

## **Appendix J**

### **San Diego Harbor Safety Committee Bylaws**

**SAN DIEGO HARBOR SAFETY COMMITTEE**  
**BYLAWS**

Article I: Name

Section 1. The San Diego Harbor Safety Committee (hereinafter referred to as the Committee).

Article II: Purpose

Section 1. The Committee is established pursuant to Section 8670.23 of the Government Code and Title 14, California Code of Regulations, Sections 800-802; and is responsible for planning for the safe navigation and operation of tankers, barges and other vessels within the harbor. The Committee shall prepare a Harbor Safety Plan encompassing all vessel traffic within the harbor.

Article III: Membership

Section 1. Members; Qualifications; Chairperson; Expenses

- (a) The Committee shall consist of members appointed by the Administrator of the Department of Oil Spill Prevention and Response (hereinafter referred to as the Administrator). Membership requirements are established by Section 8670.23 of the Government Code.
- (b) Any member completing a three-year term may apply to succeed himself.
- (c) The Chairperson of the Committee is appointed by the Administrator from the membership specified in Section 8670.23 of the Government Code.
- (d) Each member of the Committee shall be reimbursed for actual and necessary expenses incurred in the performance of Committee duties.
- (e) The Committee may petition the Administrator to designate up to five additional At-large membership categories that may be needed to conduct the Committee's business and to reflect the makeup of the local maritime community. The Committee may also petition the Administrator for the removal of any At-large membership category. The approval of such petitions shall be at the sole discretion of the Administrator. At-Large members shall include an excursion boat operator and a commercial fishing boat operator who shall have navigational expertise as defined in Section 8670.23 of the Government Code. The petition shall specify the requirements of the At- Large member position.
- (f) A member's appointment shall be terminated as a result of any of the following circumstances:
  - (1) The member voluntarily resigns for any reason.
  - (2) The member is removed by the Administrator for cause including:
    - (i) Failure to meet attendance standards.
    - (ii) Falsifying application materials.

- (g) One alternate representative to each primary representative shall be appointed and sworn by the Administrator in the same manner as the primary representative and should be subject to the recommendation of the primary member. All applicants should be considered.
  - (1.) The alternate shall be selected from the same membership category as the primary member and shall meet the same qualifications.
  - (2.) The alternate may vote only in the absence of the primary member of that category.
  - (3.) The alternate may continue to serve after the resignation or removal of the primary member until a new primary member is appointed and sworn. Alternate member may apply for primary member position.
    - Harbor Safety Committee members appointed pursuant to Section 8670.23, while performing their duties, shall be entitled to the same rights and immunities granted public employees. Those rights and immunities attach as of the date of appointment of the member to the Harbor Safety Committee.

Section 2. Attendance

- (a) A representative from each category named in Section 1. (a) and (e) is expected to attend each regularly scheduled meeting of the San Diego Harbor Safety Committee.
- (b) In accordance with Section 1. (f) (2) (i), Failure to meet attendance standards, is grounds for a member's appointment to be terminated as follows:
  - (1.) The primary member to miss 75% of meetings in a calendar year.
  - (2.) The category, primary and alternate, to miss 50% of meetings in a calendar year.
    - i. Primary member will make every effort to have alternate attend meetings in his/her absence. If neither can attend a meeting, notification of absence shall be made by the primary or alternate to the Chairperson or Secretariat.
    - ii. Non-attendance by both primary and alternate to over 50% of meetings, with notice, will be addressed by the Chairperson, and action will be taken, as Chairperson deems necessary.
- (c) In all other circumstances regarding attendance, the Chairperson shall take action, as he/she deems necessary, and announce to the next full Committee meeting the action taken.

Article IV: Officers

Section 1. San Diego Harbor Safety Committee

- (a) Chairperson appointed by the Administrator from the membership specified in Article III.
- (b) Vice-chairperson appointed by the Administrator from the membership specified in Article III (only primary and at-large primary), and a different category than that of the Chairperson.
- (c) Executive Secretary (Secretariat) contracted by the Administrator to serve as administrative staff to the Committee.

## Article V: Meetings

Section 1. Meetings shall be duly noticed to members and alternates of the Committee and subcommittees and open to the public.

- (a) The Committee shall meet at least once per quarter at a location and time as designated by the Chairperson.
- (b) Meetings shall be conducted in accordance with Roberts Rules of Order, the Ralph M. Brown Act (Open Meetings for Local Legislative Bodies) and these bylaws.
- (c) A quorum consisting of a simple majority of voting members excluding federal agencies must be present in order that business can be legally transacted. Should a quorum not be present the Committee can proceed as a Committee of the whole, but cannot take action on any item.
- (d) 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 ( $2/3^{\text{rd}}$ ) vote of all appointed Committee members or, if less than two-thirds ( $2/3^{\text{rd}}$ ) of all appointed members are in attendance, by a unanimous vote of those appointed members present.
- (e) An agenda shall be drafted by the Secretariat as directed by the Chairperson for each meeting and distributed to members, alternates and interested parties at least seven (7) days prior to the scheduled meeting. In accordance with the Brown Act, agendas for full Committee meetings shall be posted 72 hours in advance at the Secretariat's office and at the meeting location. Postings shall be visible from the outside of buildings.
- (f) Meeting minutes shall be taken by the Secretariat and published within ten days to all members, alternates and interested parties to permit any required action to be set in motion in a timely manner.

## Article VI: Voting

Section 1.

- (a) Passage of any item subject to vote by Committee members shall require a simple majority of appointed members or their alternates present at the meeting.
- (b) Members shall recuse themselves from voting in case of potential conflict of interest.

## Article VII: Subcommittees and Work Groups

Section 1. Establishment

- (a) The Committee may establish subcommittees and work groups as necessary. Subcommittee meetings shall be duly noticed and open to the public.
- (b) A subcommittee shall be composed of a chairperson appointed by the Chairperson of the San Diego Harbor Safety Committee and other members and alternates as appointed by the Subcommittee Chairperson to assist in forming recommendations for approval of the full Harbor Safety Committee.
- (c) A subcommittee in toto may or may not be called into session at any one time, but may also serve as a pool from which to form working groups.
- (d) Subcommittee and working group members shall have expertise contributing to the named purpose of the subcommittee and to the legitimate presentation of completed staff work for approval by the full Harbor Safety Committee.

- (e) Members of subcommittees or working groups may be selected from the membership of the Harbor Safety Committee.

#### Article VIII: Submissions from Committee

##### Section 1. Harbor Safety Plan

- (a) The Committee shall prepare and submit the San Diego Harbor Safety Plan and annual updates to the Administrator by July 1 of each year or as directed otherwise by the Administrator.
- (b) The Committee shall make recommendations or requests to the Administrator as necessary regarding harbor safety, and may make recommendations or requests to other governmental agencies.

#### Article IX: Bylaws Review, Acceptance and Amendments

##### Section 1. Enactment of Bylaws

- (a) Must be included as an agenda item in a regular meeting of the San Diego Harbor Safety Committee.
- (b) Must be noticed in accordance with Article V: Meetings of these bylaws.
- (c) Must be approved by a majority of San Diego Harbor Safety Committee voting members in attendance.
- (d) Shall become effective upon Committee approval, and shall continue in force until amended or repealed.

##### Section 2. Amendment of Bylaws

The bylaws may be amended, repealed or re-enacted in whole or in part by a majority approval by the voting members of the Committee.

##### Section 3. Bylaw Provision Disclaimer

Should any provision of the bylaws be, or become, invalid, unenforceable, void, or prohibited by law or otherwise, the remaining provisions shall remain in full force and effect.