



VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Everard Ashworth, Chairman
Brian Brennan, Vice Chairman
Chris Stephens, Commissioner
Jean Getchell, Commissioner

Oscar Peña, General Manager
Brian Pendleton, Deputy General Manager
Timothy Gosney, Legal Counsel
Jessica Rauch, Clerk of the Board

PORT COMMISSION AGENDA REGULAR MEETING DECEMBER 12, 2018 AT 7:00PM VENTURA PORT DISTRICT OFFICE 1603 ANCHORS WAY DRIVE VENTURA, CA 93001

A **Closed Session** of the Board will be held at **5:30PM** at the Port District Office located at 1603 Anchors Way Drive, Ventura, CA, to discuss the items on the Attachment to Agenda-Closed Session Conference with Legal Counsel.

The Board will convene in **Open Session** at the Port District Office located at 1603 Anchors Way Drive for its Regular Meeting at **7:00PM.**

ADMINISTRATIVE AGENDA:

CALL TO ORDER: By Chairman Everard Ashworth.

PLEDGE OF ALLEGIANCE: By Chairman Everard Ashworth.

ROLL CALL: By the Clerk of the Board.

ELECTION OF SECRETARY

Pursuant to the Harbors and Navigation Code 6241.1 and 6248, the Board shall select a new Secretary.

ADOPTION OF AGENDA (3 minutes)

Consider and approve, by majority vote, minor revisions to agenda items and/or attachments and any item added to, or removed/continued from the Port Commission's agenda. Administrative Reports relating to this agenda and materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the Port District's office located at 1603 Anchors Way Drive, Ventura, CA during business hours as well as on the District's website - www.venturaharbor.com (Port District Business-Meetings & Agendas). Each item on the agenda shall be deemed to include action by an appropriate motion, resolution or ordinance.

APPROVAL OF MINUTES (3 minutes)

The Minutes of the November 14, 2018 Regular Meeting will be considered for approval.

PUBLIC COMMUNICATIONS (3 minutes)

The Public Communications period is set aside to allow public testimony on items not on today's agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

CLOSED SESSION REPORT (3 minutes)

Closed Sessions are not open to the public pursuant to the Brown Act. Any reportable actions taken by the Commission during Closed Session will be announced at this time.

BOARD COMMUNICATIONS (5 minutes)

Port Commissioner's may present brief reports on port issues, seminars, meetings and literature that would be of interest to the public and/or Commission, as a whole. In addition, Port Commissioners should provide a brief summary and disclose any discussions he or she may have had with any Port District Tenants related to Port District business.

DEPARTMENTAL AND GENERAL MANAGERS REPORTS (5 minutes)

Ventura Port District Staff and General Manager will give the Commission reports on their Department and items of general interest to the Port Commission and members of the public.

LEGAL COUNSEL REPORT (5 minutes)

CONSENT AGENDA: (5 minutes)

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon by the Board at one time, without discussion, unless a member of the Board or the public requests an opportunity to address any given item. Approval by the Board of Consent Items means that the recommendation is approved along with the terms set forth in the applicable staff reports.

A) Approval of Out of Town Travel Requests

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the out of town travel requests for the following persons:

- a) Deputy General Manager, Brian Pendleton to travel to Newport Beach, California to participate in the CMANC Winter Meeting;
- b) Dredging Consultant, Richard Parsons to travel to Newport Beach, California to participate in the CMANC Winter Meeting;
- c) Commissioner, Brian Brennan to travel to Newport Beach, California to participate in the CMANC Winter Meeting;
- d) Marketing Manager, Jennifer Talt-Lundin to travel to San Diego, California to participate in the Adventure & Travel Consumer Show with Ventura County Coast; and,
- e) Marketing Manager, Jennifer Talt-Lundin to travel to Palos Verdes, California to participate in the Visit California Annual Outlook Forum.

B) Approval of New Office Lease for Power & Process Engineers

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Power & Process Engineers for the premises located at 1559 Spinnaker Drive #201 consisting of a total of 350 square feet for a one (1) year term.

C) Approval of Revised Board of Port Commissioners Protocols and Policies Manual

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve updates to the Board of Port Commissioners Protocols and Policies Manual.

D) Annual Reserve Policy Review

Recommended Action: Voice Vote.

That the Board of Port Commissioners accept the current Ventura Port District Reserve Policy, Resolution No. 3225, dated August 28, 2013.

E) Annual Investment Policy Review

Recommended Action: Voice Vote.

That the Board of Port Commissioners accept the current Ventura Port District Investment Policy, Resolution No. 3345, dated January 10, 2018.

F) Memorandum of Agreement with the City of Ventura for Ventura Harbor Keys Water Quality Monitoring

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to enter into a Memorandum of Agreement with the City of Ventura to provide equal cost sharing for the Ventura Harbor Keys Surface Water Quality Monitoring and Reporting Program in an amount not-to-exceed \$120,000 with the Port District's cost share in an amount not-to-exceed \$60,000 over a 30-month period.

G) Consideration of Rejection of Claim by Chrysiliou Living Trust, Chrysiliou Chrysiliou and Belinda Chrysiliou Trustees, and RDPH Properties, Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners take action to reject a claim filed against the Ventura Port District on November 5, 2018 by Chrysiliou Living Trust, Chrysiliou Chrysiliou and Belinda Chrysiliou Trustees, and RDPH Properties, Inc. and authorize the General Manager to execute and mail a Notice of Rejection.

H) Approval of Letter to the City Manager Concerning Road Conditions

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a letter to the City Manager concerning road conditions within the Ventura Port District.

STANDARD AGENDA:

1) Approval of Harbor Village Painting Project (30 minutes)

Recommended Action: Voice Vote.

That the Board of Port Commissioners receive a presentation and give direction regarding the proposed Harbor Village paint, signage and awning designs.

2) Consideration of Legal Fees (10 minutes)

Recommended Action: Voice Vote.

That the Board of Port Commissioners consider for approval the proposed hourly rates for the calendar year 2019, and the proposed range for hourly rates for the calendar year 2020.

3) Parcels 5 and 8 Development (10 minutes)

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Receive a report regarding the expiration of the Pre-Option Agreement between the Ventura Port District and H. Parker Hospitality for the development of Parcels 5 and 8; and,
- b) Authorize District Legal Counsel to initiate quiet title actions for Parcels 5 and 8.

AGENDA PLANNING GUIDE AND REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT

This agenda was posted on Friday, December 7, 2018 by 5:00 p.m. at the Port District Office and on the Internet – www.venturaharbor.com (Port District Business-Meetings & Agendas).



*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Ventura Port District at (805) 642-8538. Notification 48 hours before the meeting will enable the District to make reasonable arrangements to ensure accessibility.
(28 CFR 35.102.35.104 ADA Title II)*

**ATTACHMENT TO PORT COMMISSION AGENDA
CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL**

WEDNESDAY, DECEMBER 12, 2018

1. Conference with Real Property Negotiators - Per Government Code Section 54956.8:

- a) Property: **1583 Spinnaker Drive #104B, #105**
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney
Proposed Lessee: **New Retail Lease with Health Minded, Corp. dba Frenchies**
Under Negotiation: **Modern Nail Care**
- b) Property: **1575 Spinnaker Drive #108**
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney
Proposed Lessee: Mahesh and Heeru Gehani dba Casa De Regalos
Under Negotiation: **Proposed New Retail Lease**
- c) Property: **1559 Spinnaker Drive, Suite #201**
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney
Proposed Lessee: John Howard dba Power & Process Engineers
Under Negotiation: **New Office Lease (Renewal)**
- d) Property: **1410 Angler Court**
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney
Proposed Lessee: Karen Dupuy dba Harbor Boat and Self-Storage
Under Negotiation: **New Sublease**
(Verbal Report)
- e) Property: **Federal Authorized Sea Bottom**
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney
Proposed Lessee: Army Corps of Engineers
Under Negotiation: **Sea Bottom Aquaculture Master Permit**
(Verbal Report)
- f) Property: **Parcel 5 and Parcel 8**
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney
Proposed Lessee: H. Parker Hospitality
Under Negotiation: **Lease Negotiations**
(Verbal Report)

2. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Section 54956.9(d)(2): One (1) case. (Verbal Report)

3. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation under Section 54956.9(d)(2) due to claim filed by Chrysiliou Living Trust, Chrysiliou Chrysiliou and Belinda Chrysiliou Trustees, and RDPH Properties, Inc. (Verbal Report)

4. Conference with Legal Counsel - Pending Litigation per Government Code Section 54956.9(d)(1): Rosemary Lazard vs. Ventura Port District; Case No. 56-2017-00500990-CU-PO-VTA. (Verbal Report)

5. Public Employee Performance Evaluation per Government Code Section 54957:

- a) Lagerlof, Senecal, Gosney & Kruse, Legal Counsel
- b) Oscar Peña, General Manager



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

APPROVAL OF MINUTES

NOVEMBER 14, 2018

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF NOVEMBER 14, 2018



The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Vice Chairman Brian Brennan at 7:11PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:

Everard Ashworth, Chairman
Brian Brennan, Vice Chairman
Jim Friedman, Secretary
Chris Stephens
Jean Getchell

Commissioners Absent:

None.

Port District Staff:

Oscar Peña, General Manager
Brian Pendleton, Deputy General Manager
John Higgins, Harbormaster
Jennifer Talt-Lundin, Marketing Manager
Joe Gonzalez, Facilities Manager
Gloria Adkins, Accounting Manager
Robin Baer, Property Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:

Dominic Nunneri
Timothy Gosney

AGENDA

CALL TO ORDER: By Chairman Ashworth at 7:11PM.

PLEDGE OF ALLEGIANCE: By Commissioner Friedman.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: Commissioner Stephens moved, seconded by Commissioner Friedman and carried by a vote of 5-0 to adopt the November 14, 2018 agenda, with Standard Item 3 removed.

APPROVAL OF MINUTES

The Minutes of the September 12, 2018 and October 24, 2018 Regular Meetings were considered as follows:

ACTION: Commissioner Brennan moved, seconded by Commissioner Friedman and carried by a vote of 3-0 (Stephens/Getchell abstained) to approve the September 12, 2018 Regular Meeting Minutes.

ACTION: Commissioner Getchell moved, seconded by Commissioner Stephens and carried by a vote of 4-0 (Ashworth abstained) to approve the October 24, 2018 Regular Meeting Minutes.

PRESENTATION TO COMMISSIONER FRIEDMAN

PUBLIC COMMUNICATIONS: Aatish Gehani, owner of Casa de Regalos, introduced himself and his store to the Commission. Vikki Brock asked the Commission to not have fireworks this year for the Parade of Lights, due to high fire danger and consider donating the firework funds to a fire relief organization. Sam Sadove, owner of the Ventura Harbor Marina and Yacht Yard, commented on the conditions of Anchors Way Drive and asked if the District can contact the City for repairs because vehicles are getting damaged.

CLOSED SESSION REPORT: Mr. Gosney stated that the Board met in closed session; discussed and reviewed all items on the closed session agenda. Staff was given instructions on how to proceed as appropriate and there was no action taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: Commissioner Ashworth has been invited to a shellfish meeting in Washing DC on December 6th to speak with senior administrative staff. Commissioner Getchell visited the Rhumb Line, now Waters Edge Restaurant and Bar after their minor renovations and said they did a nice job. Commissioner Getchell also commented that there will be a Trolley meeting with stakeholders on December 5th and she wants to see what can be done other than the District giving more money. Commissioner Brennan updated staff on new legislation effective January 1, 2019.

STAFF COMMUNICATIONS: Mr. Peña congratulated Mr. Pendleton on his appointment to the Ventura Chamber of Commerce Board. Mr. Pendleton reported on the Maritime Alliance BlueTech week he attended last week in San Diego.

LEGAL COUNSEL REPORT: Mr. Nunneri reported that on January 1, 2019, the following changes to the Uniform Public Construction Cost Accounting Act (UPCCAA) will become effective:

- a) The change would allow projects costing \$60,000 or less to be performed by employees of a public agency by force account, by negotiated contract, or by purchase order; and
- b) The change would allow projects costing up to \$200,000 to be contracted by informal bidding procedures; and projects costing over \$200,000 are subject to the formal bidding process.

CONSENT AGENDA:

A) Approval of Out of Town Travel Requests

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the out of town travel requests for the following persons:

- a) Deputy General Manager, Brian Pendleton to travel to San Diego, California to participate in the Maritime Alliance's BlueTech Summit; and
- b) Accounting Manager, Gloria Adkins to travel to Palm Desert, California to attend LCW's 2019 Public Sector Employment Law Annual Conference; and
- c) Harbormaster, John Higgins to travel to Palm Desert, California to attend LCW's 2019 Public Sector Employment Law Annual Conference.

ACTION: Commissioner Friedman moved, seconded by Commissioner Getchell and carried by a vote of 5-0 to approve the out of town travel requests for Deputy General Manager, Brian Pendleton to travel to San Diego, California to participate in the Maritime Alliance's BlueTech Summit; Accounting Manager, Gloria Adkins to travel to Palm Desert, California to attend LCW's 2019 Public Sector Employment Law Annual Conference; and Harbormaster, John Higgins to travel to Palm Desert, California to attend LCW's 2019 Public Sector Employment Law Annual Conference.

B) Approval of New Office Lease Agreement for Coastwide Corporation

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Coastwide Corporation for the premises located at 1583 Spinnaker Drive #212 consisting of a total of 374 square feet for a one (1) year term with a one (1) year option.

ACTION: Commissioner Friedman moved, seconded by Commissioner Getchell and carried by a vote of 5-0 to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Coastwide Corporation for the premises located at 1583 Spinnaker Drive #212 consisting of a total of 374 square feet for a one (1) year term with a one (1) year option.

C) Approval of New Office Lease Agreement for Sierra Pacific Mortgage

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Sierra Pacific Mortgage for the premises located at 1583 Spinnaker Drive #213/#214 consisting of a total of 1,210 square feet for a two (2) year term with a two (2) year option.

ACTION: Commissioner Friedman moved, seconded by Commissioner Getchell and carried by a vote of 5-0 to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Sierra Pacific Mortgage for the premises located at 1583 Spinnaker Drive #213/#214 consisting of a total of 1,210 square feet for a two (2) year term with a two (2) year option.

D) Approval of 2019 Port Commission Meeting Schedule

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the 2019 Port Commission meeting schedule.

This item was pulled from the Consent Agenda for discussion.

ACTION: Commissioner Friedman moved, seconded by Commissioner Getchell and carried by a vote of 5-0 to change the Board meetings to the first and third

Wednesday of the month, with one meeting in January, November and December and August dark.

E) Acceptance of \$169,860 Sea Grant Sub-Ward for the Ventura Shellfish Enterprise Project

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to sign the Cost Reimbursement Research Sub-award Agreement and related documents for \$169,860 which reflects the terms and conditions of the grant agreement for year one.

ACTION: Commissioner Friedman moved, seconded by Commissioner Getchell and carried by a vote of 5-0 to authorize the General Manager to sign the Cost Reimbursement Research Sub-award Agreement and related documents for \$169,860 which reflects the terms and conditions of the grant agreement for year one.

STANDARD AGENDA:

1) Harbor Village Painting Project

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation and give direction regarding the proposed Harbor Village paint, signage and awning designs.

ACTION: The Board of Port Commissioners received a presentation from architect, Jeff Zook of Coastal Architects and gave the following directions regarding the proposed Harbor Village paint, signage and awning designs:

- Update model with hardscape, landscape and other contextual elements such as harbor boats, new development, etc.
- Provide photo realistic images with contextual elements. Photos with paint scheme simulation overlay.
- Provide exhibits for building mounted tenant signage per scope of work. Evaluate blade signs for interior courtyards, and flush mounted for non-courtyard areas. Provide flexibility for corporate identity while providing consistent size, materials, etc.
- Further detail wayfinding elements for interior locations and possibility of walking paths / discovery or interpretive walkways to encourage parking in other lots during peak times.
- Colors were generally approved. Further detailing of where colors will be applied needed.
- Investigate canvas awning “issues” and alternative materials (polycarbonate)
- There was a discussing on street “monument” style upgrade to coincide with design objectives but that would be outside current scope of work.

Public Comment: Michael Wagner, owner of Andria’s, likes the blue and white. He also stated that canvas awnings last 10-12 years, however, the fasteners and struts dissolve over time. Doug Cooper, owner of Ventura Boat Rentals, asked about using polycarbonate for awnings instead as opposed to canvas. Lynn Mikelatos, owner of The Greek and Margarita Villa, stated that they are working on getting new awnings for Margarita Villa and should she work with the architect. Alex Hong, owner of the Coastal Cone and Parlor, likes the direction the architect is taking with signage.

2) Ventura Harbor Summer 2018 Traffic and Parking Surveys

Recommended Action: Informational.

That the Board of Port Commissioners receive an informational report regarding the Ventura Harbor Summer 2018 Traffic and Parking Surveys.

ACTION: **The Board of Port Commissioners received an informational report from Scott Schell of Associated Transportation Engineers regarding the Ventura Harbor Summer 2018 Traffic and Parking Surveys.**

3) Continuation of General Manager's Employment

Recommended Action: Informational.

That the Board of Port Commissioners approve Amendment No. 6 to the General Manager's Restated Employment Agreement.

ACTION: **The Board of Port Commissioners removed this item from the agenda.**

AGENDA PLANNING GUIDE AND REQUEST FOR FUTURE AGENDA ITEMS: None.

ADJOURNMENT: The meeting was adjourned at 8:37PM.

Secretary



BOARD OF PORT COMMISSIONERS DECEMBER 12, 2018

DEPARTMENTAL STAFF REPORTS

DREDGING
FEDERAL
FACILITIES
HARBOR PATROL
MARINA
MARKETING
PROPERTY

December 6, 2018

Board of Port Commissioners
Ventura Port District
1603 Anchors Way Drive
Ventura, CA 93001

Subject: November/December 2018 Dredging Activities and Special Projects Report

The Dredging Program Manager's activities for the November/December 2018 period included the following:

FY2019 Federal Funding

The FY2019 Work Plan released by the U.S. Army Corps of Engineers in late November 2018 included an additional \$3,000,000 for the maintenance dredging of the Ventura Harbor entrance area, bringing the total FY2019 appropriation for the harbor to \$8,370,000. The increased funding was included to enable the Los Angeles District of the Corps to manage the increased dredged material disposal costs that might arise from the need to discharge fine grained sediments removed from areas B and D in an alternative manner should the late November res-sampling of the sediments in those areas continue to indicate that fine grained sediments predominate (see attached letters to members of Congress).

FY2019 Corps of Engineers Dredging

The Los Angeles District now expects to seek competitive bids for the dredging work the week of December 10, 2018, with a bid opening in mid-January 2019. Hopefully, a contract could then be awarded by the first of February, and the work commence shortly thereafter

Inner Harbor Sediment Sampling

The results of the recent sediment sampling and analysis conducted by Rincon Consultants were reviewed with the Southern California Dredge Material Management Team (SCDDMT) on November 28, 2018. Areas A, B, and C (i.e., the Stub Channel, the Pierpont Basin, and the Main Channel to the south end of the harbor) were found to be acceptable for surf zone deposition near the Santa Clara River mouth. Areas D and E (A Basin between Ventura West-Phase 1 and Ventura Isle, and the Launch Ramp area) were found to have slightly elevated levels of DDT and are thus not presently acceptable for aquatic deposition. Further study of those samples is now underway.

Fish Pier Deck Repairs

The District's contractor, Garland/DBS, on the Fish Pier Deck Repair project has been unable to have their subcontractor resume work on the project since November 17, 2018. However, the lack of progress is not presently creating any real problems for the pier deck or for unloading operations on the pier. The 1" to 3" of Dexcelcrete material that was applied to the entire eastern half of the pier has now cured and is a useable surface on an interior basis until a thin water proof membrane and wear surface are applied. At the same time, it appears that the squid season is fading out and thus unloading requirements are declining.

Respectfully submitted,
Richard Parsons
Dredging and Special Projects Consultant

Attachment 1 – Thank you Letters



December 7, 2018

The Honorable Julia Brownley
US House of Representatives
1019 Longworth House Office Building
Washington, DC 20515

Dear Congresswoman Brownley,

On behalf of the Ventura Port District and the Board of Port Commissioners, I am writing to express my sincere appreciation for your efforts to keep the Harbor open for business. As you are aware, the safe operation and performance of the Harbor and its channel are dependent upon annual operations and maintenance funds from the US Army Corps of Engineers. In a highly competitive federal budget environment, you have continued to secure these critical funds for the Ventura Port District, a true testament to your effectiveness as a representative of your district, and to that we say thank you!

More specifically, the \$8.37M you secured through the Fiscal Year 2019 Appropriations Process and subsequent Work Plan will ensure that the Harbor will have adequate navigational depths for the commerce that depends on the Harbor. As you are well aware the Harbor services the largest squid fishing fleet on the West Coast with revenues of \$50 million. These commercial and recreational fishing operations directly employ 600 crew members, truck drivers, and laborers with an additional 300 employees located in nearby processing facilities. We're proud of the economic generator the Harbor provides for the region as shown through a recent economic study that indicated that Ventura Harbor provides a significant economic impact of \$246 million.

Again, thank you for your commitment to the Ventura Port District and the important role that we play in California's network of ports and harbors.

Sincerely,

A handwritten signature in dark ink, appearing to read "Oscar Peña", is written over a light blue horizontal line.

Oscar Peña
General Manager
Ventura Port District

1603 Anchors Way Drive Ventura, CA 93001
Tel: (805) 642-8538 / Fax: (805) 658-2249
www.venturaharbor.com



December 7, 2018

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein,

On behalf of the Ventura Port District and the Board of Port Commissioners, I am writing to express my sincere appreciation for your efforts to keep the Harbor open for business. As you are aware, the safe operation and performance of the Harbor and its channel are dependent upon annual operations and maintenance funds from the US Army Corps of Engineers. In a highly competitive federal budget environment, you have continued to secure these critical funds for the Ventura Port District, a true testament to your effectiveness in Washington, DC, and to that we say thank you!

More specifically, the \$8.37M you secured through the Fiscal Year 2019 Appropriations Process and subsequent Work Plan will ensure that the Harbor will have adequate navigational depths for the commerce that depends on the Harbor. As you are well aware the Harbor services the largest squid fishing fleet on the West Coast with revenues of \$50 million. These commercial and recreational fishing operations directly employ 600 crew members, truck drivers, and laborers with an additional 300 employees located in nearby processing facilities. We're proud of the economic generator the Harbor provides for the region as shown through a recent economic study that indicated that Ventura Harbor provides a significant economic impact of \$246 million.

Again, thank you for your commitment to the Ventura Port District and the important role that we play in California's network of ports and harbors.

Sincerely,

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Oscar Peña
General Manager
Ventura Port District

1603 Anchors Way Drive Ventura, CA 93001
Tel: (805) 642-8538 / Fax: (805) 658-2249
www.venturaharbor.com



December 7, 2018

The Honorable Kamala Harris
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Dear Senator Harris,

On behalf of the Ventura Port District and the Board of Port Commissioners, I am writing to express my sincere appreciation for your efforts to keep the Harbor open for business. As you are aware, the safe operation and performance of the Harbor and its channel are dependent upon annual operations and maintenance funds from the US Army Corps of Engineers. In a highly competitive federal budget environment, you have continued to secure these critical funds for the Ventura Port District, a true testament to your effectiveness in Washington, DC, and to that we say thank you!

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Again, thank you for your commitment to the Ventura Port District and the important role that we play in California's network of ports and harbors.

Sincerely,

A handwritten signature in blue ink, appearing to read "Oscar Peña", is placed below the word "Sincerely,".

Oscar Peña
General Manager
Ventura Port District

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Mid-Term Election 2018 Update and Outlook

Ventura Harbor Congressional Delegation

The Ventura Harbor's Congressional delegation will remain the same in the 116th Congress. Congresswoman Brownley was reelected for a two-year term in the US House of Representatives and Senator Feinstein was reelected for another six-year term in the US Senate. Senator Harris was not on the ballot; she will be up for reelection in 2022.

California House Congressional Delegation

There were many competitive 2018 mid-term races in California. While votes are still being counted in some districts, several incumbent members lost including:

- CA-25: Katie Hill (D) defeated incumbent Rep. Steve Knight (R)
- CA-10: Josh Harder (D) defeated incumbent Jeff Denham (R)
- CA-48: Harley Rouda (D) defeated incumbent Dana Rohrabacher (R)

In addition, the race to fill the open seat created by the retirement of Congressman Issa (CA-49) was won by Mike Levin (D). Levin defeated Diane Harkey which flipped the seat from republican to democrat. At present, winners for CA-39 Young Kim (R) vs Gil Cisneros (D) and CA-45 incumbent Mimi Walters (R) vs Katie Porter (D) have not been called.

House of Representatives

Democrats picked up enough seats to take the majority in the House and their majority is expected to increase as more races are called.

Leadership

Democrats are scheduled to hold their leadership elections on November 29-30. Several Members have already announced their candidacy for various leadership positions: current House Minority Leader Nancy Pelosi is running for Speaker of the House; current House Minority Whip Steny Hoyer is running for Majority Leader; current Assistant Democratic Leader Jim Clyburn and Congresswoman Diana DeGette are both running for Majority Whip.

House Republicans held their leadership elections on November 14th. House Majority Leader Kevin McCarthy (R-CA) was elected House Minority Leader and current Majority Whip Steve Scalise (R-LA) was elected Minority Whip.

Committees

There will be major changes to House Committee leadership in the 116th Congress. With the Democrats taking control of the House, all Committees will now be chaired by Democrats, and Republicans will now serve as Ranking Members. On the Democratic side, current Democratic

Leader Nancy Pelosi has indicated that current ranking members who won reelection would become chairmen. On the Republican side, there are nine current committee chairmen who will not be serving as ranking members on their respective committees in the new Congress (seven are retiring, one lost reelection, and one is term-limited). House Republicans have imposed term limits on serving as chairman and ranking members for a combined total of six years on a single committee. Additionally, the number of Republicans and Democrats who sit on each committee will change.

While decisions on committee leadership will not be made until early December, below is a list of likely chairmen and ranking members for committees of interest to the Harbor:

Appropriations

- Chair: Nita Lowey (NY-17) *current ranking member*
- Ranking Member: Current chair Rodney Frelinghuysen is retiring. Current subcommittee chairs Kay Granger (TX-12) and Tom Graves (GA-14) have both expressed interest.
- Energy & Water Subcommittee Chair: Marcy Kaptur (D-OH) *current ranking member*
- Energy & Water Subcommittee Ranking Member: Mike Simpson (R-ID) *current chair*

Budget

- Chair: John Yarmuth (KY-03) *current ranking member*
- Ranking Member: Steve Womack (AR-03) *current chair*

Natural Resources

- Chair: Raul Grijalva (AZ-03) *current ranking member*
- Ranking Member: Rob Bishop (UT-01) *current chair*

Transportation and Infrastructure

- Chair: Peter DeFazio (OR-04) *current ranking member*
- Ranking Member: Current chair Bill Shuster is retiring. With Jeff Denham losing his race, Sam Graves (MO-06) is the likely successor.

Senate

Republicans maintained control of the Senate. Republicans flipped three Senate seats currently held by Democrats (Indiana, Missouri, and North Dakota), while Democrats flipped two seats (Nevada and Arizona). There are still two Senate races that have yet to be called: Florida, and Mississippi (which is headed for a run-off). The Republican candidates are currently leading in both races.

Leadership

On the Republican side, current Senate Majority Leader Mitch McConnell is expected to remain in his position. The current Senate Majority Whip John Cornyn is termed out of his position. Senator John Thune (R-SD) could fill the position. On the Democratic side, current Senate Minority Leader Chuck Schumer and Senate Minority Whip Dick Durbin are both expected to remain in their positions in the next Congress.

Committees

There are expected to be fewer changes to the Senate Committee leadership in the 116th Congress. There are two current committee chairs who are retiring (Senator Hatch on Finance and Senator Corker on Foreign Relations). Additionally, one current committee ranking member was not reelected (Senator McCaskill on Homeland Security) with a second trailing in his reelection bid (Senator Nelson on Commerce, Science and Transportation). As a result, there will be a few committees that will see new leadership in the 116th Congress. Additionally, the number of Republicans and Democrats who sit on each committee will also change.

Below is a list of likely chairmen and ranking members for committees of interest to the Harbor:

Appropriations

- Chair: Richard Shelby (AL) *current chair*
- Ranking Member: Patrick Leahy (VT) *current ranking member*
- Energy & Water Subcommittee Chair: Dianne Feinstein (D-CA) *current ranking member*
- Energy & Water Subcommittee Ranking Member: Lamar Alexander (R-TN) *current chair*

Energy and Natural Resources

- Chair: Lisa Murkowski (AK) *current chair*
- Ranking Member: Maria Cantwell (WA) *current ranking member*

Environment and Public Works

- Chair: John Barasso (WY) *current chair*
- Ranking Member: Tom Carper (DE) *current ranking member*

Lame Duck Session

Members of Congress returned to Washington, D.C. this week to start what is expected to be a very robust lame duck session. There are several legislative items that Congress will need to act on prior to the end of the year, including the following:

- FY19 Appropriations Bills: So far, 5 of the FY19 appropriations bills have been signed into law. The remaining 7 bills are being funded by a Continuing Resolution (CR). The CR run through December 7th. Congress will either need to pass the remaining 7 appropriations bills by December 7th or pass another CR to avoid a government shutdown.
- National Flood Insurance Program (NFIP): The current extension of the NFIP program expires on November 30th. Neither the House nor the Senate have passed reauthorization legislation. The House Financial Services Committee has moved a bill, while the Senate Banking Committee has just released bill text. As such, it is unlikely that Congress will be able to pass a comprehensive reauthorization bill by November 30th and will need to pass another extension to keep the program from lapsing.
- Farm Bill: The Farm Bill expired on September 30th. Both the House and the Senate have passed their respective bills, conferees have been named, and are trying to work out the differences, which is proving to be a challenge. One specific issue of disagreement is regarding the Supplemental Nutrition Assistance Program (SNAP). If Congress is unable to pass a Farm Bill prior to the end of the year, they will need to start the process over in the new Congress.

In addition to these items, there are other issues that Congress could choose to address in the lame duck including the following:

- Disaster Supplemental: In October, the President indicated that he will be sending a second disaster supplemental request to Congress to provide additional assistance in the aftermath of Hurricane Michael. With fires currently burning in California, this bill will likely be broadened to include support for California.
- Land and Water Conservation Fund (LWCF): LWCF authorization expired on September 30th. There is strong, bipartisan support for permanently reauthorizing LWCF. Additionally, both the House and the Senate have expressed interest in moving public lands packages during the lame duck, which may provide for the opportunity to include language regarding LWCF.

Any pending legislation that is not passed by Congress and signed into law prior to the end of the 115th Congress is dead and will need to be reintroduced in the 116th Congress. Legislation does not carry over from one Congress to the next.

2018 Election Results

On November 6th, all 435 House of Representatives seats and 34 Senate seats were on the ballot. Democrats picked up enough seats in the House to take the majority. Democrats will have 235 seats to the Republicans 200 seats. In the Senate, Republicans will continue to be in the majority. Republicans will have 53 seats to the Democrats 47 seats.

In the House, Republicans elected the current Majority Leader Kevin McCarthy (CA) to be the Minority Leader in the next Congress. On the Democratic side, current House Democratic Leader Nancy Pelosi (CA) has won the Democratic nomination to be Speaker of the House. The entire House of Representatives will vote for Speaker on January 3rd. In the Senate, the current Majority Leader Mitch McConnell (KY) and Minority Leader Chuck Schumer (NY) will continue in their current leadership roles in the next Congress.

The 116th Congress will have many new faces on Capitol Hill. There will be 9 new Senators and 101 new Members of Congress. Additionally, many Democrats currently serving in the House have never served in the majority

FY19 Appropriations Update

So far, Congress has passed and the President has signed into law 5 of the 12 Fiscal Year 2019 appropriations bills. The remaining 7 appropriations bills (Agriculture; Commerce, Justice Science; Financial Services; Homeland Security; Interior and the Environment; State/Foreign Ops; Transportation, Housing, and Urban Development) are being funded by a Continuing Resolution (CR) that runs through Friday, December 7th.

Between now and December 7th, Congress and the White House need to agree on either a legislative package containing the remaining 7 appropriations bills or another CR. At this point we expect Congress to pass another CR lasting until December 21st, but nothing is certain until it is actually done. Should Congress and the President be unable to reach an agreement on either option, we would be facing a partial government shutdown. The reason for the partial shutdown is because 5 of the FY19 appropriations bills have already

been signed into law. Those federal agencies are already receiving their FY19 funding, and thus would not be subject to a shutdown.

There are a couple of complicating factors adding to the difficulty for Congress and the President to reach an agreement. The President has continued to express a strong desire for a funding package to include \$5 billion in federal funding for a wall to be constructed at the southern border, which many Congressional Democrats oppose. Additionally, several Congressional Democrats want language to be included in a final spending package that would protect Special Counsel Robert Mueller.

Possible Congressional Actions During the Lame Duck

In addition to finishing work on the FY19 appropriations bills, there are several other legislative items that Congress could consider during the lame duck session, including the following:

- National Flood Insurance Program (NFIP): Congress approved a one-week extension of the NFIP program. As a result, the program is now set to expire next Friday, December 7th. By that time, Congress will need to pass another extension to keep the program from lapsing.
- Farm Bill: This week House and Senate Agriculture Committee leaders announced that they have reached a deal in principle on the 2018 Farm Bill. They are working to finalize the details and the report language quickly with an aim to get the bill on to the floor before the Congress adjourns. The current Farm Bill expired on September 30th.
- Public Lands Package/Land and Water Conservation Fund (LWCF): Leadership on the House Natural Resources Committee and the Senate Energy and Natural Resources Committee are continuing to work together to finalize a public lands package that could include permanent authorization for the LWCF. The current authorization expired on September 30th.
- Disaster Supplemental: In October, the President indicated that he will be sending a second disaster supplemental request to Congress to provide additional assistance in the aftermath of Hurricane Michael. This bill could also contain additional funding assistance for the recent California wildfires. Also, since this bill will be a moving vehicle, Members may try to attach other pieces of legislation to it.
- Tax Package: Earlier this week the House Ways and Means Committee released a tax package that includes the 2018 tax extenders, temporary tax relief for victims of the California wildfires, as well as Hurricanes Florence and Michael, and technical corrections to the tax package signed into law earlier this Congress.

House Republicans Announce Ranking Members for the 116th Congress

The House Republican announced their list of Committee ranking members for the 116th Congress:

- Agriculture: Rep. Mike Conway (TX-11)
- Appropriations: Rep. Kay Granger (TX-12)
- Armed Services: Rep. Mac Thornberry (TX-13)
- Budget: Rep. Steve Womack (AR-03)
- Education and the Workforce: Rep. Virginia Foxx (NC-05)
- Energy and Commerce: Rep. Greg Walden (OR-02)
- Financial Services: Rep. Patrick Henry (NC-10)
- Foreign Affairs: Rep. Michael McCaul (TX-10)
- Homeland Security: Rep. Mike Rogers (AL-03)
- Judiciary: Rep. Doug Collins (GA-09)
- Natural Resources: Rep. Rob Bishop (UT-01)
- Oversight and Government Reform: Rep. Jim Jordan (OH-04)
- Science, Space and Technology: Rep. Frank Lucas (OK-03)
- Small Business: Rep. Steve Chabot (OH-01)
- Transportation and Infrastructure: Rep. Sam Graves (MO-06)
- Veterans' Affairs: Rep. Phil Roe (TN-01)
- Ways and Means: Rep. Kevin Brady (TX-08)
- Select Committee on Intelligence: Rep. Devin Nunes (CA-22)

House Democrats have yet to officially announce their list of Committee chairs for the 116th Congress.

FY19 US Army Corps of Engineers Work Plan Released

On the day before Thanksgiving, the US Army Corps of Engineers released its FY19 work plan. The terms of the work plan were dictated in the final FY19 Energy and Water Appropriations bill which was signed into law in late September. In accordance with the law, the Corps assigned additional and new funding to studies, construction and operations and maintenance efforts nationwide. For the Ventura Harbor, the FY19 work plan included an additional \$3M for annual O&M. Between the \$5.37M designated in the President's FY19 Budget Proposal and the \$3M in the work plan, Ventura Harbor is slated to receive a total of \$8.37M in FY19.

In terms of broader navigation interests, the FY19 work plan did include feasibility new starts for Brunswick Harbor, GA; Mississippi River Channel/Port of New Orleans, LA; and the New York/New Jersey Harbor Deepening Channel Improvements, NY/NJ; and construction new starts for the Sault Saint Marie Replacement Locks, MI; Cedar Bayou, TX; Sabine-Neches Waterway, TX.

VENTURA PORT DISTRICT DEPARTMENTAL STAFF REPORT

Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Joe A. Gonzalez, Facilities Manager
SUBJECT: November 2018 Facilities Report

FACILITIES:

Staff continues to perform preventive maintenance on certain areas that need immediate attention on the Ventura Harbor Village buildings to prevent dry rot damage to existing area. This includes sills, trim, mildew treatment and other areas.

MARINA:

Staff continues to perform monthly inspections on all gangways, docks, fire extinguishers and fire boxes.

MARKETING:

The Maintenance Department continues to provide assistance to the Marketing Department for weddings and events, installation of banners/flyers, and whatever the needs are to make a successful event.

ON-GOING PROJECTS:

New Lease Agreements: Working closely with the following tenants on their new lease agreements in regards to facilities upgrades/remodels:

- 1559 Suite 109 (Top this Chocolate)
- 1583 Suite 101 (*The Greek Mediterranean Steak & Seafood Restaurant*)
- 1591 Suite 112 (*Le Petit Café Bakery*)
- 1567 Suite 103 (Treasure Cove)

Re-Roofing Phase II (1431, 1591, and 1691): Project is 100% completed and a final walk thru is scheduled for Tuesday December 18th.

Harbor Cove beach water line repair: The new water line has been installed from the new meter location to the restroom facility. The city inspector has passed our end of work and we are now waiting on the Water Department to finish the connection and installation of the new meter. The Holidays and weather have put a delay on this project by a couple of weeks. We anticipate the project to be inspected and completed by the end of this month.



VENTURA PORT DISTRICT DEPARTMENTAL STAFF REPORT

Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: John Higgins, Harbormaster
SUBJECT: November Harbormaster/Harbor Patrol Report

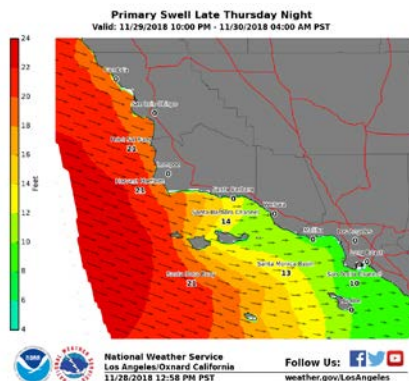
PUBLIC SAFETY

Overview:

During this time of the year, we focus on prevention and proactive contacts. Our main focus is on water safety both on the water and around the beaches. Our staff has invested time in learning about weather forecasting and is constantly monitoring the weather trends as far as 10 days out. As the weather presents hazards, we make it a priority to inform the boaters and beachgoers by way of weather reports delivered to the Marinas, electronic signage at the launch ramp, weather flags, and preventative contact by our staff. We had our first large surf event at the end of November and are proud to report there were no serious issues.



On land, we continue to work with the Ventura Police Department to educate them on the needs of our community. At times, we have to take the lead to mitigate issues. On November 27th, our maintenance staff observed a suspected tagger (graffiti vandalism) exit a restroom at our public launch ramp. The maintenance staff observed fresh graffiti and notified the Harbor Patrol. I responded along with the Harbor Patrol Officers on duty and located the suspect in the driveway of the Sheraton Four Points Hotel. We detained the suspect to perform an investigation and requested Ventura Police respond to take over. During our investigation, we were advised the suspect had warrants and was known to Ventura Police Department. Ventura Police arrived on scene and arrested the suspect for the warrants and in the course of the investigation found items that connected the suspect to the recent graffiti vandalism, as well as, other illegal contraband. This suspect was connected with over 15 different vandalism events within the Harbor and Harbor Village. By taking the lead and initiating the Law Enforcement contact we stopped this nuisance crime.



Weather:

We are finally getting some winter type weather. The first large surf, wind, and moderate rain event happened at the end of November. We participate in weather briefings with the National Weather Service for larger weather events. This allows us to share our information with our community. For this event in November, the combination of forecasted large surf and high winds led us to send a special weather advisory to the Ventura Keys area, due to the possibility of strong surges during this time. In years past the strong surges caused damage to docks and caused frail lines to break allowing small items to drift away.

During the peak of the rain, our Harbor Patrol Officers responded and assisted local Agencies with the rescue of a female stuck on a sandbar within the Santa Clara River. Our staff responded with our rescue paddle board which was loaned to Ventura County Fire who paddled out to the victim and brought her back to the river bank where EMS personnel transported her to a local hospital.

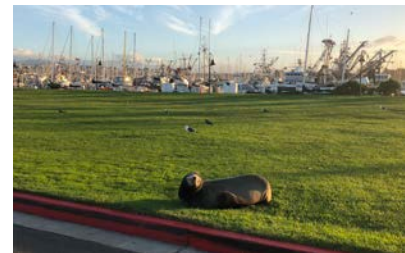


Marine Mammal Response

On the morning of November 30th, our staff found a large bull Sea Lion on the grass lawn area of Harbor Village. Our staff contacted Channel Islands Marine & Wildlife Institute



and assisted in encouraging the Sea Lion to return to the Harbor after determining it to be healthy. This was a coordinated effort that also included members of the Maintenance Department. Our staff kept an eye out for the rest of the day and there were no other issues. It is plausible the haul out was to find a place to relax.



BEACHES

Harbor Cove:

We have seen a slight decrease in people on the beach, but the parking lot remains one of the most popular areas within the Harbor. A perfect place to start the morning, visitors are often found waiting curbside for the 7AM opening. The City of Ventura Recreation Department has reached out to see if there is an opportunity to do some City Recreation Programs in the offseason. I see this could help encourage younger generations to explore the Harbor and make it a regular place to visit.

South Beach:

Before the first winter weather arrived, I did some beach measurements by land and overhead with the use of a remote-controlled quadcopter. As expected the high surf and wind quickly eroded approximately 30 yards of the lower beach area and created a sharp cliff in some areas. Overall, there is still sufficient beach to host dredging. I will continue to monitor this and share any changes with our Dredging Consultant Richard Parsons.

November 27th



December 3rd



TRAINING/MEETINGS/MOU'S

Marine Safety Officers:

We seized the opportunity to expose some of our Part-Time Marine Safety Officers to some adverse weather during the late November storm. This supervised hands-on training allowed for our seasoned full-time Harbor Patrol Officers to share their knowledge and techniques on how to safely perform under these difficult conditions. Having the extra help was also welcomed by our full-time Harbor Patrol Officers and allowed them to efficiently and safely handle calls for service during this time.

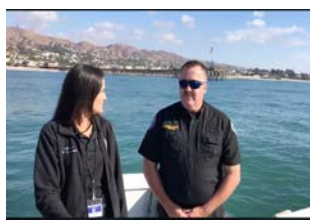
RWC Training:

George Kabris & Tucker Zimmerman, who became Rescue Water Craft Instructors, co-instructed a course with California State Parks. The three-day course included familiarization with the crafts, maintenance procedures, slow speed operation, rescue techniques, rescuer deployment, and surfline rescues.

We were able to get four members of our staff in the course. We hope to get the rest of the staff training in the next couple of months. Most of this group has already gone through training in the past so this will be a refresher.

USCG & Harbor Patrol Training:

On two different occasions our staff did training with the US Coast Guard Helicopter. Now based at Point Mugu we have a much higher opportunity to work with this valuable resource. During both trainings we provided a waterside safety for their rescue swimmer, as well as, performed hoist practice.



Ventura Police Public Affairs Staff Meeting & Tour:

I met with Ventura Police Department Public Information Personnel. During the meeting we took a tour by boat to show the staff member and intern our Harbor and the City from the water. Seizing the unique opportunity they decided to do an impromptu interview for their Facebook page on the High Surf Advisory.

911 DISPATCHES (31 CALLS SINCE 11/07/2018)

18-0096968		HARB1, ME2, MED482	M5	TRAUMATIC INJURIES NON EMD	Ventura County Fire Department	1691 Spinnaker Dr	Ventura	11/17/2018 4:57:30 PM
18-0097006		HARB1, ME2, MED481	M5	ASSAULT NON EMD	Ventura County Fire Department	E Harbor BI / Olivas Park Dr	Ventura	11/17/2018 7:08:42 PM
18-0097407		HARB1, ME2, MED481	M5	MEDICAL ALARM	Ventura County Fire Department	1215 Anchors Way	Ventura	11/19/2018 9:28:44 AM
18-0097624		HARB1, ME2	F7	INVESTIGATION	Ventura County Fire Department	1215 Anchors Way	Ventura	11/19/2018 7:21:18 PM
18-0097650		HARB1	F7	INVESTIGATION	Ventura County Fire Department	1591 Spinnaker Dr	Ventura	11/19/2018 9:05:47 PM
18-0097744		HARB1, ME2, MED482	M5	FALLS NON EMD	Ventura County Fire Department	1215 Anchors Way	Ventura	11/20/2018 9:07:57 AM
18-0097776		HARB1, ME2, ME7, MED483	M5	ALLERGIES/ENVENOMATIONS	Ventura County Fire Department	2912 Sailor Ave	Ventura	11/20/2018 10:49:48 AM
18-0098516		HARB1, ME5, MED482	M5	UNCONSCIOUS/FAINT	Ventura County Fire Department	1050 Schooner Dr	Ventura	11/22/2018 5:30:35 PM
18-0098965		B1, B19, BOAT19, CSTGRD1, EMS63, HARB1, LIFEGD2, ME1, ME2, MED482, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	135 SHORELINE DR	Ventura	11/24/2018 1:47:47 PM
18-0099376		HARB1, ME2, MED482	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	11/26/2018 5:52:56 AM
18-0099781		HARB1, ME2, MED481	M7	FALLS NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	11/27/2018 3:34:27 PM
18-0099843		HARB1, ME2, MED481	M3	FALLS HIGH	Ventura County Fire Department	Navigator Dr / Spinnaker Dr	Ventura	11/27/2018 8:44:32 PM
18-0099860		HARB1, ME2, MED482	M5	HEMORRHAGE/LACERATIONS	Ventura County Fire Department	1215 Anchors Way	Ventura	11/27/2018 11:22:19 PM
18-0099868		HARB1, ME2, MED482	M7	FALLS NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	11/28/2018 12:28:17 AM
18-0100195		AIRSQ6, B1, B3, B30, B61, E64, EMS63, HARB1, IO12, ME106, ME2, ME3, MED481, MT5, OESSW10, SW154, T61, TR2, USAR154, USAR5, USAR54	F3	SWIFT WATER RESCUE	Ventura County Fire Department	E Harbor BI / Olivas Park Dr	Ventura	11/29/2018 7:06:42 AM
18-0100299		HARB1, ME2, MED481	M7	FALLS NO CODE	Ventura County Fire Department	2904 Pierpont Blvd	Ventura	11/29/2018 1:26:29 PM
18-0100333		B1, B21, CSTGRD1, EMS63, HARB1, LIFEGD2, ME106, ME2, MED483, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	2904 Pierpont Blvd	Ventura	11/29/2018 3:08:54 PM
18-0100594		HARB1, ME2, MED481	M5	FALLS	Ventura County Fire Department	1050 Schooner Dr	Ventura	11/30/2018 1:14:35 PM
18-0100616		HARB1, ME2, MED482	M5	FALLS	Ventura County Fire Department	1212 Navigator Dr	Ventura	11/30/2018 2:50:12 PM
18-0100894		HARB1, ME2, MED482	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	2730 Sailor Ave	Ventura	12/1/2018 1:51:14 PM
18-0101012		HARB1, ME2, MED482	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1755 Spinnaker Dr	Ventura	12/1/2018 11:08:28 PM
18-0101141		B22, B3, BOAT1, CSTGRD1, EMS63, HARB1, LIFEGD2, ME1, ME2, MED483, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	Figueroa St / E Harbor Blvd	Ventura	12/2/2018 12:51:26 PM
18-0101696		HARB1, ME2, MED481	M3	SICK PERSON HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	12/4/2018 4:32:17 PM
18-0101978		HARB1, ME103, MED481	M1	UNCONSCIOUS/FAINT NON EMD	Ventura County Fire Department	1510 Anchors Way	Ventura	12/5/2018 6:55:41 PM

[illegible]

VENTURA PORT DISTRICT**DEPARTMENTAL STAFF REPORT**

Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Dave Werneburg, Marina Manager / Technology
SUBJECT: November Marina and Technology Report

VENTURA HARBOR VILLAGE MARINA OCCUPANCY AND SQUID PRODUCTION

The November marina tenant slip occupancy is 100% full. The commercial fisheries have suspended operations due to small squid size. They will re-evaluate the conditions during the first quarter of next year. The current squid season continues through March 2019. At last review, approximately 23,000 tons have been landed statewide. This represents 19% of the quota, which is 118,000 tons.

TECHNOLOGY

The District is in the process of rebuilding the security camera system. Seventeen cameras are currently recording in identified potential problem areas throughout the Ventura Harbor Village. One arrest has been made regarding vandalism to the public restrooms. The video server has been rebuilt and is capable of ultimately recording as many as 80 separate cameras. Additional cameras have been ordered and will be installed. The current system has 4 terabytes of available video memory and can provide up to 30 days of searchable video. The system is expandable as our future needs increase.

Marketing / Promotions

Date Range: November 1 – November 30, 2018

Advertising

- Solicited Village Tenants & Promoted Veterans Day Deals Promo (Social & Web)
- Coordinated Full-Page Co-op Holiday Shop Ad for Ventana's December issue: Secured 5 partners
- Shop Small Saturday ads: VC Star (All County) / Santa Clarita Signal / Valley Scene Magazine
- VC Reporter Holiday Gift Guide – ½ page – Village Retail Listed

Launched Promotional Campaigns:

- Love Local + Shop Local + Shop Small Saturday
- Peaceful imagery amidst crisis communications & devastation within the county (Borderline Shooting & Wildfires)
- Be Merry Seaside

Distributed Media Press Releases:

- Island Packers Holiday Caroling Cruises
- 5 Ways to Celebrate the Harbor Seaside
- Ventura Harbor Parade of Lights & Fireworks/ Winter Wonderland

Media Visits:

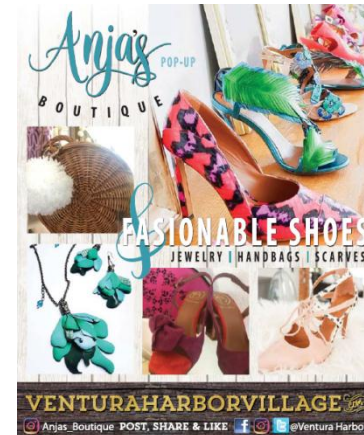
Leslie Westbrook (2 Day Itinerary) Ventana Magazine Cover Story for December Issue

Graphics:

- Downtown Big Belly Ads: Harbor Holidays
- Holiday Event Poster for Visitors Centers
- Winter Wonderland Banners for Village
- Parade of Lights Banners for Village Entry
- Parade of Lights & Winter Wonderland & Holiday Marketplace Promotional Postcards
- Chamber of Commerce Connection Slide/Ad
- Design of Website Banners/Holiday Headers

Event Production:

- Coordinated Live Entertainment November 10, 11, 23, 24, & 25 for Holiday Weekends
- Producing Santa Paddle in Harbor (Dec. 8)
- Producing 42nd Annual Parade of Lights & Fireworks (Dec. 14 & 15)
- Producing Winter Wonderland & Holiday Marketplace (Dec. 15)



Top 5 holiday celebrations in Ventura Harbor Village

This year Ventura Harbor Village has a dazzling array of holiday events, shopping and dining by the sea. Ventura Harbor is a one-stop destination for all things sparkling

Marketing / Meetings

Date Range: November 1 – November 30, 2018

California Lutheran UNIVERSITY

A Plethora of Seaside Opportunities Await You!

Harbor Hospitality Career Examples:

- Ventura Port District Frontline Staff
- Harbor Patrol/Dockmaster
- Marina Manager & Frontline Staff
- Yacht Club Manager & Frontline Staff
- Hotel Property Management & Frontline Staff
- Timeshare Property Management & Frontline Staff
- Channel Islands National Park Visitor Center Docents & Rangers
- Island Packers Staff & Management / Boat Captain
- Harbor Amenities - Retail / Restaurant / Service /

SPREAD THE SPIRIT OF HOSPITALITY...IT'S CONTAGIOUS!

Engaging Customers in Hospitality Programs

Send a Postcard to a Friend

Won a "Bright IDEA" Award from Cal Travel Tourism



* Example of states reached during Rock on the Dock Concert Series

Ventura Harbor @VenturaHarbor · Nov 21

We are truly thankful for all of our loyal visitors and seaside friends!

If you don't feel like cooking tomorrow, select waterfront restaurants will be open at Ventura Harbor Village on Thanksgiving Day! SEA THE RESTAURANT LINEUP HERE venturaharborvillage.com/event/spend-th...



Meetings & Presentations

- Ventura County Coast Board Meeting (VCLA)
- Women's Economic Venture – Small Business Strategy Committee
- Meeting Marketing Manager for new Waters Edge (formerly Rhumb Line)
- Attended Ventura County Coast Travel/Trade Show Committee Meeting
- Designed & distributed VPD Meeting Notice for tenants on the Painting & Parking Presentation
- Met with Ventura County Coast's Director of Sales
- Central Coast Tourism Board Mid-Year Workshop
- Cal Lu University Presentation to Hospitality 101 Course on Ventura Harbor



Photo above is new elevator graphic in the Four Points by Sheraton Ventura Harbor Lobby which highlights Ventura Harbor Village as a nearby attraction.



California's
CENTRAL COAST
The Original Road Trip



Ventura Harbor @VenturaHarbor · Nov 9

Weekend Deals for Veterans at #VenturaHarbor (must show valid ID)
805 Bar & Grilled Cheese- 10% off
Beach Break Surf Shop- 10% off clothing
Copa Cubana- 10% off
Lost in Socks- 15% off
The Greek- 10% off
Ultimate Escape Rooms- \$25 per person games
Ventura Boat Rentals- 10% off



Thank you 2018 Sponsors!

ADMIRAL SPONSOR:

Four Points By Sheraton
Holiday Inn Express & Suites

SHIP'S CAPTAIN:

Andria's Seafood Restaurant & Market

STARBOARD MARINA SPONSORSHIP:

Ventura West Marina & Ventura Isle Marina

SWEEPSTAKES AWARDS:

Portside Ventura Harbor

PEOPLE'S CHOICE AWARD:

Island Packers

SHOWSTOPPERS' AWARD:

Channel Watch Marina - Tow Boat USA

STERN SPONSOR:

Ventura Yacht Club

Ventura Boat Rentals

Brophy Bros Restaurant & Clam Bar

Coastal Cone

Ventura Marina Community

Ventura Harbor Boatyard, Inc.

Ventura Harbor Marine Fuel

The Greek Mediterranean Steak & Seafood

Bella Vista Designs

Fratelli's Pizza & Brew

MEDIA SPONSORS:

Vc Reporter / Ventura Breeze / Valley Scene

Magazine / Khay / B-95.1 Fm

IN-KIND:

RP Barricade & Sunbelt Rentals

TOTAL: \$13,300



**42nd Annual Ventura Harbor
Parade of Lights
December 14 & 15
2018**

**Carnival & Festivities: 5:00 PM
Parade Of Lights: 6:30 PM
Fireworks: 8:00 PM**

**Rockin' On The
Dock Side
Of The Moon
a Celebration of the 70's**

FREE ADMISSION & PARKING | PARADE & FIREWORKS WEATHER PENDING

VENTURAHARBORVILLAGE

THANKS TO OUR GENEROUS SPONSORS:

ISLAND PACKERS, VENTURA ISLE, ANDRIA'S SEAFOOD RESTAURANT & MARKET, FOUR POINTS BY SHERATON, HOLIDAY INN EXPRESS & SUITES, VENTURA WEST MARINA, CHANNEL WATCH MARINE, PORTSIDE VENTURA HARBOR, VENTURA YACHT CLUB, VENTURA BOAT RENTALS, BROPHY BROS RESTAURANT & CLAM BAR, COASTAL CONE, VENTURA MARINA COMMUNITY, VENTURA HARBOR BOATYARD, INC., VENTURA HARBOR MARINE FUEL, THE GREEK MEDITERRANEAN STEAK & SEAFOOD, BELLA VISTA DESIGNS, FRATELLI'S PIZZA & BREW, Vc Reporter, Ventura Breeze, Valley Scene Magazine, Khay, B-95.1 Fm, RP BARRICADE, SUNBELT RENTALS.

Web Analytics / Reviews

Date Range: November 1 – November 30, 2018

WEBSITE ANALYTICS

VenturaHarborVillage.com

Pageviews

19,689

Users

7,522

Top Page Views:

- Parade of Lights 2018
- Events
- Dine
- Shop
- Waters Edge (former Rhumb Line)
- Play



VenturaHarbor.com

Pageviews

10,285

Users

4,922

Top Page Views:

- Village Businesses
- Directions/Map
- Local Commercial Fish Market
- Restaurants/Food
- Board Meeting Minutes
- Parade of Lights



REVIEWS

Organic Visitor Ratings for Ventura Harbor Village



Richard Mancine

Local Guide · 99 reviews · 109 photos

★★★★★ 3 weeks ago

Nice tourist spot. Places to eat and shop. Beach across the road.



Julian Roque

Local Guide · 148 reviews · 31 photos

★★★★★ 3 weeks ago

A great place to take visitors or have a date night.



Gevorg Gevorgyan

Local Guide · 63 reviews · 2,320 photos

★★★★★ a week ago

Good short distance getaway from LA.



James Biggs

Local Guide · 46 reviews · 425 photos

★★★★★ a week ago

Tourists and Locals alike find it here!

Click Through web Banners promoting "Shop Local" on VenturaHarborVillage.com:



Social Media Profiles

Date Range: November 1 - 30, 2018

INSTAGRAM

Total Followers

11,813



FOLLOWERS

 11.8k

Total Followers

The number of engagements increased by

▲21.8%

since previous date range

ENGAGEMENT

 6,248

Likes Received

 132

Comments Received

FACEBOOK

Total Fans

22,008



Total Impressions

 456.8k

Average Daily Users Reached

8,086.4

Total Engagements increased by

▲11.9%

since previous date range

 3,447

Engagements

TWITTER

Total Followers

5,042



[Ventura Harbor](#) @VenturaHarbor · Nov 15

Congratulations & thank you to Commissioner Jim Friedman (right) for his 6 year service on the Ventura Port District Board and his election to Ventura City Council in the 2018 election.



The number of engagements increased by

▲60.6%

since previous date range

 12.5k

Organic Impressions

 151

Total Engagements

Marketing Report November 2018

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: November 2018 Property Report

TENANT REPORT

- 1) *Top This Chocolate* – 1559 Spinnaker Drive #109 -- Tenant received Ventura County Health Department approval last week and is now submitting to City of Ventura planning department.
- 2) *Baja Bay Surf Taco* --- 1567 Spinnaker Drive #104 – Tenant improvements have been completed (see photos attached). Tenant is very happy with the new color and grateful for a new lease.

Before



After



New Patio Furniture



- 3) *BS Taproom* --- 1591 Spinnaker Drive #115 – We have no activity on this project.
- 4) *Rhumb Line* --- 1510 Anchors Way – We have no activity on this project.

LEASING OUTREACH

- 1) Leasing Outreach – Ventura Harbor Village is 100% occupied
 - Daily exposure with our ads online via Loopnet/Costar which covers the following:
 - 24 Million visitors to these sites
 - 83% of all 2016 commercial real estate transactions involved these sites
 - 200,000 commercial real estate professional use CoStar services
- 2) Motionloft – October and November 2018 Report (see attached)

OCCUPANCY LEVELS AT HARBOR VILLAGE

November 2018

CATEGORY	Harbor Vacancy Sq Ft	Harbor Vacancy %	Harbor Available Sq Ft	Harbor Available %	City * Vacancy %	City * Available %
Office	0	0%	0	0%	15%	22.4%
Retail	0	0%	5,932	32%	8.6%	12.1%
Restaurant	0	0%	1,880	6%	N/A	N/A

*Based on comparable square footage

SALES REPORTS

The attached summary for October provides sales for three categories: restaurants, retail and charters. The reports compare the monthly sales for 2018 and 2017. They also include year-to-date comparisons.

The year-to-date overall sales for October were up 4.66% from the same time last year.

ATTACHMENTS

Attachment 1 – October 2018 Sales Summary Reports

Attachment 2 – Motionloft Reports – October 2018

Attachment 3 – Motionloft Reports – November 2018

ATTACHMENT 1

Ventura Harbor Village Tenant Sales Summary

Month of
October-2018

	<u>October-2018</u>	<u>October-2017</u>	<u>% Change</u>
Restaurants	\$ 1,162,771	\$ 1,208,619	-3.79%
Retail	\$ 308,559	\$ 323,376	-4.58%
Charters	\$ 482,239	\$ 498,451	-3.25%
Total	\$ 1,953,569	\$ 2,030,446	-3.79%

Year-to-date through October 2018

	<u>October-2018</u>	<u>October-2017</u>	<u>% Change</u>
Restaurants	\$ 14,239,158	\$ 13,814,601	3.07%
Retail	\$ 3,910,989	\$ 3,556,871	9.96%
Charters	\$ 5,631,311	\$ 5,351,284	5.23%
Total	\$ 23,781,458	\$ 22,722,756	4.66%

Oct 1, 2018 - Oct 31, 2018

3,493

Typical Day

9,410

Sat, Oct 6 - Busiest Day

6,903

Saturday Average

25,411

Typical Week

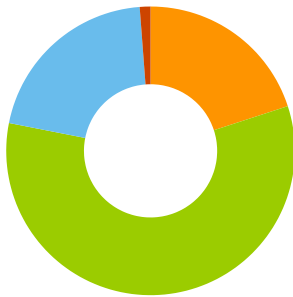
27,131

Peak Week Beginning Sun, Oct 21

108,287

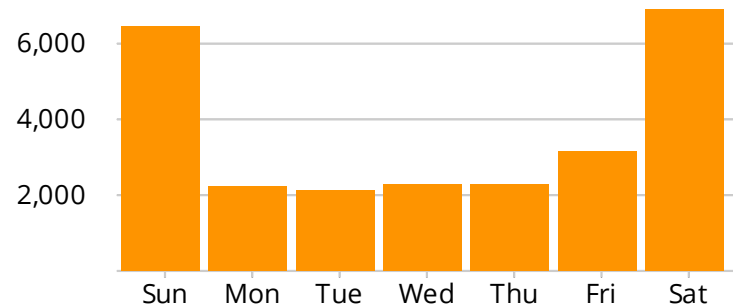
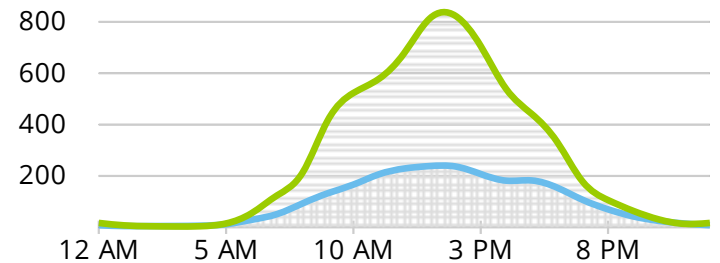
Total Visitors

Average Daily Activity



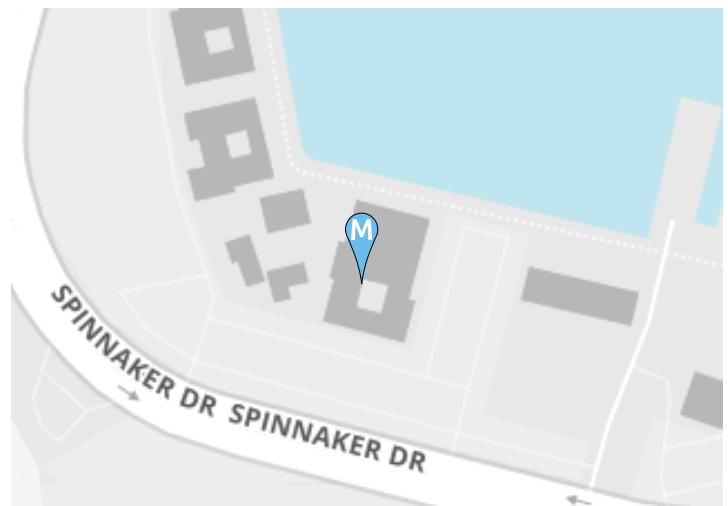
Hours	%	Total
5am - 11am	20%	698
11am - 5pm	58%	2,029
5pm - 11pm	21%	723
11pm - 5am	1%	42

Weekdays Weekends



Totals

Week beginning Sun, Sep 30	20,784
Week beginning Sun, Oct 7	25,234
Week beginning Sun, Oct 14	23,904
Week beginning Sun, Oct 21	27,131
Week beginning Sun, Oct 28	11,234



Ventura Port District

Oct 1, 2018 - Oct 31, 2018

5,173

Typical Day

7,158

Sat, Oct 6 - Busiest Day

6,577

Saturday Average

36,684

Typical Week

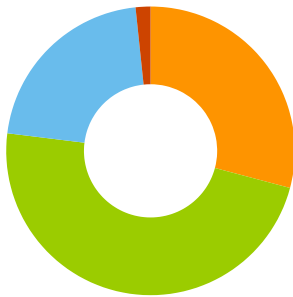
38,958

Peak Week Beginning Sun, Oct 7

160,370

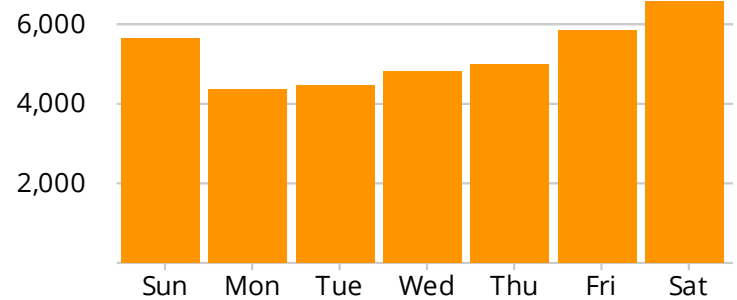
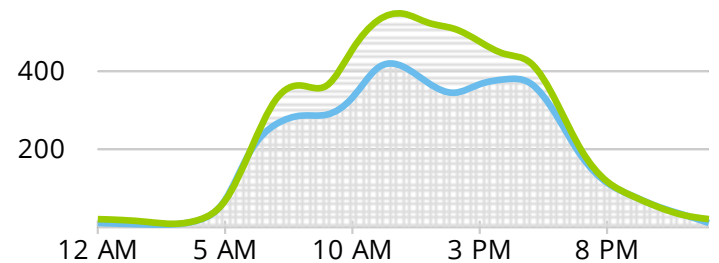
Total Visitors

Average Daily Activity



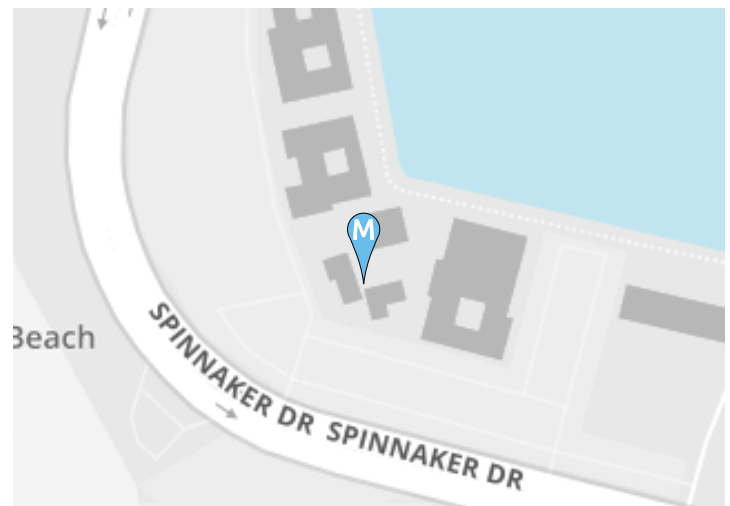
Hours	%	Total
5am - 11am	29%	1,508
11am - 5pm	48%	2,474
5pm - 11pm	21%	1,107
11pm - 5am	2%	86

Weekdays Weekends



Totals

Week beginning Sun, Sep 30	31,636
Week beginning Sun, Oct 7	38,958
Week beginning Sun, Oct 14	35,735
Week beginning Sun, Oct 21	36,123
Week beginning Sun, Oct 28	17,918



Ventura Port District

Nov 1, 2018 - Nov 30, 2018

3,314

Typical Day

7,165

Sat, Nov 10 - Busiest Day

6,166

Saturday Average

23,388

Typical Week

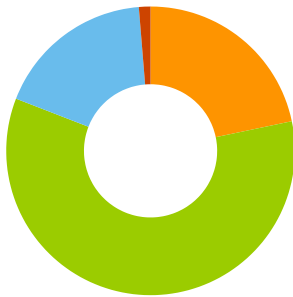
27,725

Peak Week Beginning Sun, Nov 18

99,413

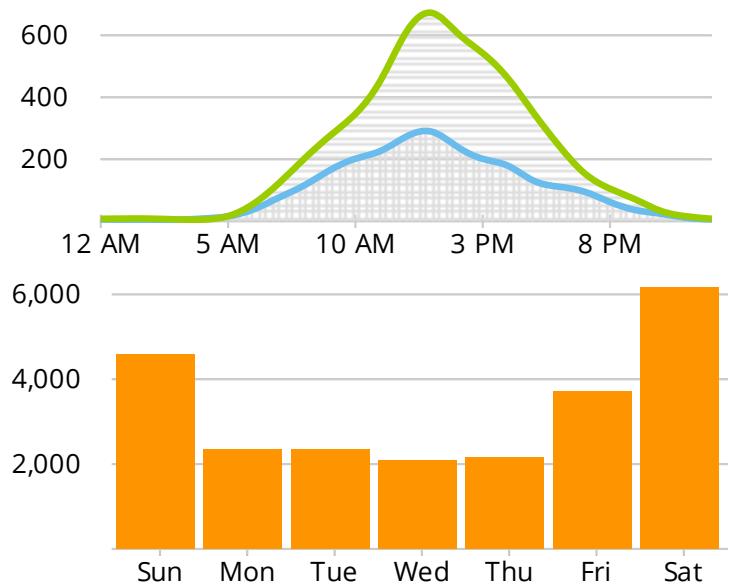
Total Visitors

Average Daily Activity



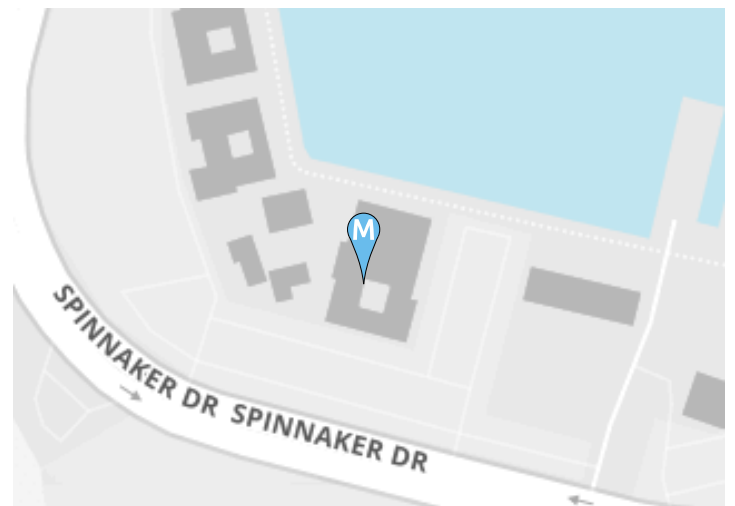
Hours	%	Total
5am - 11am	22%	719
11am - 5pm	59%	1,960
5pm - 11pm	18%	590
11pm - 5am	1%	43

Weekdays Weekends



Totals

Week beginning Sun, Oct 28	12,031
Week beginning Sun, Nov 4	23,502
Week beginning Sun, Nov 11	22,782
Week beginning Sun, Nov 18	27,725
Week beginning Sun, Nov 25	13,373



Ventura Port District

Nov 1, 2018 - Nov 30, 2018

4,684

Typical Day

6,271

Sat, Nov 3 - Busiest Day

5,664

Saturday Average

32,785

Typical Week

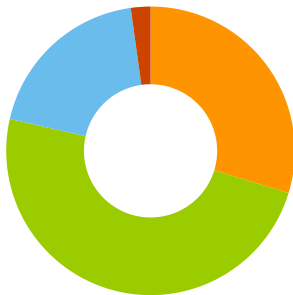
33,674

Peak Week Beginning Sun, Nov 11

140,505

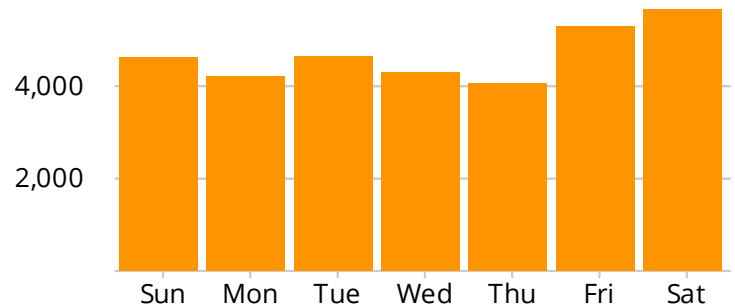
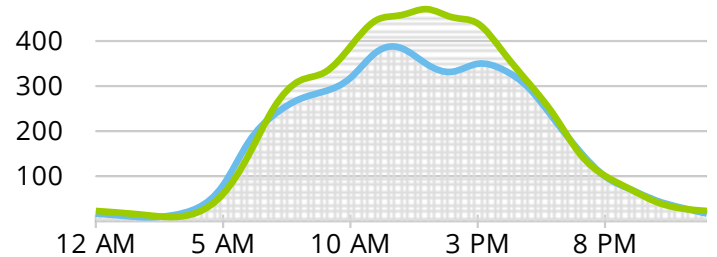
Total Visitors

Average Daily Activity



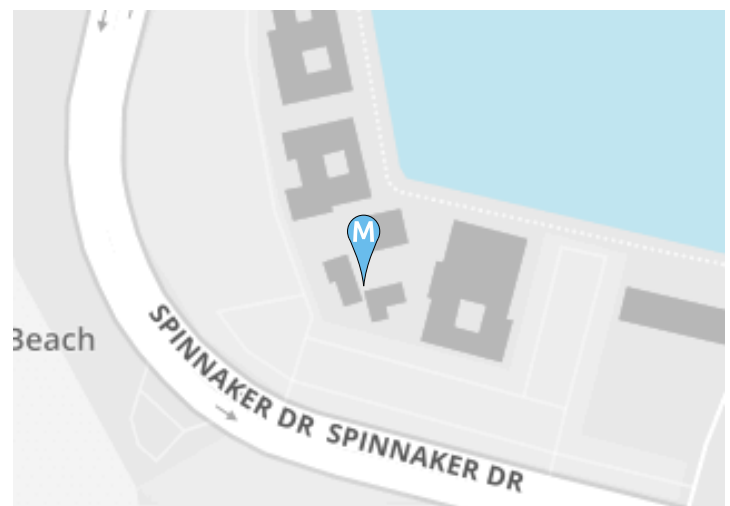
Hours	%	Total
5am - 11am	30%	1,392
11am - 5pm	49%	2,287
5pm - 11pm	19%	902
11pm - 5am	2%	103

Weekdays Weekends



Totals

Week beginning Sun, Oct 28	16,589
Week beginning Sun, Nov 4	33,456
Week beginning Sun, Nov 11	33,674
Week beginning Sun, Nov 18	30,870
Week beginning Sun, Nov 25	25,916





BOARD OF PORT COMMISSIONERS
DECEMBER 12, 2018

CONSENT AGENDA ITEM A
APPROVAL OF OUT OF
TOWN TRAVEL REQUESTS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Oscar F. Peña, General Manager
SUBJECT: Out of Town Travel Requests

RECOMMENDATION:

That the Board of Port Commissioners approve by motion the following out of town travel requests for:

- A) Business Operations Manager, Brian Pendleton to travel to Newport Beach, California to participate in the CMANC Winter meeting on January 9-11, 2019. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	\$445.00
Lodging	\$444.08
Meals	\$265.00
Mileage	\$119.90
Miscellaneous	\$100.00
TOTAL	\$1,373.98

- B) Consultant, Richard Parsons to travel to Newport Beach, California to participate in the CMANC Winter meeting on January 9-11, 2019. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	\$445.00
Lodging	\$444.08
Meals	\$265.00
Mileage	\$134.07
Miscellaneous	\$100.00
TOTAL	\$1,388.15

- C) Commissioner Brian Brennan to travel to Newport Beach, California to participate in the CMANC Winter meeting on January 10-11, 2019. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	\$445.00
Lodging	\$250.00
Meals	\$190.00
Mileage	\$118.81
Miscellaneous	\$100.00
TOTAL	\$1,103.81

- D) Marketing Manager, Jennifer Talt-Lundin to travel to San Diego, CA to participate in the Adventure & Travel Consumer Show with Ventura County Coast on January 18-20, 2019. Attending this conference will allow Ms. Talt-Lundin to market the Harbor as a travel destination. Estimated cost for the travel is as follows:

Registration	\$0.00
Lodging	\$538.00
Meals	\$190.00
Mileage	\$203.00
Misc	\$30.00
TOTAL	\$961.00

- E) Marketing Manager, Jennifer Talt-Lundin to travel to Palos Verdes, CA to participate in the Visit California Annual Outlook Forum on February 11-12, 2019. Attending this forum allows Ms. Talt-Lundin to share and network with California destinations, attractions and partners. Estimated cost for the travel is as follows:

Registration	\$649.00
Lodging	\$285.00
Meals	\$130.00
Mileage	\$90.00
Misc	\$42.00
TOTAL	\$1,196.00



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

CONSENT AGENDA ITEM B

APPROVAL OF NEW OFFICE LEASE
AGREEMENT FOR POWER & PROCESS
ENGINEERS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: New Office Lease Agreement for Power & Process Engineers
1559 Spinnaker Drive #201

RECOMMENDATION:

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Power & Process Engineers for the premises located at 1559 Spinnaker Drive #201 consisting of a total of 350 square feet for a one (1) year term.

SUMMARY:

Staff has re-negotiated with this tenant who will be signing a one-year term lease. No improvements are required for this space.

BACKGROUND:

Power & Process Engineers has been a tenant since 1999. This business specializes in energy, mining and engineer consulting.

FISCAL IMPACT:

This new lease reflects current market rental rates for office space in the complex. The annual occupancy cost for this tenant's one year is approximately \$7,128.00.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

CONSENT AGENDA ITEM C

APPROVAL OF REVISED BOARD OF
PORT COMMISSIONERS PROTOCOLS
AND POLICIES MANUAL

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM C
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Jessica Rauch, Clerk of the Board
SUBJECT: Approval of Revised Board of Port Commissioners Protocols and Policies Manual

RECOMMENDATION:

That the Board of Port Commissioners approve updates to the Board of Port Commissioners Protocols and Policies Manual.

SUMMARY:

The Protocols and Policies Manual for the Board needs to be updated due to changes in the annual meeting schedule. The revision is as follows:

3.1.1 Regular Meetings

Regular Meetings are held the ~~second-first~~ and ~~fourth-third~~ Wednesday of every month (excluding August) at 7:00PM, with Closed Session before. January, November and December will have only one meeting on the third Wednesday of the month. Regular Meetings are for approval of Consent and Standard Agenda Items.

Policies are usually approved by Resolution, however, in Resolution No. 3315, it states "... if at any time after this Resolution is passed, the District wishes to amend or restate the Protocols and Policies Manual, it elects to do so by Motion, rather than by Resolution, if it so desires." There is no information in the Resolution that would have cause for rescinding it, so approval by motion is sufficient for this item.

BACKGROUND:

The adoption of written guidelines regarding the conduct of public officials provides a sound foundation on which to build public trust and confidence. The proper operation of the District requires that decisions and policies be made within the proper channels of governmental structure, that public office not be for personal gain, and that the Commissioners remain objective and responsive to the needs of the public and business owners they serve. The purpose of this manual is to set forth protocols and policies that govern the Port Commission and Commission meetings. The intent of this manual is to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated matters heard by the Board of Port Commissioners.

FISCAL IMPACTS:

None.

ATTACHMENTS:

Attachment 1 – Resolution No. 3315

ATTACHMENT 1



RESOLUTION NO. 3315

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT APPROVING THE BOARD OF PORT COMMISSIONERS
PROTOCOLS AND POLICIES MANUAL**

WHEREAS, the adoption of written guidelines regarding the conduct of public business by elected and appointed officials provides a sound foundation on which to build public trust and confidence;

WHEREAS, the proper operation of the Ventura Port District requires that decisions and policies be made within the proper channels of governmental structure, that public office not be for personal gain, and that the Board of Port Commissioners remains objective and responsive to the needs of the public and business owners they serve;

WHEREAS, the purpose of the Board of Port Commissioners Manual is to set forth protocols and policies that govern the conduct of business of and by the Ventura Port District and meetings of the Board of Port Commissioners;

WHEREAS, the intent of the Board of Port Commissioners Protocols and Policy Manual is to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated matters heard and determined by the Board of Port Commissioners; and

WHEREAS, on March 25, 2015, the Board of Port Commissioners passed, approved, and adopted at a Regular Meeting Resolution No. 3271, wherein the Board adopted the Board of Port Commissioners Protocols and Policies Manual; and

WHEREAS, the Board has determined that it is in the best interest of the District to amend and rescind the existing manual; and

WHEREAS, if at any time after this Resolution is passed, the District wishes to amend or restate the Protocols and Policies Manual, it elects to do so by Motion, rather than by Resolution, if it so desires.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3271, which was previously passed, approved and adopted by the Board on March 25, 2015, and approves and adopts this Resolution No. 3315, amending the Board of Port Commissioners Protocols and Policies Manual.



ATTACHMENT 1

PASSED, APPROVED AND ADOPTED by the Board of Port Commissioners, this 27th day of July 2016, by the following vote:

AYES: Commissioners Friedman, Ashworth, Smith, Carson, Valance

NOES:

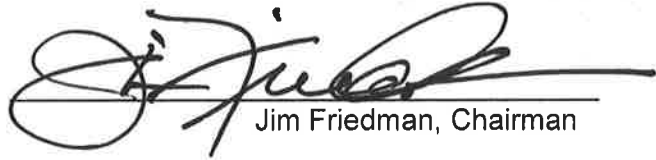
ABSENT:

ABSTAINED:

ATTEST:



Secretary
(Seal)


Jim Friedman, Chairman



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

CONSENT AGENDA ITEM D

ANNUAL RESERVE POLICY REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM D
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Gloria Adkins, Accounting Manager
SUBJECT: Annual Reserve Policy Review

RECOMMENDATION:

That the Board of Port Commissioners accept the current Ventura Port District Reserve Policy, Resolution No. 3225, dated August 28, 2013.

SUMMARY:

The last time the Reserve Policy was brought before the Board for review was January 10, 2018. Legal Counsel and staff have reviewed the current policy and have determined that no changes are necessary at this time.

BACKGROUND:

The prudent management of the District requires that reserve funds be established and maintained to fund scheduled and unscheduled expenses. It is good practice to review the Reserve Policy annually.

In Resolution No. 3225, the Board revised the policy so that the Unrestricted Reserve balance would be equal to 40% of the operating budget to ensure service continuity. Any unrestricted reserve funds in excess of such minimum reserve are to be moved to the Capital Improvement Reserve Fund at the end of each fiscal year.

At this time the District has two reserve funds that are mandated; the Dredging Reserve and the Fisheries Complex Reserve. The Dredging Reserve is mandated by a lawsuit judgment and the Fisheries Complex Reserve is mandated by the language in a tenant lease.

FISCAL IMPACT:

None

ATTACHMENTS:

Attachment 1 - Resolution No. 3225 Reserve Policy dated August 28, 2013

ATTACHMENT 1



RESOLUTION NO. 3225

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING A RESERVE POLICY

WHEREAS, the Ventura Port District ("District") manages and operates a commercial and recreational boat harbor in the City of San Buenaventura, for the benefit of the city residents and the public generally; and

WHEREAS, the District maintains funds in unrestricted and restricted accounts for such purposes as capital improvements, debt service and emergency and disaster response; and

WHEREAS, the prudent management of the District requires that reserve funds be established and maintained to fund scheduled and unscheduled expenses, and to identify the amount of funds specifically dedicated for each purpose and to provide periodic review of the reserve funding levels to ensure such levels are and will be adequate to meet the projected needs of the District; and

WHEREAS, the Board of Port Commissioners has previously determined that it is in the best interest of the District to establish dedicated and restricted reserve funds for various purposes and to implement a formal policy regarding the level of funding and use of such reserve fund; and

WHEREAS, the Board of Port Commissioners adopted Resolution No.3190 on June 27, 2012, establishing the Ventura Port District Reserve Policy; and

WHEREAS, the Board of Port Commissioners has determined that it is in the best interest of the District to revise the District's Reserve Policy in the following manner: (i) all unexpended Unrestricted Reserve funds in excess of the minimum reserve amount will be transferred to the Capital Improvement Reserve Fund; and (ii) to allow for the balance of the Capital Improvement Reserve Fund to appreciate if necessary.

NOW THEREFORE, THE BOARD OF PORT COMMISSIONERS OF VENTURA PORT DISTRICT IS HEREBY RESOLVED, that the District's Reserve Policy adopted by Resolution No. 3190 on June 27, 2012 be deleted in its entirety and replaced as follows:



VENTURA PORT DISTRICT RESERVE POLICY

1) The District will maintain sufficient revenues to meet its operating expenses, debt service, depreciation expenses, and prescribed reserves.

2) The District will hold cash and/or investments in reserve as authorized by the District's Investment Policy, and in accordance with state and federal laws.

3) The District reserves should be examined and adjusted each year based on the operating surplus or deficit at the conclusion of each fiscal year, according to reserve fund prioritization.

4) The District will maintain a reserve of cash and/or investments for both unrestricted and restricted purposes as follows:

- **Unrestricted Reserve:** Unrestricted reserve funds are to be used to ensure the continued orderly operation of Ventura Harbor. Such funds are primarily to be used for operations and maintenance within the Harbor and are intended to provide a mechanism for the District to immediately undertake unanticipated operation and maintenance activities and to manage cash-flow fluctuations, including emergency repairs. A minimum reserve equal to 40% of the operating budget will be maintained to ensure service continuity. Any unrestricted reserve funds in excess of such minimum reserve amount that is not expended as of the last day of the then-current fiscal year will be moved to the Capital Improvement Reserve Fund.

The District Accounting Manager should invest unrestricted reserve funds in liquid money market accounts such as LAIF, so that the funds are immediately available for District use.

- **Restricted Reserves:** Restricted reserve funds are to be set in the following amounts and used for the specific purposes for which the restricted reserve funds are created. At the present time, the District maintains the following restricted reserve funds:

- **Capital Improvement Reserve Fund:** The Capital Improvement Reserve Fund is intended to establish available cash assets to fund capital expenditures to support the future capital needs of the District in accordance with the District's Capital Improvement Plan. The level of funding in this reserve fund for the next fiscal year should be established based on the projected need to pay for planned and unplanned capital improvements for such fiscal year. In establishing the level of funding based on the projected need to pay for planned and

ATTACHMENT 1

unplanned capital improvements for any given fiscal year, the District may, but shall not be obligated to, take into account unexpended reserve funds from year-to-year and accumulations thereon including, but not limited to, any unrestricted reserve funds transferred to the Capital Improvement Reserve Fund. The minimum balance maintained should be at least equal to the asset depreciation for the preceding fiscal year.

- **Dredging Reserve Fund:** The funds in the Dredging Reserve Fund are required to be maintained at a minimum level of \$3,000,000 in order to comply with a judgment entered against the District in 1979. Funds in the Dredging Reserve Fund are to be used solely and only to pay the cost of dredging and related activities to maintain appropriate water depths in the channels into and within the Harbor, and specifically in the Stub Channel providing water access to Ventura Keys.
- **Fisheries Complex Reserve Fund:** Funds deposited in the Fisheries Complex Reserve Fund are intended to provide funding to upgrade and improve the District's commercial fishing pier. The District has a policy of requiring tenants involved in commercial fishing operations to contribute toward the cost of improving the commercial fishing pier when they renew their leases. All payments received from such commercial fishing tenants are deposited in the Fisheries Complex Reserve Fund and will be used to pay the cost of improving and upgrading the pier when it becomes necessary to do so.

The Accounting Manager of the District shall invest funds held in these restricted reserve funds in secure accounts such as LAIF and invested in accordance with the District's investment policy.

5) At least annually the Board should review all reserve accounts and make a determination regarding the continuing need for and purposes of the reserve funds, the appropriate levels of accumulation and the conditions precedent to utilization of the reserve funds.

6) When additional reserve funds are to be established, they should be established by Board resolution, which should include:

- (a) A statement of the purpose for which the reserve is created;
- (b) To the extent possible, specification of minimum and maximum parameters for the accumulation of the monies in the reserve fund; and

ATTACHMENT 1

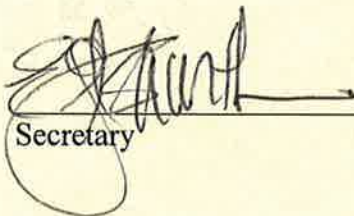
- (c) Specification of the conditions under which reserve funds shall be expended or transferred, consistent with Board directives.

7) This Ventura Port District Reserve Policy shall become effective on the date of its adoption and District staff is hereby directed to take all actions necessary to implement this Policy and to maintain the designated reserve funds.

PASSED AND ADOPTED at a regular meeting of the Board of Port Commissioners of the Ventura Port District held on August 28, 2013


Chairman

ATTEST:


Secretary

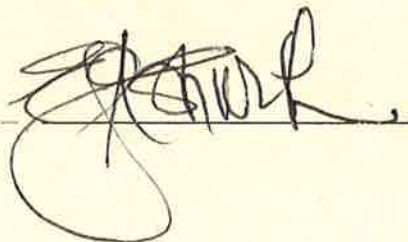
STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF SAN BUENAVENTURA)

I, Everard Ashworth, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3225 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 28th day of August 2013, by the following vote:

AYES: Commissioners Ashworth, Bravo, Friedman, Smith and Chairman Carson
NOES: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 28th day of August 2013.

(Seal)


Secretary



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

CONSENT AGENDA ITEM E

ANNUAL INVESTMENT POLICY REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM E
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Gloria Adkins, Accounting Manager
SUBJECT: Annual Investment Policy Review

RECOMMENDATION:

That the Board of Port Commissioners accept the current Ventura Port District Investment Policy, Resolution No. 3345, dated January 10, 2018.

SUMMARY:

Legal counsel and staff have reviewed Resolution No. 3345 which established the District's Investment Policy dated January 10, 2018 and have determined that no changes are necessary at this time.

BACKGROUND:

The Government Code requires that the governing board of every local agency maintain and conduct an annual review of its investment policy. Legal counsel has reviewed the District's current policy to ensure it meets all government code standards. The District's policy outlines the District's investment objectives and describes those instruments in which the District is able to invest as per State Law. It is legal counsel's opinion that no changes to the policy are necessary at this time.

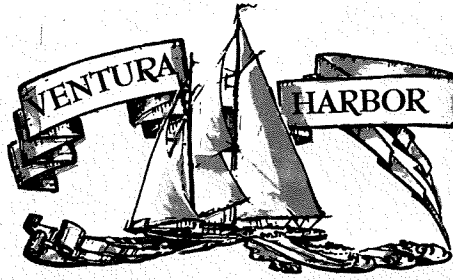
Currently, all funds not being used for the normal day to day operations of the District are invested with the Local Agency Investment Fund (LAIF). LAIF is currently earning around 2.17%.

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment 1 – Resolution No. 3345



RESOLUTION NO. 3345

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF
THE VENTURA PORT DISTRICT
ESTABLISHING ITS INVESTMENT POLICY**

1.0 POLICY

WHEREAS, the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern; and

WHEREAS, the legislative body of a local agency may invest surplus monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 53635 and 53601 et seq.; and

WHEREAS, the General Manager of the Ventura Port District ("District") must annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the Board of Port Commissioners ("Board") at a public meeting,

NOW THEREFORE, it shall be the policy of the District to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the District's daily cash flow demands and conforming to all statutes governing the investment of District funds.

2.0 SCOPE

This investment policy applies to all financial assets of the District. These funds are accounted for in the annual district audit.

3.0 PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the District, which persons of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (California Government Code Section 53600.3)



ATTACHMENT 1

and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing District funds, the primary objectives, in priority order, of the investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. Liquidity: The investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated.

3. Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

5.0 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from California Government Code Section 53600, et seq. Overall accountability and authority for implementation of this policy shall remain with the Board of Port Commissioners and overseen by the General Manager. Management responsibility for the investment program is hereby delegated to the General Manager who, where and when appropriate, shall establish written procedures for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and such procedures that are established by the General Manager. The General Manager shall be responsible for all transactions undertaken and shall establish controls to regulate the activities of subordinate officials. Under the provisions of California Government Code Section 53600.3, the General Manager is a trustee and a fiduciary subject to the prudent investor standard.

6.0 ETHICS AND CONFLICTS OF INTEREST

The General Manager and officers and employees involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The General Manager will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the General Manager shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the General Manager shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the District's account with that firm has reviewed the District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the District that are appropriate under the terms and conditions of the Investment Policy.

The District is a local agency authorized to invest surplus monies in the Local Agency Investment Fund (LAIF). LAIF is a special trust fund in the custody of the State Treasurer and the Local Investment Advisory Board created under Government Code Section 16429.2 advises the State Treasurer on the investment and reinvestment of LAIF deposits. Each local agency with LAIF deposits has a separate account within LAIF, but the total deposits in LAIF are managed as a pooled investment account. The securities eligible for LAIF investments are statutorily specified in Government Code Section 16430 and are more conservative than those investments permitted under Government Code Section 53601, which governs the management of invested surplus monies by local agencies. Accordingly, the General Manager need not be concerned with the qualifications of those financial institutions and broker/dealers with whom LAIF transacts business.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The District is empowered by California Government Code Section 53601 et seq. to invest in the following:

- a. Bonds issued by the District.
- b. United States Treasury Bills, Notes, Bonds, and Certificate of Indebtedness.
- c. Registered state warrants or treasury notes or bonds issued by the State of California.

ATTACHMENT 1

- d. Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of revenues from revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.
- e. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.
- f. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by, or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.
- g. Bankers' acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchase of bankers' acceptances may not exceed one hundred eighty (180) days' maturity or forty percent (40%) of the District's money that may be invested pursuant to this policy. However, no more than thirty percent (30%) of the District's money can be invested in the bankers' acceptances of any single commercial bank.
- h. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization. The entity that issues the commercial paper shall either be:
 - (1) organized and operating within the United States as a general corporation, shall have total assets in excess of Five Hundred Million Dollars (\$500,000,000), and shall issue debt, other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by a nationally recognized statistical-rating organization; or
 - (2) organized within the United States as a special purpose corporation, trust, or limited liability company, have program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond, and has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical-rating organization.

Eligible commercial paper shall have a maximum maturity of two hundred seventy (270) days or less. The District shall invest no more than twenty-five percent (25%) of its money in eligible commercial paper. The District shall purchase no more than ten percent (10%) of the outstanding commercial paper of any single corporate issue.

ATTACHMENT 1

- i. Negotiable certificates of deposit issued by a nationally or state chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federal or state licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy. The Board of Port Commissioners and the General Manager are prohibited from investing District funds, or funds in the District's custody, in negotiable certificates of deposit issued by a state or federal credit union if a member of the Board of Port Commissioners, or any person with investment decision making authority within the District also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit.
- j. Repurchase/Reverse Repurchase Agreements of any securities authorized by Section 53601. The market value of securities that underlay a repurchase agreement shall be valued at one hundred two percent (102%) or greater of the funds borrowed against those securities, and are subject to the special limits and conditions of California Government Code 53601(j).
- k. Medium term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five (5) years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service. Purchases of medium term notes shall not include other instruments authorized by this policy and shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy.
- l. Shares of beneficial interest issued by diversified management companies (mutual funds) investing in the securities and obligations authorized by this policy, and shares in money market mutual funds, subject to the restrictions of Government Code Section 53601(l). The purchase price of investments under this subdivision shall not exceed twenty percent (20%) of the District's investments under this policy. However, no more than ten percent (10%) of the District's money may be invested in any one mutual fund.
- m. Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not

ATTACHMENT 1

inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance.

- n. Notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Government Code Section 53651 as eligible securities for the purpose of securing local agency deposits having a market value at least equal to that required by Government Code Section 53652 for the purpose of securing local agency deposits. The securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the trust department of a bank which is not affiliated with the issuer of the secured obligation, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted.
- o. Any mortgage pass-through security, collateralized mortgage obligation, mortgage backed or other pay-through bond, equipment lease backed certificate, consumer receivable pass-through certificate, or consumer receivable backed bond of a maximum of five (5) years maturity. Securities eligible for investment under this subdivision shall be issued by an issuer rated in a rating category of "A" or its equivalent or better for the issuer's debt as provided by a nationally recognized rating service and the securities shall be rated in a rating category of "AA" or its equivalent or better by a nationally recognized rating service. Purchase of securities authorized by this subdivision shall not exceed twenty percent (20%) of the District's money that may be invested pursuant to this policy.
- p. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized under Government Code Section 53601. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible, the joint powers authority issuing the shares must have retained an investment advisor that is registered or exempt from registration with the Securities and Exchange Commission, have not less than five years of experience in investing in the securities and obligations authorized under Government Code Section 53601, and have assets under management in excess of five hundred million dollars (\$500,000,000.00).
- q. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. These types of investments must be rated in a rating category of "AA" or its equivalent or better by a nationally

ATTACHMENT 1

recognized statistical rating organization and cannot exceed 30% of the District's moneys that may be invested pursuant to Section 53601.

- r. Proposition 1A receivables sold pursuant to California Government Code Section 53999. A "Proposition 1A receivable" constitutes the right to payment of moneys due or to become due to a local agency, pursuant to clause (iii) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 25.5 of Article XIII of the California Constitution and Section 100.06 of the Revenue and Taxation Code.
- s. Any other investment security authorized under the provisions of California Government Code Sections 5922 and 53601.

A summary of the limitations and special conditions that apply to each of the above listed investment securities is attached and included by reference in this Investment Policy.

The District shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

9.0 COLLATERALIZATION

All certificates of deposits must be collateralized by United States Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis. The percentage of collateralizations on repurchase and reverse agreements will adhere to the amount required under California Government Code Section 53601(j)(2).

10.0 SAFEKEEPING AND CUSTODY

All security transactions entered into by the District shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to the District by book entry, physical delivery or by third party custodial agreement.

11.0 DIVERSIFICATION

The District will diversify its investments by security type and institution. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies shall be reviewed and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

- a. Portfolio maturity dates shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.
- b. Maturities selected shall provide for stability of income and liquidity.

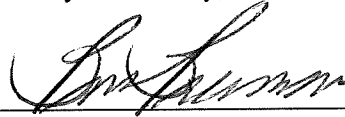
- c. Disbursement and payroll dates shall be covered through maturities of investments, marketable United States Treasury bills or other cash equivalent instruments such as money market mutual funds.

12.0 REPORTING

The General Manager shall submit an investment report to the Board of Port Commissioners at least quarterly. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for District by third party contracted managers. The report will also include the source of the portfolio valuation. For all funds that are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy and, (2) the District will meet its expenditure obligations for the next six (6) months, as required by Government Code Section 53646(b)(2) and (3), respectively. The General Manager shall maintain a complete and timely record of all investment transactions.

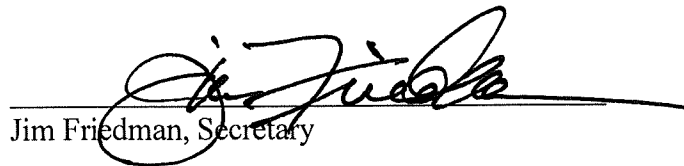
13.0 INVESTMENT POLICY ADOPTION shall be reviewed on an annual basis, and modifications must be approved by the Board of Port Commissioners. This Investment Policy replaces that which was set forth in Resolution No. 3326 on December 7, 2016.

PASSED, APPROVED AND ADOPTED this 10th day of January, 2018.



Brian Brennan, Vice-Chairman

ATTEST:


Jim Friedman, Secretary

(Seal)

ATTACHMENT 1

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF SAN BUENAVENTURA)

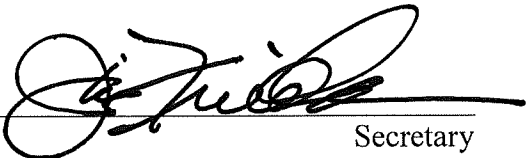
I, Jim Friedman, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3345 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 10th day of January, 2018, by the following vote:

AYES: Commissioners Brennan, Friedman, Valance, Stephens

NOES:

ABSENT: Commissioner Ashworth

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 10th day of January, 2018.


Secretary

(Seal)



BOARD OF PORT COMMISSIONERS
DECEMBER 12, 2018

CONSENT AGENDA ITEM F
MEMORANDUM OF AGREEMENT
WITH THE CITY OF VENTURA FOR
VENTURA HARBOR KEYS WATER
QUALITY MONITORING

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM F
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Richard Parsons, Project Manager
SUBJECT: Memorandum of Agreement with the City of Ventura for Ventura Harbor Keys
Water Quality Monitoring

RECOMMENDATION:

That the Board of Port Commissioners authorize the General Manager to enter into a Memorandum of Agreement with the City of Ventura to provide equal cost sharing for the Ventura Harbor Keys Surface Water Quality Monitoring and Reporting Program in an amount not-to-exceed \$120,000 with the Port District's cost share in an amount not-to-exceed \$60,000 over a 30-month period.

SUMMARY:

The Ventura Harbor and Ventura Keys (collectively Ventura Harbor Keys) have been on the Clean Water Act Section 303(d) list of impaired waterbodies for total coliform bacteria impairment since 1996. Previous surface water quality monitoring for bacteria has been inconclusive. As such, the Los Angeles Regional Water Quality Control Board (RWQCB) is requiring that the City and the District conduct additional monitoring to help determine if a bacteria Total Maximum Daily Load (TMDL) should be developed for the Ventura Harbor Keys. The Memorandum of Agreement (MOA) between the City and the District would establish a shared cost arrangement to conduct additional water quality monitoring. The 30-month term of the MOA includes a 24-month period for water quality monitoring and an additional 6-months to consolidate the data and provide reports to the RWQCB.

The agreement has been reviewed by District's legal counsel and approved as to form. The Ventura City Council approved the MOA at its meeting of December 3, 2018.

BACKGROUND:

The current 2016 303(d) impaired waterbody listing is based on surface water quality monitoring conducted by City staff between 2003 and 2008. The RWQCB contracted with the University of California at Los Angeles (UCLA) in 2008 to conduct additional bacterial contamination source tracking in Ventura Harbor Keys. Bacteria water quality samples were taken monthly between May 2008 and April 2009 in Ventura Harbor Keys and Arundell Barranca for the study. No surface water quality monitoring in Ventura Harbor Keys has taken place since April 2009.

RWQCB staff held a public meeting on February 2, 2018, to discuss potential development of the Ventura Harbor Keys Bacteria TMDL. At the meeting, RWQCB staff noted the need for additional surface water quality monitoring in Ventura Harbor Keys to re-assess current 303(d) bacteria impairment status due to the contradicting bacteria results from the City and UCLA's water quality sampling. The City, Ventura Port District and RWQCB staff met on August 20, 2018 to discuss resumption of bacteria surface water quality monitoring in Ventura Harbor Keys for a minimum period of two years.

On September 10, 2018, the City and Ventura Port District submitted the Draft Ventura Harbor Surface Water Monitoring Program to RWQCB staff. RWQCB staff reviewed and approved the draft, which identified acceptable monitoring locations and water quality testing procedures.

The attached MOA would establish the City as the lead agency and would obligate the City and Ventura Port District to cooperatively implement the monitoring and reporting program. The MOA would obligate both agencies to equal cost sharing of the monitoring and reporting program for 30-months with a not-to-exceed cost of \$120,000, with the City's cost share being half of this amount. It is anticipated the Ventura Harbor Keys monitoring and reporting program will cease after the completion of 24-months of weekly surface water quality monitoring and an additional 6-months to consolidate data and develop reports for the RWQCB.

FISCAL IMPACT:

Approval of the MOA would commit the District to share the cost of conducting monitoring and reporting as required by the RWQCB. The anticipated cost of monitoring and reporting is expected to be \$100,000, with a 20% (\$20,000) contingency. The cost to the District is anticipated to not exceed \$25,000 per year over the 30-month monitoring and reporting program. At this time, it is unknown if there will be future additional costs beyond the 30-month monitoring and reporting program.

ATTACHMENTS:

Attachment 1 – Memorandum of Agreement

**MEMORANDUM OF AGREEMENT
BETWEEN CITY OF SAN BUENAVENTURA AND VENTURA PORT DISTRICT
TO PROVIDE EQUAL COST SHARING FOR VENTURA HARBOR KEYS
SURFACE WATER QUALITY MONITORING AND REPORTING PROGRAM**

This Memorandum of Agreement is made and entered into in duplicate by and between the City of San Buenaventura ("City"), a California charter law municipal corporation, and Ventura Port District, a California special district (collectively referred to as the "Parties" and individually as "Party").

RECITALS

WHEREAS, the Ventura Harbor and Ventura Keys are, respectively, owned and managed by the Ventura Port District and City of San Buenaventura; and,

WHEREAS, the Los Angeles Regional Water Quality Control Board (RWQCB) is the state regulatory agency responsible for protecting water quality in Los Angeles and Ventura Counties through the implementation of the Clean Water Act. The Clean Water Act requires states to establish total maximum daily loads (TMDLs) for each waterbody-pollutant combination on the 303(d) list of impaired waterbody segments; and,

WHEREAS, the Ventura Harbor and Ventura Keys (collectively Ventura Harbor Keys) has been on the Clean Water Act Section 303(d) list of impaired waterbodies for total coliform impairment since 1996; and,

WHEREAS, the current 2016 303(d) impaired waterbody listing is based upon surface water quality monitoring conducted by City of San Buenaventura between 2003 and 2008; and,

WHEREAS, the RWQCB contracted with University of California at Los Angeles (UCLA) in 2008 to conduct monthly bacterial contamination source tracking in Ventura Harbor Keys and Arundell Barranca between May 2008 and April 2009; and,

WHEREAS, on February 2, 2018, RWQCB staff held a public meeting to discuss potential for development of the Ventura County Coastal Bacteria and Ventura Harbor Keys Bacteria TMDLs. During the meeting, RWQCB staff discussed analysis of the City of San Buenaventura and UCLA bacteria datasets for Ventura Harbor Keys TMDL development. RWQCB staff noted the need for additional surface water quality monitoring in Ventura Harbor Keys to re-assess current impairment status due to contradicting bacteria datasets. At the time of the meeting, no bacteria TMDL development was needed; and,

WHEREAS, on April 12, 2018, RWQCB staff presented an information item entitled "Data Review and Problem Identification for the Clean Water Act Section 303(d) Listing for Bacteria in the Ventura Harbor (Ventura Keys) Waterbody" to the RWQCB Board. Because of inconsistent conclusions regarding the impairment status of the Ventura Harbor Keys waterbody and some limitation of bacteria datasets, RWQCB staff recommend that the Parties implement a new surface water monitoring program within Ventura Harbor Keys prior to RWQCB considered adoption of a TMDL to address the 303(d) listing for bacteria in Ventura Harbor Keys. RWQCB's Board agreed with its staff recommendation to obtain additional, more frequent surface water quality monitoring data on bacteria in Ventura Harbor Keys; and,

ATTACHMENT 1

WHEREAS, City of San Buenaventura, Ventura Port District and RWQCB staff met on August 20, 2018 to discuss resumption of bacteria surface water quality monitoring in Ventura Harbor Keys for a minimum period of two (2) years; and,

WHEREAS, on September 10, 2018, the Parties submitted the *Draft Ventura Harbor Surface Water Monitoring Program* to RWQCB staff. On review, RWQCB staff identified monitoring locations as acceptable with minor monitoring plan changes; and,

WHEREAS, the Parties have been requested by RWQCB to initiate water monitoring for a period of two years in accordance with *Ventura Harbor Surface Water Monitoring Program* dated October 2018, as amended; and,

WHEREAS, surface water quality monitoring in Ventura Harbor Keys is anticipated to begin January 2019.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and agreed, the Parties hereby agree as follows:

AGREEMENT

1. The term of this Agreement shall begin on **December 3, 2018** and end on **June 30, 2021**.
2. The Parties agree to actively support the monitoring and reporting efforts as required by the RWQCB during the term of this Agreement by funding *equal contributions* of the total cost of the water monitoring described in the *Ventura Harbor Surface Water Monitoring Program*. Total monitoring and reporting costs for the Parties are expected not to exceed \$100,000, with a 20% (\$20,000) contingency.
3. The City of San Buenaventura agrees to:
 - A. Act as the Agency Lead for contract management and fiscal coordination in connection with Ventura Harbor Key surface water quality monitoring and reporting program.
 - B. Award and administer a contract for consultant services to conduct the Ventura Harbor Keys surface water monitoring and reporting during the term of this Agreement.
 - C. Furnish monitoring data to the RWQCB and provide a copy to the Ventura Port District as set forth in the *Ventura Harbor Surface Water Monitoring Program*. Data to RWQCB and Ventura Port District shall be in electronic form. In the event hard copies are required of the Parties by RWQCB, Ventura Port District agrees to pay half the costs related to the printing and distribution of such material.
4. Ventura Port District agrees to:
 - A. Allow City complete discretion in the selection of the appropriate consultants for water monitoring and reporting; and,

ATTACHMENT 1

- B. Submit payment within 30 calendar days of receipt of an invoice from City of San Buenaventura to fund its share of the Ventura Harbor Keys surface water quality monitoring and reporting efforts.
- 5. Surface water monitoring data collected will remain in draft form until finalized and submitted to the RWQCB. Prior to such submission, no Party may share the surface water monitoring data generated from the Agreement with members of the public without first notifying the other Party.
- 6. Neither Party may withdraw from this Agreement absent good cause. In the event of withdrawal, the withdrawing Party shall remain responsible for its portion of the water quality monitoring and reporting costs described within this agreement.
- 7. Any notice pursuant to this Agreement shall be in writing and given by personal delivery or by U.S. mail. Notice sent by mail shall be addressed to each party's designated representative as set forth herein. When addressed in accordance with this paragraph, such notice shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices shall be deemed given at the time of actual delivery.

Designated Representatives

City of San Buenaventura:
Joe Yahner
Environmental Services Manager
City of Ventura
PO Box 99
Ventura, CA 93002-0099
Phone: (805) 652-4558

Ventura Port District:
Oscar Pena
General Manager
Ventura Port District
1603 Anchor Way Drive
Ventura, CA 93001
Phone: (805) 642-8538

All invoices and payments shall be made and addressed to the Designated Representatives at the above noted addresses.

8. HOLD HARMLESS.

- A. Ventura Port District agrees to indemnify and hold CITY, its officers, officials, employees, agents, representatives, volunteers, and successors and assigns, harmless from and against any claim, action, damages, costs (including without limitation, attorney's fees), injuries, or liability, for Ventura Port District's performance of its obligations arising out of this MOA. Should City be named in any suit, or should any claim be brought against it by suit or otherwise whether the same be groundless or not, arising out of Ventura Port District's performance of its obligations under this MOA, Ventura Port District will defend City (at City's request and with counsel satisfactory to City) and will indemnify City for any judgment rendered against it or any sums paid out in settlement or otherwise.
- B. City agrees to indemnify and hold Ventura Port District, its officers, officials, employees, agents, representatives, volunteers, and successors and assigns, harmless from and against any claim, action, damages, costs (including without

ATTACHMENT 1

limitation, attorney's fees), injuries, or liability, for City's performance of its obligations arising out of this MOA. Should Ventura Port District be named in any suit, or should any claim be brought against it by suit or otherwise whether the same be groundless or not, arising out of City's performance of its obligations under this MOA, City will defend Ventura Port District (at Ventura Port District's request and with counsel satisfactory to Ventura Port District) and will indemnify Ventura Port District for any judgment rendered against it or any sums paid out in settlement or otherwise.

9. **ASSIGNMENT.** Any attempt to assign or transfer the benefits or burdens of this MOA without the prior written approval of the other party is prohibited and shall be null and void.
10. **NO THIRD PARTY RIGHTS.** Nothing in this Agreement, whether express or implied, is intended to confer any rights or remedies on any persons or entities other than the parties to this Agreement.
11. **WAIVER.** Any consent, waiver, or compromise in connection with any of the provisions of this Agreement, or with respect to any breach hereunder, shall not constitute or be deemed to be a waiver of the rights to enforce strict interpretation, performance, and observance of the terms and conditions hereof at all times and as to the same and all of other matters herein contained by the other Party.
12. **MODIFICATION.** The tasks described in this MOA and all other terms of this agreement may be modified only upon mutual written consent of CITY and Ventura Port District.
13. **LAWS AND REGULATIONS.** At its sole expense, each Party shall: (1) obtain and maintain during the term of this Agreement, all appropriate permits, licenses, and certificates that may be required in connection with the performance of services under this Agreement, and (2) be responsible for complying with any and all applicable Federal, State, County, and Municipal laws and regulations.
14. **GOVERNING LAW.** The terms of this Agreement shall be interpreted according to the laws of the State of California. Should litigation occur, venue shall be in the Superior Court of Ventura County.
15. This MOA shall be construed without regard as to who drafted it and shall be interpreted as though all parties hereto participated equally in the drafting thereof.
16. **INTEGRATED AGREEMENT.** This Agreement represents the entire Agreement between the City and Ventura Port District and all preliminary negotiations and agreements are deemed a part of this Agreement. No verbal agreement or implied covenant shall be held to vary the provisions of this Agreement. This Agreement shall bind and inure to the benefit of the parties to this Agreement and any subsequent successors and assigns.
17. **SEVERABILITY.** Wherever possible, each provision of this MOA shall be interpreted in such a manner as to be valid under applicable law, but if any portion of this MOA is declared by a court of competent jurisdiction to be invalid or unenforceable, then such portion will be deemed modified to the extent necessary in the opinion of the court to

ATTACHMENT 1

render such portion enforceable and, as so modified, such portion and the balance of this Agreement will continue in full force and effect.

18. Each party hereto expressly warrants and represents that he/she/they has/have the authority to execute this MOA on behalf of his/her/their corporation, partnership, business entity, or governmental entity and warrants and represents that he/she/they has/have the authority to bind his/her/their entity to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the Parties have made and entered into this MOU on the date last signed below.

VENTURA PORT DISTRICT

Oscar Pena
General Manager

Date: _____

CITY OF SAN BUENAVENTURA



Neal Andrews
Mayor

Date: December 3, 2018

ATTEST



Antoinette M. Mann, MMC, CRM
City Clerk

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney



Jennifer Lee, Assistant City Attorney



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

CONSENT AGENDA ITEM G

CONSIDERATION OF REJECTION OF
CLAIM BY CHRYSILIOU LIVING TRUST,
CHRYSILIOUS CHRYSILIOU AND
BELINDA CHRYSILIOU TRUSTEES, AND
RDPH PROPERTIES, INC.

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM G
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Jessica Rauch, Clerk of the Board
SUBJECT: Consideration of Rejection of Claim by Chrysiliou Living Trust, Chrysiliou
Chrysiliou and Belinda Chrysiliou Trustees, and RDPH Properties, Inc.

RECOMMENDATION:

That the Board of Port Commissioners reject a claim filed against the Ventura Port District on November 5, 2018 by Chrysiliou Living Trust, Chrysiliou Chrysiliou and Belinda Chrysiliou Trustees, and RDPH Properties, Inc. and authorize the General Manager to execute and mail a Notice of Rejection.

SUMMARY:

The claim was submitted to the District's Legal Counsel and Risk Manager, Carl Warren for review. It is recommended that the Board reject the claim as submitted. A Notice of Rejection has been prepared for the General Manager's signature.

BACKGROUND:

The claim alleges to a breach of contract/covenant of good faith and fair dealing relating to Parcel 20 along with a discrimination claim under the Unruh Civil Rights Act.

FISCAL IMPACT:

This claim could result in damages in excess of \$25,000; jurisdiction rests in Superior Court.

ATTACHMENTS:

Attachment 1 – Notice of Rejection

ATTACHMENT 1



NOTICE OF REJECTION OF CLAIM

TO: Chrysiliou Living Trust, dated 6/24/13
RDPH Properties, Inc.
c/o Steven C. Glickman, Esq.
Glickman and Glickman
9460 Wilshire Blvd, Suite 330
Beverly Hills, CA 90212-2732

Notice is hereby given that the claim which you presented to the Ventura Port District on November 5, 2018, was rejected by action of the Board of Port Commissioners at its meeting held on December 12, 2018.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the United States mail to file a state court action on this claim. (See Government Code Section 945.6)

This time limitation applies only to causes of action arising under California law for which a claim is mandated by the California Government Tort Claims Act. Government Code Sections 900 et. seq. Other causes of action, including those arising under federal law, may have different time limitations for filing.

Dated: December 13, 2018

VENTURA PORT DISTRICT

By: _____
Oscar F. Peña
General Manager





BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

CONSENT AGENDA ITEM H

APPROVAL OF LETTER TO THE CITY
MANAGER CONCERNING ROAD
CONDITIONS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM H
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Brian Pendleton, Deputy General Manager
SUBJECT: Approval of Letter to the City Manager Concerning Road Conditions

RECOMMENDATION:

That the Board of Port Commissioners approve a letter to the City Manager concerning road conditions within the Ventura Port District.

SUMMARY:

At the November 14, 2018 Board meeting, the Commission requested staff draft a letter to the City Manager concerning the current substandard conditions of Anchors Way Drive, Navigator Drive and Schooner Drive.

BACKGROUND:

Port District staff has received multiple complaints from surrounding residents and business owners concerning the poor conditions of these roadways and the same concerns were reported to the Board at the November 14th Regular Meeting. The substandard condition of these roads poses a public safety hazard.

FISCAL IMPACTS:

None.

ATTACHMENTS:

Attachment 1 – Letter to City Manager



December 13, 2018

Alex McIntyre, City Manager
P.O. Box 99
Ventura, CA 93002-0099

Subject: Road Conditions at Anchors Way Drive, Navigator Drive, and Schooner Drive

Dear Mr. McIntyre,

On behalf of the Ventura Port District and Board of Port Commissioners I would like to welcome you as City Manager for the City of Ventura. I understand the General Manager, Deputy General Manager, and Harbormaster will be providing you with an orientation of the District. I know speaking on behalf of the Board we look forward to working closely with the City Council, City executive team and you in the coming months as we advance a number of important initiatives to the District and City.

In the meantime there is a matter of concern we would like to bring to your attention. The Board respectfully requests the City inspect and prioritize improvements to Anchors Way Drive, Navigator Drive, and Schooner Drive where there are substandard roadway conditions. Portside Development will be making traffic calming improvements to Anchors Way, but it is our understanding the development is not responsible for repair of existing conditions. District staff has received multiple complaints from surrounding residents and business owners concerning the poor conditions of these roadways and the same concerns were reported to the Board at our November 14th Regular Meeting. As a result, the Board has authorized me, as Chairman, to transmit this correspondence. We agree with those concerns and believe the roadways, in their current state of disrepair, represent a public safety hazard.

Thank you,

Everard Ashworth, Chairman
Board of Port Commissioners

Cc: Oscar Peña, General Manager
Brian Pendleton, Deputy General Manager
All Commissioners
Councilmember Cheryl Heitmann, Council Liaison

1603 Anchors Way Drive Ventura, CA 93001
Tel: (805) 642-8538 / Fax: (805) 658-2249
www.venturaharbor.com



BOARD OF PORT COMMISSIONERS DECEMBER 12, 2018

STANDARD AGENDA ITEM 1 HARBOR VILLAGE PAINTING PROJECT

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 1
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Brian Pendleton, Deputy General Manager
SUBJECT: Harbor Village Painting Project

RECOMMENDATION:

The Board approve the Harbor Village paint; awning and patio covers; and signage designs and authorize submission of same to the City of Ventura for review and approval.

SUMMARY:

On November 14, the Board of Port Commissioners received a presentation and provided direction regarding proposed Harbor Village paint, signage, awning and patio cover designs.

The Board approved scope of work for architectural design services for Harbor Village includes the following:

- Paint (Buildings, Doors/Trims, Railings, Decking, and Staircases)
- Awning and Patio Covers (Materials, Colors, Style)
- Signage (Tenant Signs, Tenant Directories – 1st and 2nd Floor, Tenant Wayfinding)

BACKGROUND:

Coastal Architects has prepared design concepts for the scope of work as identified above. Coastal Architects presented these design concepts to the Board, Village tenants and the public at the November 14th Board meeting. The follow-up presentation has been scheduled for the December 12th Board meeting. These concepts once approved by the Board will be submitted to the City for review and approval, which may include future public meeting(s) with the City's Design Review Committee.

Upon approval of the design concepts by the Board, the Coastal Architects will prepare the application materials for submission to the City. Coastal Architects is prepared to submit these materials by February.

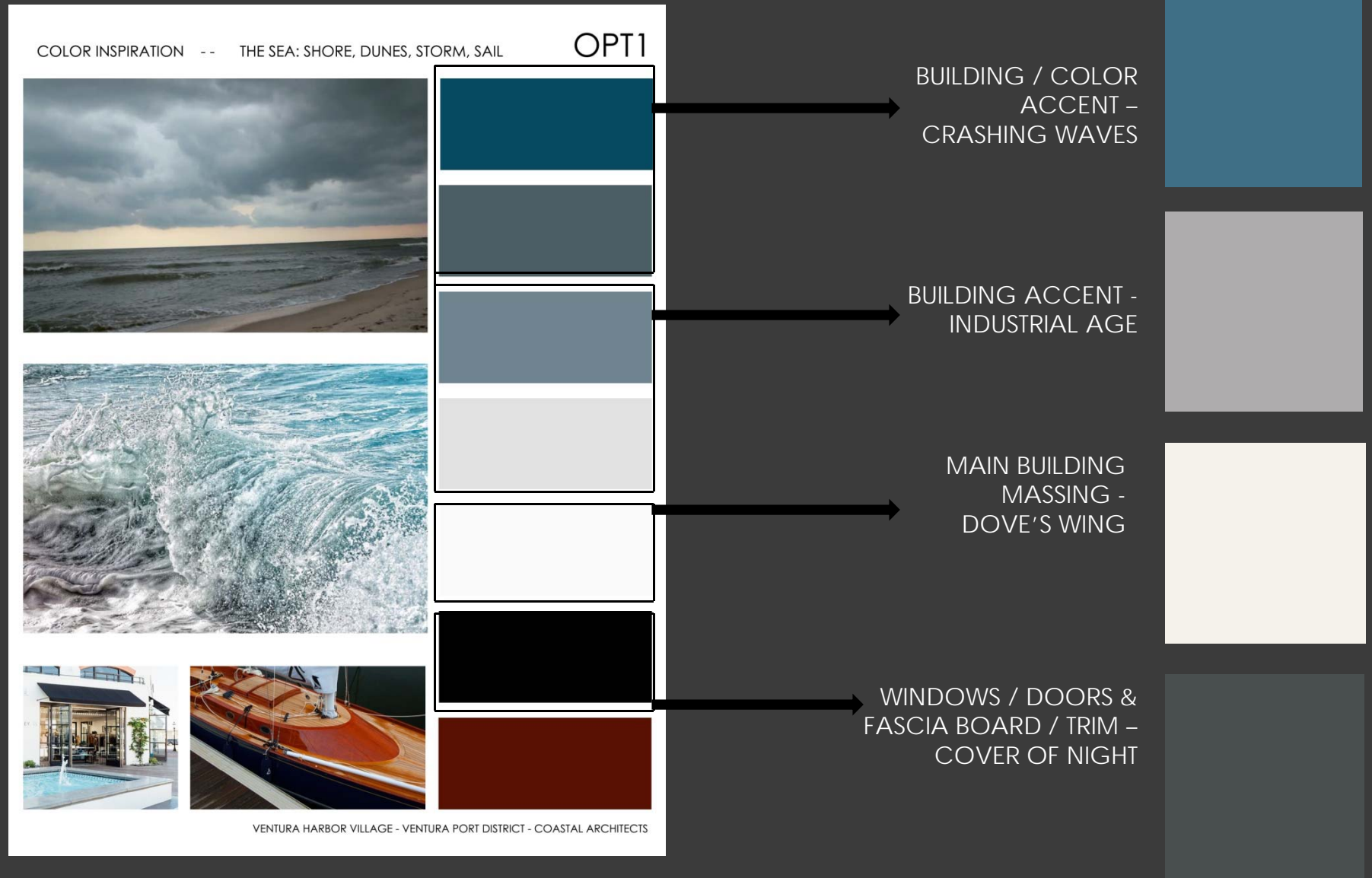
FISCAL IMPACTS:

The Port District entered into a professional services agreement with Coastal Architects for architectural design fees in the amount of \$24,300. These funds were previously budgeted. Funding for painting, which is the first phase of the project, was approved as part of the FY18-19 budget. The amount is \$450,000 for FY18-19 and \$400,000 for FY19-20. Cost estimation work will be needed to budget future phases of the project once the designs are approved by the Board and the City. Some of these costs (e.g. awnings and patio covers, tenant signage) may be shared with tenants.

Staff is requesting a proposed scope of work and budget from Coastal Architects to evaluate current Harbor-wide wayfinding designs, and provide updated design concepts for future Board consideration.

ATTACHMENTS:

Attachment 1 - Paint (Buildings, Doors/Trims, Railings, Decking, and Staircases)
Attachment 2 - Awning and Patio Covers (Materials, Colors, Style)
Attachment 3 - Signage (Tenant Signs, Tenant Directories – 1st and 2nd Floor, Tenant Wayfinding)



COLOR CONCEPTS

PROPOSED PALETTE



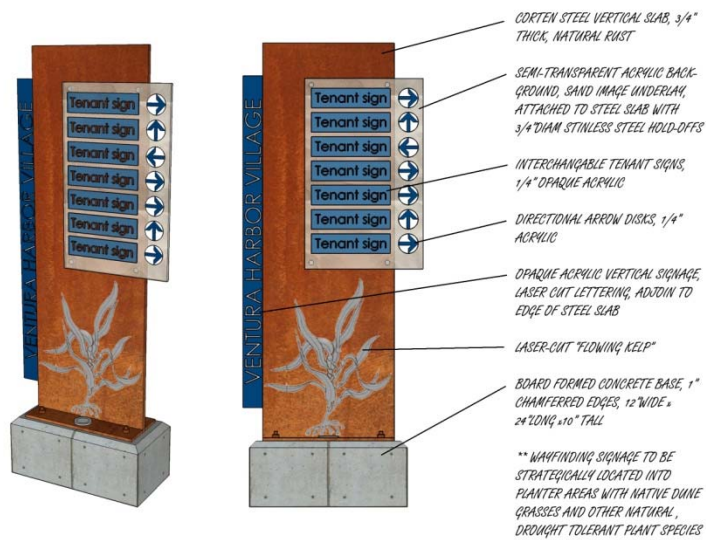






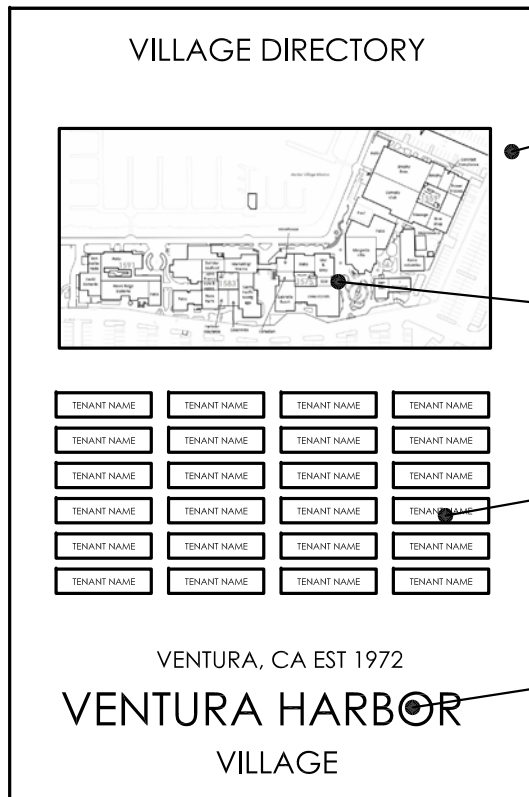


CONCEPTUAL WAYFINDING & SIGNAGE IDEAS



CONCEPT OPTION
Way Finding Signage

TENANT DIRECTORY SIGNAGE;



BUILDING MOUNTED
TEAK OR HARDWOOD BOARD

ACRYLIC MAP, BLUE ON WHITE BACKGROUND

ALPHABETIZED BRASS NAMEPLATES FOR ALL
TENANTS WITH SUITE NUMBERS

SIMPLE SANS SERIF FONT: CENTURY GOTHIC



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

STANDARD AGENDA ITEM 2

CONSIDERATION OF LEGAL FEES

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 2
Meeting Date: December 12, 2018

To: Board of Port Commissioners
From: Oscar Peña, General Manager
Subject: Consideration of Legal Fees

RECOMMENDATION:

That the Board of Port Commissioners consider for approval the proposed hourly rates for the calendar year 2019, and the proposed range for hourly rates for the calendar year 2020.

SUMMARY:

In September 2018, *Lagerlof, Senecal, Gosney & Kruse LLP* submitted a request for an increase in the hourly rates charged by their law firm. In 2017 the Board approved an average increase of 13%. Now, two years later, they have submitted for the Board's consideration a fixed hourly rate for the calendar year 2019 and a range for rates that apply to categories of lawyers from Senior Partner, Junior Partner, Senior Associate, etc.

BACKGROUND:

Schedule A includes a great deal of information about the attorneys regularly providing services to the District. It also outlines their regular hourly rate to other clients, the current Public Agency hourly rate as well as current and proposed VPD hourly rates for 2019.

Schedule A

	Regular Current Hourly Rate	Public Agency Hourly Rate	Current VPD Hourly Rate	2019 Proposed VPD Hourly Rates
Timothy J. Gosney	\$450	\$320	\$295	\$305
Thomas S. Bunn	\$320	\$280	\$280	\$295
Andrew D. Turner	\$400	\$300	\$270	\$285
Dominic J. Nunneri	\$250	\$225	\$180	\$205
Collin Y. Spillman	\$240	\$225	\$150	\$195
Law Clerk/Paralegal	\$150	\$140	\$140	\$175

The average proposed rate increase is 13.87% for 2019. Of the attorney's listed, Mr. Gosney, Mr. Turner and Mr. Nunneri will primarily be serving the District. It is worth mentioning that Mr. Trinh recently left the law firm.

Based upon these proposed rates, and to avoid the recurring need to revisit this issue within the next two calendar years, Mr. Gosney has proposed that the Board consider a rate schedule (Schedule B) setting a range for hourly rates based upon each attorney's position with the firm structured as follows:

Schedule B

<u>CATEGORY</u>		<u>RANGE</u>
Senior Partner	Timothy J. Gosney	\$285 - \$315
	Thomas S. Bunn	
Partner	Andrew D. Turner	\$260 - \$285
	James D. Ciampa	
Senior Associate	Dominic J. Nunneri	\$205 - \$225
Associate	Collin Y. Spillman	\$175 - \$205

Mr. Gosney's firm is proposing to fix the proposed hourly rate reflected in Schedule A through the calendar year 2019. Beginning in 2020, and based upon the growing expertise of the different lawyers in the firm working on district matters, the firm would be allowed to make modest adjustments to the hourly rates, but only within the ranges in Schedule B, or they could adjust the rate range by moving an attorney from one category to another based on skill level and experience.

They do not propose to increase the monthly fee for general legal services. This "retainer-like" arrangement was set at \$3,500.00 years ago, regardless of the number of hours committed to providing those services. These general legal services include attendance at all Board Meetings, serving as a resource and advisor to staff on regular governmental issues such as the Brown Act, compliance with the Public Records Act, Political Reform Act compliance, as well as regular or routine contract work for things such as lifeguard services.

Keeping the monthly fee for general legal services at the current rate enables the firm to have two lawyers regularly attend Board Meetings without additional cost to the District. This also fosters a strong working relationship between staff, the Board and the lawyers in their firm, which reduces dependence on only a single or few lawyers who, from time to time, may be unable or unavailable to do legal work within the time required.

Mr. Gosney has previously informed the Board that the rates charged the Port District historically have been well below their regularly hourly rates and below customary public agency rates (see *Schedule A*). They have accepted this differential because of the long-standing relationship with the District and the Board and the serious financial difficulties the Board faced in the two decades they have served as General Counsel.

FISCAL IMPACT:

In the last three fiscal years the District's legal fees have been as follows:

2015 – 2016.....\$270,566
2016 – 2017.....\$237,555
2017 – 2018.....\$213,405

With the proposed increase for 2019, legal fees could be \$242,000. This may not include the 'quit title' action.

ALTERNATIVES:

The Board could consider only the proposed rate increase for 2019 and withhold any decisions for the calendar year 2020. Further, the Board could direct staff to provide other alternatives other than those prepared by *Lagerlof, Senecal, Gosney & Kruse LLP*.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

DECEMBER 12, 2018

STANDARD AGENDA ITEM 3

PARCELS 5 AND 8 DEVELOPMENT

VENTURA PORT DISTRICT
BOARD COMMUNICATION

STANDARD AGENDA ITEM 3
Meeting Date: December 12, 2018

TO: Board of Port Commissioners
FROM: Brian Pendleton, Deputy General Manager
SUBJECT: Parcels 5 and 8 Development

RECOMMENDATION:

That the Board of Port Commissioners:

- a) Receive a report regarding the expiration of the Pre-Option Agreement between the Ventura Port District and H. Parker Hospitality for the development of Parcels 5 and 8; and,
- b) Authorize District Legal Counsel to initiate quiet title actions for Parcels 5 and 8.

SUMMARY:

On September 13, 2017, the Board of Port Commissioners approved the Pre-Option Agreement ("Agreement") between the Ventura Port District and H. Parker Hospitality ("Parker") to perform certain tasks for the proposed visitor-serving development of Parcels 5 and 8. The Agreement allowed both parties to extend the 120-day term by mutual written agreement. The Agreement was extended four times and will now expire on December 23, 2018.

Parker has provided written notice that it does not wish to extend the Agreement further or pursue the next phase of real estate negotiations (option and lease agreements) due to the condition of property title, the time and or uncertainties it will take the District to provide "clean" title for development and due to other time sensitive commitments and opportunities.

BACKGROUND:

Per the Agreement, the District provided updated preliminary title reports ("PTR") and preliminary property surveys to Parker, while Parker completed and provided to the District environmental site assessments, archaeological assessments, biological assessments and geotechnical studies.

Given Parker's notification that they are withdrawing from further consideration, it is recommended the District initiate a quiet title process for Parcels 5 and 8 to achieve "clean" title for future development opportunities; retain land planning consultant services to evaluate the studies and reports prepared during the Agreement and refine potential uses for the parcels; and evaluate opportunities with the Board and stakeholders for future public-private partnerships to achieve the District's long-term development goals. These steps could take a year or more.

FISCAL IMPACTS:

The District's expense for completing its obligations under the pre-option agreement to date is approximately \$10,000 for preliminary title reports and land survey work. The first step in the quiet title process is to purchase a litigation guarantee from a title insurance company. Legal counsel has determined the costs of the litigation guarantee to be approximately \$36,000 based on \$50-\$60 million in future development value. Legal costs could broadly range from \$40,000 to \$100,000. A scope of work and budget will be developed for land planning consultant services with additional information provided to the Board at a subsequent meeting in the 1st quarter of 2019.

ATTACHMENT:

None.