appointed by OSPR and “sworn in” officially to begin their three year terms.
 - C. Qualifications -- Members appointed to represent categories specified in 3., 4., 5., 6., 9., 10., and 15. above shall have “navigational expertise”. An individual is considered to have navigational expertise if she/he meets any of the following conditions:
 1. Has held or is presently holding a USCG Merchant Marine Deck Officer’s License.
 2. Has held or is presently holding a position on a commercial vessel that includes navigational responsibility
 3. Has held or is presently holding a shore side position with direct operational control of vessels
 4. Has held or is currently holding a position having responsibilities_for permitting or approving the docking of vessels in and around harbor facilities.
 - D. The OSPR Administrator shall appoint a chair and a vice chair for the Committee from amongst the members.
 - E. Additional Members -- The Harbor Safety Committee may petition the Administrator to request additional membership categories which are needed to conduct the Harbor Safety Committee’s business and which reflect the make-up of the local maritime community. The approval of such petitions shall be at the sole discretion of the Administrator.

II. Committee Rules

- A. Each member shall endeavor to attend every Committee meeting. However, an alternate may attend meetings in the member’s absence. All such alternates must have the same qualifications for representing their particular constituency, and each will, when appointed by the OSPR Administrator, be “sworn in” as part of the Committee roster, and having the same duties, responsibilities and voting rights as the representative they serve as alternate for.
- B. Committee membership shall not, by itself, be construed to in any way limit the legal rights, obligations, or authorities of the individual members or the groups or agencies which they represent.
- C. Dismissal From Service -- If a member or their alternate(s) fail to attend 3 of the 5 regularly scheduled meetings for a planning cycle (October through June), or fail to carry out their duties and responsibilities to the Committee in a prudent and professional manner, the chair may ask the delinquent member and or their alternates for their resignations. Failing to obtain those resignations, the chair may then call for a recommendation of removal from the committee, which action will require a “2/3” vote by the Committee. Such recommendation will be submitted to the OSPR administrator for his/her review and immediate action.

III. Preparation of the Harbor Safety Plan

- A. The Committee shall prepare a Harbor Safety Plan (HSP) encompassing all vessel traffic within the Los Angeles/Long Beach harbor complex, as well as the waters of San Pedro and Santa Monica Bays, and the approaches thereto -- including several offshore marine terminals along the Southern California Coast -- in accordance with OSPR regulations. A copy of all “draft regulations” resulting from plan recommendations shall be provided to each Committee member and their alternate for concurrence.

IV. Implementation

- A. Upon approving the Harbor Safety Plan (HSP), the OSPR Administrator, in consultation with the Committee, will implement the HSP.
- B. OSPR staff will propose and adopt regulations necessary to implement the HSP. When federal authority or action is required to implement the HSP, or the recommendations therein, OSPR staff will petition the appropriate agency, or Congress, as necessary.
- C. On or before July 1st of each year, the Committee shall revise the HSP and report to the Administrator its findings and recommendations including:
 - (1) improving navigation safety,
 - (2) increasing vessel traffic efficiency,
 - (3) enhancing environmental protection,
 - (4) eliminating oil spills and other mishaps, and
 - (5) otherwise promoting general safety and security measures, and “Standards of Care” procedures on the waters of LA/LB Harbor, San Pedro Bay, Santa Monica Bay, and the approaches thereto, by amending the HSP (if necessary), or through other means to be determined by the Committee.