



# San Diego Unified Port District

3165 Pacific Hwy.  
San Diego, CA 92101

## Meeting Minutes

### Board of Port Commissioners

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Tuesday, June 23, 2020

10:00 AM

Don L. Nay Port Administration Boardroom

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#### Closed Session

#### A. Roll Call.

**Present:** 5 - Commissioner Bonelli, Commissioner Merrifield, Chairperson Moore, Commissioner Valderrama, and Commissioner Zucchet

**Excused:** 2 - Commissioner Castellanos, and Commissioner Malcolm

**Absent:** 0

*Commissioner Zucchet was excused until he arrived at 10:20 A.M.*

*Officers Present: Coniglio, DeAngelis, Morales, and Russell*

#### B. Public Communications.

*The following member(s) of the public addressed the Board with non agenda-related comments: None*

#### CLOSED SESSION

*Thomas A. Russell, General Counsel, announced the Closed Session items as follows:*

1. [2020-0231](#) Closed Session Item No. 1

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District v. Landmark Insurance Company, et al.  
United States District Court Case No. 3:15-cv-01401 BEN (MDD)

United States Court of Appeals for the Ninth Circuit,  
No. 19-55409, 19-55448

*No reportable action was taken on this item.*

2. [2020-0212](#) Closed Session Item No. 2

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

City of Imperial Beach, et al. v. The International Boundary & Water Commission - United States Section, et al.

United States District Court, Case No. 3:18-CV-00457-JM-LL

*Mr. Russell announced that the Board considered the items on the Closed Session Agenda, and stated that the Board took reportable action on Closed Session Item No. 2, Agenda File No. 2020-0212. Mr. Russell reported that the Board authorized execution of a settlement agreement with Veolia Water North America West, the parties to the settlement are the San Diego Unified Port District, the City of Imperial Beach, the City of Chula Vista, and Veolia Water North America West. The settlement requires Veolia Water North America West to reduce canyon collector spills attributable to its operation and maintenance practices, including by improving sediment and debris removal and taking temporary measures to increase diversion capacity. Veolia Water North America West will also reimburse \$185,000 for fees and costs incurred in the case, commensurate with its role in the litigation. This agreement does not resolve the District's claims against the International Boundary & Water Commission.*

3. [2020-0214](#)

Closed Session Item No. 3

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

San Diego Unified Port District v. San Diego Gas & Electric Company, et al.

San Diego Superior Court Case No. 37-2017-00041251-CU-BC-CTL

*No reportable action was taken on this item.*

4. [2020-0236](#)

Closed Session Item No. 4

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Government Code Section 54956.9

In re Bankruptcy Embarcadero Restaurant Holdings

United States Bankruptcy Court, S.D. California

Case No. 18-06718-CL7

*No reportable action was taken on this item.*

5. [2020-0220](#)

Closed Session Item No. 5

CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

District Negotiator: Executive Director/President/Chief Executive Officer

Employee Organizations: California Teamsters, Public Professional & Medical Employees Union Local 911, Service, Maintenance, Operations

and Crafts Unit; California Teamsters, Public Professional & Medical Employees Union Local 911, Non-Sworn Safety Personnel Unit; California Teamsters, Public Professional & Medical Employees Union Local 911, Supervisory Unit, San Diego Harbor Police Officers Association

*No reportable action was taken on this item.*

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*Secretary, Board of Port Commissioners*

*San Diego Unified Port District*

*ATTEST:*

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*Clerk of the San Diego Unified Port District*