



Northern California Area Maritime Security Committee



Northern California Area Maritime Security Committee CHARTER

Article I – NAME

Section 1, Name. The committee formerly known as the Port Safety and Security Committee of San Francisco Bay is established as the Northern California Area Maritime Security Committee, in accordance with the provisions of the Maritime Transportation Security Act as codified under Title 33 Code of Federal Regulation Subchapter “H”.

Section 2, Reference. Hereafter the Northern California Area Maritime Security Committee will be referred to as the “Committee”. The chairperson of the Committee, the Federal Maritime Security Coordinator will be referred to as the “FMSC”.

Article II – MISSION

Section 1, Mission. The mission of this Committee is to help coordinate planning, information sharing, and other necessary activities to aide the security of the Marine Transportation System (MTS). In support of those missions the Committee will:

1. Develop an Area Maritime Security Plan aimed at maintaining acceptable risk levels during normal operations and during times of heightened threats. This plan will outline scalable security procedures to be taken by MTS stakeholders to ensure the continued safety and security of our nation’s port and MTS;
2. Integrate, and/or amend, existing security assessments of maritime facilities using agreed criteria. Assessments to be used to determine appropriate facility security measures;
3. Coordinate training and conduct area maritime security exercises;
4. Advocate Maritime Domain Awareness (MDA) infrastructure improvements for the port;
5. Develop and adopt preventative security measures for appropriate maritime security levels to address increased threat conditions. These measures will meet consolidated requirements of all agencies having jurisdiction and will be used to influence interim and future regulations;
6. Develop procedures for information sharing for threat warnings, response, intelligence-gathering and threat assessment among maritime stakeholders;
7. Produce stakeholder recommendations for continuing improvements for port security measures; and
8. To the extent possible, promote effective security measures that maintain or enhance operational efficiencies and minimize impact to trade.

Section 2, Jurisdiction. The geographic boundaries of this Committee include the entire Captain of the Port San Francisco Bay, Federal Maritime Security Coordinator’s area of responsibility.

Article III – STRUCTURE

Section 1, Structure. The Area Maritime Security Committee will consist of the Committee, subcommittees and working groups established by the Committee to address specific issues.

Section 2, Composition. The Committee is comprised of a membership formally appointed by the FMSC, in accordance with Title 33 code of Federal Regulation Part 103.

Section 3, Representation. To represent a wide range of port stakeholder interests the Committee will have one voting representative from each of the following entities:

1. U.S. Coast Guard, Federal Maritime Security Coordinator (Chairperson)
2. U.S. Customs and Border Protection, Port Director (Deputy Chairperson)
3. Marine Exchange of San Francisco Bay, Director (Secretariat)
4. U.S. Federal Bureau of Investigation
5. U.S. Immigration and Customs Enforcement
6. U.S. Transportation Security Administration
7. United States Maritime Administration
8. Federal Emergency Management Agency (*vacant*)
9. State of California, Governors Office of Homeland Security
10. California State Lands Commission
11. University of California, California Maritime Academy
12. State of California, Board of Pilot Commissioners
13. Alameda County Sheriff Department
14. Contra Costa County Sheriff Department
15. City of Oakland, Office of Emergency Services
16. City of San Francisco, Office of Emergency Services
17. San Francisco Police Department (*vacant*)
18. City of Monterey, Fire Department
19. Port of Oakland
20. Port of San Francisco
21. Port of Richmond
22. Port of Stockton
23. Port of Redwood City
24. San Francisco Bar Pilots Association
25. Waterfront Labor
26. Vessel Labor
27. Truck Driver Labor
28. Oil Terminal Operator
29. Container Terminal Operator
30. Domestic Vessel Operator
31. Tank Vessel Operator
32. International Vessel Operator
33. Small Passenger Vessel Operator
34. Tugboat Operator
35. Ferryboat Operator
36. Shipping Agents
37. Private Boaters

Article IV – MEMBERSHIP

Section 1, Qualification. Title 33 Code of Federal Regulations Part 103.305(a) establishes the qualifications of Committee members. Each member must have five years experience related to maritime or port security operations, and must represent a port stakeholder interest:

1. A Federal Government agency;
2. A State Governmental agency;
3. A Local Governmental crisis management, public safety, or law enforcement agency;
4. A law enforcement or security organization;
5. A maritime industry organization;
6. A port stakeholder of special competence in maritime security; or
7. A port stakeholder that is affected by security practices and policy.

Section 2, Appointment and Term of Office. Each member of the Committee will be appointed by the FMSC to an unpaid term of office of not less than one year and not more than five years. Such appointments by the FMSC shall be made in writing, and acceptance of the appointment shall constitute an agreement by the appointee to accept all the terms and conditions of this charter and responsibilities under U.S. law.

Section 3, Resignation or Removal. A member may resign at any time by written notice to the FMSC. The resigning member may recommend a suitable replacement that represents the interests of the resigning member's affiliation. The FMSC may remove a Committee member that is absent from three consecutive meetings with a written notice.

Section 4, Committee Member Representative. A Committee member may appoint a regular alternate Representative, to represent their affiliation at regular meetings of the Committee. The FMSC must be notified by the Committee member, in writing or e-mail, of the alternate representative's identity and contact information, so that a Non-Disclosure Agreement can be properly executed, prior to the Committee's meeting.

Article V – MEETINGS

Section 1, Time. The Committee will meet once each quarter at a time and place agreed upon at a previous meeting, and the date, time, and place shall be posted by the Secretary, or other venue as determined by the Committee. The FMSC may convene sessions of the Committee as needed for port security issues.

Section 2, Purpose. The Committee shall meet for the purpose of assisting the FMSC in the development, review and maintenance of the Area Maritime Security Plan, and other related matters of port security.

Section 3, Format. The quarterly meetings of the Committee shall be open to the public. When Sensitive security Information is planned for discussion, such meetings shall be closed to the public to safeguard the material in accordance with Title 49 code of Federal Regulations Part 1520. The meetings of the Committee shall be conducted using accepted parliamentary rules.

Section 4, Record. The Committee shall keep a record of meeting minutes that are publicly posted by the Secretary, or other venue as determined by the Committee. The record of minutes shall be reviewed prior to posting and must be redacted of any Sensitive security Information in accordance with Title 49 code of Federal Regulations Part 1520. An original copy of the meeting minutes shall be kept by the FMSC. All meeting minutes, and other records or documents of the Committee are the property of the U.S. Coast Guard, and are protected by U.S. law.

Article VI – ACTIONS

Section 1, Action Items. Items of action will be tracked and maintained by the Committee presiding officer. Action items may include review of existing port security measures, development and consideration of expanded port security measures, development and modifying of port security exercises, and other port security related matters.

Article VII – SUBCOMMITTEES

Section 1, Establishment. The Committee may establish a subcommittee to work on related security issues as needed. A subcommittee may be established for a specific purpose or a range of related issues. Each subcommittee shall be given clear guidance from the Committee and shall make reports to the Committee as required.

Section 2, Chairperson. Each subcommittee of the Committee will have a member of the Committee as its chairperson. The chairperson is responsible to the Committee for the conduct of the subcommittee and its progress.

Section 3, Meetings. Each subcommittee, once established, shall meet as needed to fulfill the guidance from the Committee and at least monthly. The chairperson is responsible to ensure that subcommittee minutes are kept and given to the Committee at its meetings. Subcommittee minutes should be reviewed and redacted for sensitive security information with the un-redacted copy given to the FMSC for inclusion in the Committee's master file of minute reports.

Article VIII – WORKING GROUPS

Section 1, Establishment. The Committee may establish a working group to work on related security issues as needed. A working group may be established for a specific purpose or a range of related issues. Each working group shall be given clear guidance from the Committee and shall make reports to the Committee as required. Upon completion of a working group's assignment, the chairperson will make a final report to the Committee and receive new task direction from the Committee or be directed to disband the working group.

Section 2, Chairperson. Each working group of the Committee will have a member of the Committee as its chairperson. The chairperson is responsible to the Committee for the conduct of the working group and its progress.

Section 3, Meetings. Each working group, once established, shall meet as needed to fulfill the guidance from the Committee and at least monthly. The chairperson is responsible to ensure that work group minutes are kept and given to the Committee at its meetings. Work group minutes should be reviewed and redacted for Sensitive security Information with the un-redacted copy given to the FMSC for inclusion in the Committee's master file of minute reports.

Article IX – SENSITIVE SECURITY INFORMATION

Section 1, Definition. Sensitive Security Information (SSI) is material that:

1. May constitute an unwarranted invasion of privacy including personnel or medical files;
2. Reveal trade secrets, privileged, or confidential information;
3. Information that if released may be detrimental to traveling public;
4. Information concerning screening criteria, or technical specifications of screening equipment or devices, or communications equipment;
5. Any security contingency plan or approved standard security program;
6. Security directives or circulars;
7. Vulnerability assessments, or information detailing a systemic vulnerability of a transportation system, including details of inspections and investigations;
8. Information about the testing and qualification of security personnel; and
9. Any information, the disclosure of which, the Secretary of Homeland Security has prohibited in accordance with Title 49 United States Code Section 40119.

Section 2, Disclosure. The FMSC and the Committee must restrict disclosure of, and access to, Sensitive Security Information to persons with a need to know in accordance with the provisions of Title 49 Code of Federal Regulations Part 1520.5. The FMSC may make a determination to further restrict specific information to a limited number of persons. Violation of Title 49 Code of Federal Regulations Part 1520.5 may constitute a civil and or criminal act. If protected information is released to unauthorized persons, a full report must be made to the FMSC as soon as possible.

Section 3, Designation. Prior to receiving Sensitive Security Information each person must receive authorization in writing from the FMSC. This authorization may be in the form of an appointment to the Committee, or by specific documentation.

Article X – COMMITTEE PROCEDURES

Section 1, Agenda. An agenda will be publicly published seven days prior to each meeting. Each agenda will detail the meeting time, meeting place, and agenda items.

Section 2, Rules. The following is a non-inclusive list of procedural meeting rules to be followed by the Committee:

Rule 1, Public Comment: During meetings open to the public, the Committee shall allow the general public an opportunity to comment.

Rule 2, Group Comment: During meetings open to the public, whereas a group of persons have the same comment or would address the Committee, the Committee shall ask that group to choose a spokes person to address the Committee.

Rule 3, Closed Sessions: The FMSC may call a special closed session of the Committee. Closed sessions may be called for the purpose of discussing Sensitive Security Information, specific security issues, or litigation issues involving the FMSC or the Committee. A record of a closed session shall be kept by the FMSC, and the FMSC may cause a redacted record of the session to be made available to the public.

Rule 4, Agenda: Only issues on the agenda will be discussed at Committee meetings, except for issues of that are urgent or emergency in nature. Other issues of a more routine nature must be scheduled as future agenda items.

Rule 5, Presiding Officer: The FMSC is the presiding officer of the Committee. The FMSC will designate a Deputy Chairperson to act as the presiding officer in the absence of the FMSC. The presiding officer will call the meetings to order, facilitate the meeting agenda, recognize all speakers, monitor the meeting's time schedule, and recognize and regulate all motions of the Committee. The right of the presiding officer to discuss and vote on any motion or issue shall not be abridged. The FMSC will designate a Committee Secretary that is responsible for maintaining the Committee's meeting minutes and other records.

Rule 6, Motions: The presiding officer must recognize all motions and the seconding there of. The presiding officer shall clearly state the motion before the Committee prior to any debate of it. The presiding officer shall regulate a motions debate, and limit the time of statements made by Committee members. The presiding officer shall restate the motion prior to a Committee vote.

Rule 7, Votes: The presiding officer may cause a motion or issue to be voted on by the Committee, or recognize a Committee member to cause a motion or issue to be voted on. A motion to vote must be seconded. All votes shall be taken by voice, with the vote recorded in the committee's meeting minutes. Committee members who remain silent during a vote shall have their silence recorded as a yes vote; unless the Committee member states that he/she is not voting for good reason (such as a conflict of interest). A Committee member that abstains from a vote consents to the will of the majority vote. It is the responsibility of every Committee member to vote, but no Committee member may

be compelled to vote. The presiding officer shall count the votes and determine the result of the vote.

Rule 8, Tie Votes: In the event of a tie vote, the presiding officer may allow further debate on the issue and then hold another vote. Committee members may reconsider their vote if the vote is tied, by making a motion to reconsider. The presiding officer may hold a tie vote for reconsideration as an agenda item at the next Committee meeting.

Rule 9, Quorums: A quorum shall consist of a presiding officer and one-third of the appointed Committee members present. Should less than one-third of the appointed Committee not be present, a Committee vote may not be taken.

Rule 10, Limiting Power: All votes taken by the Committee are for the purpose of advising the FMSC. No vote may limit or modify the powers granted the FMSC by Title 33 code of Federal Regulations Part 103.205.

Article XI – AMENDMENTS

Section 1, By the FMSC: the power to amend, alter, or repeal this charter shall reside with the FMSC in accordance with Title 33 code of Federal Regulations Part 103.205.

Section 2, By the Committee: The Committee may conduct a periodic review of this charter and recommend amendments to the FMSC as deemed necessary.

Paul M. Gugg
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Federal Maritime Security Coordinator
Chair, Area Maritime Security Committee of Northern California