



VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS

Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary
Everard Ashworth, Commissioner
Michael Blumenberg, Commissioner

Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Andy Turner, Legal Counsel
Jessica Rauch, Clerk of the Board

PORT COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, DECEMBER 16, 2020

TELECONFERENCE
5 TELECONFERENCE LOCATIONS

VENTURA PORT DISTRICT OFFICE
1603 ANCHORS WAY DRIVE
VENTURA, CA 93001

CLOSED SESSION – 6:00PM

REGULAR MEETING – 7:00PM

IN ACCORDANCE WITH THE CALIFORNIA GOVERNOR'S EXECUTIVE STAY AT HOME ORDER AND THE COUNTY OF VENTURA HEALTH OFFICER DECLARED LOCAL HEALTH EMERGENCY AND BE WELL AT HOME ORDER RESULTING FROM THE NOVEL CORONAVIRUS, THE VENTURA PORT DISTRICT ADMINISTRATION BUILDING IS CLOSED TO THE PUBLIC. THIS MEETING IS BEING HELD IN ACCORDANCE WITH THE STATE EMERGENCY SERVICES ACT, THE GOVERNOR'S EMERGENCY DECLARATION, AND THE GOVERNOR'S EXECUTIVE ORDER NO. 25-20 ISSUED ON MARCH 12, 2020 TO ALLOW ATTENDANCE BY MEMBERS OF THE PORT COMMISSION BY TELECONFERENCE IN FULL COMPLIANCE WITH THE BROWN ACT.

PUBLIC PARTICIPATION OPTIONS

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SUBMIT PUBLIC COMMENT VIA EMAIL

If you do not wish to speak live but would like to submit a written comment on a specific agenda item, please do so via email by 4:00PM on the day of the meeting. Please submit your comment to the Clerk of the Board at jrauch@venturaharbor.com.

When sending an email, please indicate in the subject line, the agenda item number (i.e. General Public Comment or Consent Item A). Written comments should be no more than 1000 characters in length. Written comments will be distributed to the Commissioners and will be attached to the minutes of the meeting but will not be read aloud during the meeting.

PROVIDE PUBLIC COMMENT LIVE AT THE MEETING USING ZOOM

To speak on a specific agenda item during the live Zoom meeting, please fill out the Public Comment Slip and email the Clerk of the Board at jrauch@venturaharbor.com by 4:00PM on the day of the meeting so you can participate appropriately. You can use one (1) comment slip for multiple items.

If you decide to speak during the meeting and did not fill out a Public Comment slip, attendees can dial *9 if on the phone or use the 'raise hand' function in Zoom.

CLOSED SESSION – 6:00PM

CALL TO ORDER: *By Chairman Chris Stephens.*

ROLL CALL: *By the Clerk of the Board.*

PUBLIC COMMUNICATIONS (3 minutes)

*The Public Communications period is set aside to allow public testimony on items only on the Closed Session Agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair. Attendees can dial *9 or use the 'raise hand' function in Zoom if they would like to speak during public comment periods.*

CONVENE IN CLOSED SESSION – 6:05PM

CLOSED SESSION AGENDA (1 hour 25 minutes)

See Attachment to Agenda-Closed Session Conference with Legal Counsel.

OPEN SESSION – 7:00PM

CALL TO ORDER: *By Chairman Chris Stephens.*

PLEDGE OF ALLEGIANCE: *By Chairman Chris Stephens.*

ROLL CALL: *By the Clerk of the Board.*

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.

APPROVAL OF MINUTES (3 minutes)

The Minutes of the November 18, 2020 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. Attendees can dial *9 or use the 'raise hand' function in Zoom if they would like to speak during public comment periods.*

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, such as seminars, meetings and literature that would be of interest to the public and/or Commission, as a whole. Port Commissioner's must provide a brief summary and disclose any discussions he or she may have had with any Port District Tenants related to Port District business.

STAFF AND GENERAL MANAGER REPORTS (5 minutes)

Ventura Port District Staff and General Manager will give the Commission updates on important topics or items of general interest if needed.

LEGAL COUNSEL REPORT (5 minutes)

Legal Counsel will report on progress of District assignments and any legislative or judicial matters.

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) Annual Reserve Policy Review

Recommended Action: Roll Call Vote.

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

B) Approval of New Office Lease Agreement for Tara Pielat dba Rated Sports

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Tara Pielat dba Rated Sports for space located at 1591 Spinnaker Drive #207 consisting of approximately 1,420 square feet for a three (3) year term with a three (3) year option.

C) Approval of New Retail Lease Agreement for Marilyn Ryemon and Annette Cortez dba The Ultimate Escape Rooms

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new retail lease agreement for the premises located at 1591 Spinnaker Drive #117C consisting of 1,291 square feet between the Ventura Port District dba Ventura Harbor Village and The Ultimate Escape Rooms for a five (5) year term with a four (4) year option.

D) Approval of Minute Revisions

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the revision to the October 7, 2020 and October 21, 2020 regular meeting minutes.

STANDARD AGENDA:

1) Adoption of Resolution No. 3402 Extending the COVID-19 Ventura Harbor Rental Abatement and Deferment Program

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3402 further extending the COVID-19 Ventura Harbor Rental Abatement and Deferment Program until March 31, 2021.

2) Award of Bid for the Ventura Harbor Village Restroom ADA Remodel

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners award the Ventura Harbor Village ADA Restroom Remodel Contract for 1559 Spinnaker Drive to Tomar Construction Inc. in the amount of \$ 97,800.00.

3) Award of Bid for Fisherman's Storage Containers Project

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners award the Fisherman's Storage Containers Project to Container Alliance in the amount of up to \$100,190.03.

4) Approval of Financial Statements and Checks for July through September 2020

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3403 to:

- a) Accept the financial statements for the Quarter ending September 30, 2020; and,
- b) Review the payroll and regular checks for July through September 2020.

5) Annual Investment Policy Review

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3404 approving the Ventura Port District Investment Policy and rescinding Resolution No. 3345.

6) Ventura Port District Operations Update as it Relates to COVID-19

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

- a) The COVID-19 Ventura Harbor Rental Abatement and Deferment Program; and,
- b) Status of Ventura Port District operations.

ADJOURNMENT

*This agenda was posted on Friday, December 11, 2020 by 5:00 p.m. at the Port District Office
and online at www.venturaharbor.com - Port District Business - Meetings and Agendas.*

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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 or the California Relay Service at 711 or (800) 855-7100. Notification 72 hours prior to 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 16, 2020

1. Conference with Legal Counsel - Existing Litigation per Government Code Section 54956.9(d)(1):

- a) Ventura Harbor Marine Associates vs. Ventura Port District;
Ventura Co. Sup. Court Case No. 56-2020-00541974-CU-NP-VTA

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

- a) Property: **1591 Spinnaker Drive #207**
Negotiating Parties: Brian D. Pendleton, Todd Mitchell, Andy Turner
Tara Pielaet dba Rated Sports
Under Negotiation: **Terms of New Office Lease Agreement**
- b) Property: **1591 Spinnaker Drive #117C**
Negotiating Parties: Brian D. Pendleton, Todd Mitchell, Andy Turner
Marilyn Ryemon and Annette Cortez dba The Ultimate Escape Rooms
Under Negotiation: **Terms of New Retail Lease Agreement**
- c) Property: **1431 – 1691 Spinnaker Drive**
Negotiating Parties: Brian D. Pendleton, Todd Mitchell, Andy Turner
All Ventura Harbor Village Tenants
Under Negotiation: **COVID-19 Ventura Harbor Rental Abatement and Deferment Program**
- d) Property: **Parcels 10A, 4, 9, 7, 15, 16, 18, 2, 3, 1, 19, 3A1, 3A2, 3A4, 20, 17, 6**
Negotiating Parties: Brian D. Pendleton, Todd Mitchell, Andy Turner
All Master Tenants
Under Negotiation: **COVID-19 Ventura Harbor Rental Abatement and Deferment Program**



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

APPROVAL OF MINUTES

NOVEMBER 18, 2020 REGULAR MEETING

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF NOVEMBER 18, 2020



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 5:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Brian Brennan, Vice Chairman arrived at 5:02PM
Jackie Gardina, Secretary via teleconference
Everard Ashworth via teleconference
Michael Blumenberg via teleconference

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner via teleconference
Elsa Sham via teleconference

PUBLIC COMMUNICATIONS: Michael Wagner, owner of Andria's Seafood, Sam Sadove and Jean Getchell spoke on item 3a. Jean Getchell asked her written comment be attached to the minutes (Attachment 1).

CONVENED TO CLOSED SESSION AT 5:10PM.

ADJOURNMENT: Closed Session was adjourned at 6:58PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chairman Chris Stephens at 7:04PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

PLEDGE OF ALLEGIANCE: By Chairman Chris Stephens.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary via teleconference
Everard Ashworth via teleconference
Michael Blumenberg via teleconference

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board
John Higgins, Harbormaster via teleconference
Dave Werneburg, Marina Manager via teleconference
Joe Gonzalez, Capital Improvements Manager via teleconference
Sergio Gonzalez, Maintenance Supervisor via teleconference
Robin Baer, Property Manager via teleconference
Jennifer Talt-Lundin, Marketing Manager via teleconference
Gloria Adkins, Accounting Manager via teleconference

Legal Counsel:

Andy Turner via teleconference
Elsa Sham via teleconference

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved to adopt the November 18, 2020 agenda.

Commissioner Blumenberg seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.

Motion carried 5-0.

APPROVAL OF MINUTES

The Minutes of the October 21, 2020, 2020 Regular Meeting were considered as follows:

ACTION: Commissioner Brennan moved to approve the October 21, 2020 Regular Meeting.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Blumenberg
NOES: None.
ABSTAINED: Commissioner Ashworth

Motion carried 4-0-1.

PUBLIC COMMUNICATIONS: Derek Turner spoke about the Harbor's water quality. Councilmember Lorrie Brown also commented on water quality and stated she spoke with the City Parks and Rec Director who is willing to give a presentation to the Commission.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed items 1a-d, 2 and 3b on the closed session agenda. The Board gave direction to staff as how to proceed. No action was taken that is reportable under The Brown Act. The Board will reconvene for Items 3a, 3c-d after open session.

BOARD COMMUNICATIONS: Commissioner Gardina praised staff and Harbor businesses for how well they are handling the COVID restrictions.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton gave an update on the City's Styrofoam Ordinance.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA

a) Approval of 2021 Port Commission Meeting Schedule

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the 2021 Port Commission meeting schedule.

Commissioner Blumenberg pulled this item from the Consent Agenda. Commissioner Blumenberg requested staff include a public outreach meeting for the 2021 calendar year. Commissioner Ashworth requested staff consider scheduling a joint meeting with City Council.

Public Comment: None.

ACTION: Commissioner Brennan moved to approve the 2021 Port Commission meeting schedule. Commissioner Blumenberg seconded. The vote was as follows:

AYES: Commissioners Stephens, Brennan, Gardina, Ashworth, Blumenberg

NOES: None.

Motion carried 5-0.

b) Approval of Out of Town Travel Requests

Recommended Action: Roll Call Vote.

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

- a) Tucker Zimmerman, Harbor Patrol I, to attend the California Division of Boating and Waterways marine firefighting course in Marina Del Rey, CA; and
- b) Casey Graham, Marine Safety Officer, to attend the California Division of Boating and Waterways rescue boat handling course in Marina Del Rey, CA.

Public Comment: None.

ACTION: Commissioner Brennan moved to approve the out of town travel requests for:

- a) Tucker Zimmerman, Harbor Patrol I, to attend the California Division of Boating and Waterways marine firefighting course in Marina Del Rey, CA; and
- b) Casey Graham, Marine Safety Officer, to attend the California Division of Boating and Waterways rescue boat handling course in Marina Del Rey, CA.

Commissioner Blumenberg seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.

Motion carried 5-0.

STANDARD AGENDA:

1) Consideration of Operations Plan and Economic and Fiscal Impacts of the Proposed Ventura Shellfish Enterprise Project

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Authorize the submission of the Ventura Shellfish Enterprise Operations Plan to the U.S. Army Corps of Engineers, California Coastal Commission, and other regulatory agencies as appropriate; and,
- b) Receive the Economic and Fiscal Impacts of the proposed Ventura Shellfish Enterprise.

Report by Brian D. Pendleton, General Manager, Laurie Monarres, Dudek, Toby Dewhurst, Kelson Marine Co., Scott Lindell, Woods Hole Oceanographic Institution, and Faith Backus, Illuminas Consulting.

Public Comment: Sam Sadove, Linda Krop, Environmental Defense Center and Jean Getchell spoke. Please see their attached written comments (Attachment 2). Councilmember Lorrie Brown asked questions of the District consultants about water quality.

ACTION: Commissioner Brennan moved to:

- a) Authorize the submission of the Ventura Shellfish Enterprise Operations Plan to the U.S. Army Corps of Engineers, California Coastal Commission, and other regulatory agencies as appropriate;
- b) Receive the Economic and Fiscal Impacts of the proposed Ventura Shellfish Enterprise; and,
- c) Continue to explore siting the VSE project in State waters.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioner Stephens, Brennan, Gardina, Ashworth, Blumenberg
NOES: None.

Motion carried 5-0.

2) Approval of Notice of Completion for the Ventura Harbor Village Painting Project

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3401:

- a) Accepting the work of Garland/DBS, Inc. for the Ventura Harbor Village Painting Project; and,
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

Report by Brian D. Pendleton, General Manager.

Public Comment: None.

ACTION: Commissioner Brennan moved to:

- a) **Adopt Resolution No. 3401 accepting the work of Garland/DBS, Inc. for the Ventura Harbor Village Painting Project; and,**
- b) **Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.**

Commissioner Ashworth seconded. The vote was as follows:

AYES: Commissioners Stephens, Brennan, Gardina, Ashworth, Blumenberg

NOES: None.

Motion carried 5-0

3) Rejection of Bids for the Ventura Harbor Village Restroom ADA Remodel

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners reject all bids received for the Ventura Harbor Village ADA Restroom Remodel for 1559 Spinnaker Drive.

Report by Brian D. Pendleton, General Manager.

Public Comment: None.

ACTION: Commissioner Brennan moved to reject all bids received for the Ventura Harbor Village ADA Restroom Remodel for 1559 Spinnaker Drive.

Commissioner Blumenberg seconded. The vote was as follows:

AYES: Commissioners Stephens, Brennan, Gardina, Ashworth, Blumenberg

NOES: None.

Motion carried 5-0.

4) Ventura Port District Operations Update as it Relates to COVID-19

Recommended Action: Informational.

That the Board of Port Commissioners receive an update on:

- a) The COVID-19 Ventura Harbor Rental Abatement and Deferment Program; and
- b) Status of Ventura Port District operations.

Report by Brian D. Pendleton, General Manager.

Public Comment: Sam Sadove mentioned that for outdoor dining only one side of a structure can be blocked. Michael Wagner, owner of Andria's Seafood confirmed Sam Sadove's comment. Shana Elson, owner of Top This Chocolate is concerned about December sales and would like to see a social distance Santa opportunity in the Village throughout December. Councilmember Lorrie Brown commented on the requirements for outdoor dining structures.

ACTION: The Board of Port Commissioners received an update on COVID-19 related items.

RECONVENED TO CLOSED SESSION AT 8:55PM.

RECONVENED TO OPEN SESSION AT 9:53PM.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed items 3a, 3c and 3d on the closed session agenda. The Board gave direction to staff as how to proceed. No action was taken that is reportable under The Brown Act.

ADJOURNMENT: The meeting was adjourned at 9:55PM.

The next meeting is Wednesday, December 16, 2020.

Jackie Gardina, Secretary

Closed Session Meeting: November 18, 2020

Agenda Item 3 (a): Parcel 8
(Adjacent to National Park Service Headquarters Visitor Center
1901 Spinnaker Drive)

Commissioners:

I would like to bring two issues to your attention before you meet in Closed Session concerning this real property issue:

I. Compliance with The Brown Act

I trust that your Board has become familiar with various requirements of The Brown Act. Government Code Section 54956.8 is the section the District has invoked to discuss / decide this item in Closed Session. It provides a very useful but narrowly construed exception to the general requirement that the discussions and decisions of governmental agencies be made in public and allow for public comment.

Factual Background of This Proposed Real Property Transaction

Since the District lost the opportunity for a hotel at the end of Spinnaker Drive almost two and a half years ago, there has been no Open Session Agenda item concerning any other proposed development of Parcel 8.

With the former Blackbeard's Restaurant also having become a lost opportunity, the northern section of Harbor Village has been lacking a major business and a major commercial opportunity. The adjacent and other harbor tenants have lost the benefits of synergy and an increased number of visitors that the now-empty restaurant and empty parcel otherwise might have generated.

A decision regarding Parcel 8 would have significant impacts on harbor business activity, as well as the amounts collected in Sales Tax, Possessory Interest Tax, and Transient Occupancy Tax. If Parcel 8 is assigned to a governmental agency, particularly a federal agency, Transient Occupancy and Possessory Interest Taxes would never be generated.

Unless the National Park Service was to develop a visitor-serving facility on Parcel 8, the California Coastal Commission would likely deny the project.

These issues should have been presented in Open Session to allow adequate discussion and the best decision in the interest of the harbor.

Whether a real property proposal should be considered, based on public policy, economic costs and other factors, is something that should have preceded any Closed Session direction to the District's negotiators regarding price and terms of

payment for the real property interest. Direction given to District real property negotiators concerning price and payment terms is the only action that enjoys the exception and the only one that should be done in Closed Session.

When was a decision made to negotiate for Parcel 8?

II. Common Courtesy and Comity

When the Parker Hotel Project fell through in 2018, several City Council Members became upset because the District had not discussed and explained the situation to the Council. This short-coming was raised with District staff and they were asked to avoid it in the future. Unfortunately, it has happened again.

The harbor businesses, which are touted as the District's "partners" were in the dark about this proposal until the agenda was released last Friday.

I earnestly urge your Commission to change this pattern and practice of withholding information that is neither privileged nor benefits from being known to only a select few, and to take advantage of the expertise and experience of elected officials and the harbor business community.

Thank you.

Closed Session Meeting: November 18, 2020

Agenda Item 3 (a): Parcel 8
(Adjacent to National Park Service Headquarters Visitor Center
1901 Spinnaker Drive)

Terms of Option
to
Acquire / Lease Property

Addendum to Previously Sent Letter

Commissioners:

The *Board of Port Commissioners Protocols and Policies Manual*, which each of you received upon appointment to the Commission, includes two Policies that govern consideration of this Closed Session item concerning the sale or lease of Parcel 8:

Section 5.2, Lease Negotiation and Administrative Policy; and
Section 5.7, Master Lease / Option Negotiation Administration Policy.

Section 5.2 is governed by Resolution No. 2595.

It provides that:

1. The Board finds and determines that it is in the best interests of the District to establish a policy regarding the procedure for negotiating leases and other entitlements with respect to real property within Ventura Harbor, so as to ensure fairness in the process of considering lease applicants, to ensure that District lessees provide adequate assurances of their financial strength, and to avoid any actual or perceived financial conflicts in the leasing process.
2. The General Manager shall advise the Board of Port Commissioners regarding the availability for leasing or licensing o[r]f real property within Ventura Harbor, or the renewal of existing leases and licenses of real property within the Harbor.
3. The Board of Port Commissioners shall instruct the General Manager to receive proposals for leasing, licensing, or developing such a property. In the case of renegotiation of existing leases, consideration shall be given to the possible extension of such leases.

There are eight additional sections (Nos. 4-11) that are not relevant to Closed Session Item 3 (a) that is before your Commission on November 18.

What I would like to bring to your attention, I have underlined. This includes the stated policy of ensuring fairness to potential applicants and that your Commission is to instruct the General Manager to receive proposals (more than one proposal), which would not authorize sole-sourcing to one applicant.

In addition, there is nothing in Resolution 2595 that indicates that this policy is not cumulative; that its requirements must be met in addition to any other applicable policy adopted by the Commission.

Section 5.7 is governed by Resolution No. 2988.

It provides that:

Introduction

...This policy only applies to Master Leases in Ventura Harbor and is not applicable to the short-term office, retail and restaurant leases in Ventura Harbor Village administered by District personnel.

... This document establishes the general policies and practices for the optioning and leasing of real properties owned and administered by the District.

...Though described as a “leasing” policy, the procedures and concepts stated herein apply to the option to lease process as well, which the District will require in connection with a lease of currently undeveloped property or redeveloped property in Ventura Harbor.

I. Lease Negotiation Procedures

The lease negotiation process should begin with preliminary discussion between the General Manager, or his representative, and the prospective tenant in an effort to identify issues and objectives in the proposed lease transaction. The General Manager should then bring the results of these discussions to the Board for consideration and possible determination of the District’s position in and strategy for the lease negotiation...

The General Manager and District counsel shall then prepare a draft “term sheet” identifying the business deal points including proposed rent, permitted uses and improvements. The term sheet should be reviewed by the committee or the Board, as the case may be, prior to presentation to the tenant. The business deal points are to be agreed upon by the District and tenant negotiators and reported to the Board before counsel will be authorized to prepare any lease document. The Board will not, however, formally approve business terms prior to approving the final lease document.

ATTACHMENT 1

Once the terms of the lease have been successfully negotiated between the General Manager and the tenant and the draft master lease has been prepared, the lease shall be submitted to the Department of Boating and Waterways, and possibly the Attorney General and the State Lands Commission if required by the Harbors and Navigation Code. After approval by the required agencies, notices inviting competitive bids and giving notice of the District's intention to authorize the entering into the lease by the adoption of an ordinance shall be given.

There is nothing in Resolution 2988 or Section 5.7 which specifies that its requirements supplant those of Resolution 2595 and the provisions of Section 5.2. As a result, the requirements are cumulative.

What is essential here is that like Section 5.2's requirement that proposals be solicited, Section 5.7 requires the invitation of competitive bids.

What Section 5.7 does not address is the situation where a prospective tenant (here, the National Park Service) identified an objective of a lease for which no other entity would have an interest or opportunity to compete.

For example, the National Park Service might want to lease Parcel 8 to house laboratory work, office space or additional storage capacity for its equipment. None of these uses would be of interest to another entity, none would put the waterfront property to its highest and best use, and none would likely be approved by the Coastal Commission. To begin such a process would be a waste of time and eliminate the last waterfront property in the harbor.

More importantly, unless an open-ended process were initiated that attracted the most diverse, commercially viable and complementary use of that section of the harbor, the best interests of the harbor would not be served.

Potential Sale or Gift of Parcel 8

"Acquire / Lease Property" is specified in the Closed Session Agenda description of Item 3 (a). Is the Commission considering a sale or gift of Parcel 8 to the National Park Service? This would convert Parcel 8 into a Federal Reservation over which the Port District would no longer have any jurisdiction. Possessory Interest Tax could never be charged if it became federal property. Sales tax would be minimal. Transient Occupancy Tax, very unlikely. More importantly, there is no permitted use of Parcel 8 that the Park Service could not acquire on other District property. Has the District done everything possible to provide meeting rooms, office space and storage in the most efficient manner possible? Has the District worked with the General Services Administration to ensure that NPS requirements are achieved in the most productive manner? Loss of Parcel 8 as a visitor-serving, revenue-generating asset should be avoided at all costs.

ATTACHMENT 2

Samuel S. Sadove
1074 Deseo Ave
Camarillo, CA 93010

November 12, 2020

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

Sent Electronically
to All Recipients

SUBJECT: NOVEMBER 18, 2020 REQUEST TO SUBMIT SHELLFISH OPERATIONS
PLAN TO REGULATORY AGENCIES

On October 7, 2020, the Staff Report for Standard Agenda Item No. 2 specified that on November 18, District staff would "...seek authorization to submit the Operations Plan to the Corps, Coastal Commission, and other regulatory agencies as appropriate."

Submittal of *Operations Plan* to the U. S. Army Corps of Engineers (USACE)

In January and February of this year, Dr. Aaron Allen, Chief of the Regulatory Branch of the Los Angeles District of the USACE, sent letters to the District's General Manager (attached), which specified that until a Navigational Risk Assessment was submitted and resolution was achieved of the outstanding issue with the Ventura County Local Agency Formation Commission (LAFCO), the USACE would not allocate staff time to review shellfish project documents. The February letter notified the District that the USACE was deactivating the District's permit application until the two aforementioned requirements were met. In the ensuing nine months, the LAFCO issue has not been resolved because the special legislation required to allow it to approve the project has not been enacted. Without resolution, the USACE specified that it would not allocate resources to the project. This would include review of the *Operations Plan* that District staff is requesting to send.

- ◆ Has the USACE notified the District that the terms of its February 18, 2020 letter have been revised?
- ◆ If not, why would the General Manager be requesting authorization to submit a document to the USACE that the Corps would not review until the special legislation is enacted?
- ◆ Does the District dispute that no special legislation has been enacted?
- ◆ Can anyone explain why the District has invested so much time and resources to produce an *Operations Plan* before the legislation is enacted?

Submittal of Operations Plan to National Oceanic and Atmospheric Administration (NOAA)
Over a year ago, on October 10, 2019, the Congressional Research Service published *U. S. Offshore Aquaculture Regulation and Development* (available at <https://crsreports.congress.gov/R45952>) This report was a cautionary tale about development of aquaculture in Federal Waters because of the questionable legal authority to do so. On page fourteen, the report described the statutory authority to regulate aquaculture:

Fishing (Aquaculture) Permit

NMFS [National Marine Fisheries Service] is the only federal agency that claims explicit management authority over offshore aquaculture. Currently, NMFS manages federal fisheries under authority of the MSA [Magnuson-Stevens Fishery Conservation and Management Act of 1976]. The MSA regulates fishing in the EEZ[Exclusive Economic Zone] through development and implementation of federal fishery management plans (FMPs). The MSA does not expressly address whether aquaculture falls within the purview of the act. (Memorandum from Constance Sathre, Office of General Counsel, to Lois Schiffer, NOAA General Counsel, June 9, 2011.)

...The Magnuson Stevens Act does not expressly address whether aquaculture falls within the purview of the Act. [See page 14 of the report.]

After the uncertainty expressed in the Congressional Research Service's 2019 report, HR 6191 was introduced in the 116th Congress on March 11, 2020. This *Advancing the Quality and Understanding of American Aquaculture Act of 2020* is to establish national standards to guide development of offshore aquaculture. On March 21 the bill was referred to the House Subcommittee on Water, Oceans and Water. No further action has been reported. Until the bill is enacted, NOAA cannot begin to develop regulations in accord with the Administrative Procedure Act. While one would have to speculate to determine when these national standards might be implemented, it would not be unusual for the process to take two to five years. Until the regulations are established in accord with legal requirements, they would not be enforceable.

Earlier this year, the Fifth Circuit Court of Appeals in *Gulf Coast Fishermen's Association v. National Marine Fisheries Service*, 968 F3d 454 (5th Cir. 2020) as revised August 4, 2020, stated that a federal agency could not create an aquaculture or fish farming regime in the Gulf of Mexico pursuant to the MSA. Accordingly, NOAA – National Marine Fisheries Service was deemed to have no statutory authority over aquaculture, which would justify regulatory activity. That being the case, NOAA – National Marine Fisheries Service has no regulatory authority over aquaculture in the Fifth Circuit. Though the decision is only persuasive in the Ninth Circuit, it is nonetheless persuasive. As a result, NOAA should exercise no regulatory authority over the District's shellfish project because it has no statutory or regulatory authority to do so; at least not until regulations are developed after enactment of *Advancing the Quality and Understanding of American Aquaculture Act of 2020*. Until then, the District should take cognizance that the MSA is a federal statute with national reach. The opinion suggests that NOAA's participation in the District's project has been *ultra vires*, which means that it has been acting beyond its actual

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authority. With this reading, any permit that NOAA would issue before enactment of *Advancing the Quality and Understanding of American Aquaculture Act of 2020* and its implementing regulations would be *void ab initio*. This means that the permit would be void from the beginning and have no regulatory significance.

♦ Has the District been following these developments?

The District has invested significant time and resources in the shellfish project. Staff and counsel might have advised the Commission a year ago about the questionable authority of NOAA's participation. Ten months ago the USACE notified the District of two pre-requisites to its further involvement in the project. Special legislation has yet to be enacted. Why is District staff proceeding with work until these uncertainties are clarified?

Your General Manager and legal counsel might have advised your Commission a year ago, and again ten months ago, that a California special district's aquaculture project in Federal Waters faced not only significant hurdles due to State law, but that it faced a stone wall due to Federal law. Whether your Commission was so advised, I do not know. Given the facts today, I earnestly suggest that you consider returning to State Waters where an established environmental regime could analyze and oversee the project.

I appreciate the opportunity to comment.

Sincerely,

Samuel S. Sadove

cc: Dr. Aaron Allen, USACE
Kai Luoma, Ventura County LAFCO
Assembly Member Monique Limon
Assembly Member-Elect Steve Bennett
Linda Krop, Environmental Defense Center
Ventura Harbor Tenants Working Group
Brian Pendleton

Attachments: January 15, 2020 Letter from USACE to District.
February 18, 2020 Letter from USACE to District.
Gulf Fishermen's Assn v. Nat'l Marine Fisheries Service (5th Circuit Opinion).
U. S. Offshore Aquaculture Regulation and Development
(available at <https://crsreports.congress.gov>).

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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
60 SOUTH CALIFORNIA STREET, SUITE 201
VENTURA, CALIFORNIA 93001-2598

January 15, 2020

SUBJECT: Request for Resolution to Continue Processing Permit Application

Brian Pendleton
Ventura Port District
Ventura, California 93001

Dear Mr. Pendleton:

This letter concerns your Department of the Army Permit application (Corps File No. SPL-2017-00093-BLR) which proposes to construct a 2,000 acre aquaculture facility in navigable waters outside state boundaries (in Federal waters) in association with the Ventura Shellfish Enterprise Project. The project would be located offshore from the Ventura Harbor, near the city and county of Ventura, CA (latitude: 34.241891, longitude: -119.292983).

In response to our 30 day public notice (dated August 27, 2019) the Corps received a letter from the Ventura County Local Agency Formation Commission (LAFCO) dated September 16, 2019. You provided a response to all the substantive public notice comment letters on November 15, 2019. Within the combined response you included a general response (response B2-1) as well as a separate letter addressing LAFCO's concerns from your special counsel (DeeAnne Gillick, letter dated November 15, 2019). The Corps Regulatory Division Chief (David Castanon), the Ventura team lead (Antal Szijj) and the senior project manager (Theresa Stevens) also met with you, your special counsel (Robert Smith), and your consultant (Laurie Monarres) on November 19, 2019 to discuss the proposed project, remaining issues, and a potential path forward. Prior to this meeting, Dr. Stevens had discussed concerns about issues raised by LAFCO with Ms. Monarres, and stated that review of the matter by Corps Office of Counsel would be requested. Also prior to this meeting, Mr. Smith conducted a phone conference with Corps Staff Counsel (Tiffany Troxel) on October 28, 2019. During this phone conference it was acknowledged that resolution of this matter via the state legislature or state Attorney General may be required.

In response to our public notice, the Corps also received a letter from the U.S. Coast Guard (USCG) dated November 1, 2019, which requested that a navigational risk assessment be completed prior to the Corps final action on the project. Due to the Corps statutory authority under section 10 of the Rivers and Harbors Act (33 U.S.C. 403) to evaluate impacts on navigation associated with structures and work in navigable waters and the recognized expertise of the USCG on navigation issues, the Corps needs at least a draft navigational risk assessment to be completed and submitted to the U.S. Coast Guard. Without this important information documenting the potential impacts to navigation, we cannot complete our required public interest evaluation. Because navigation is central to our review of your application, it would not be a

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good use of our limited staff resources to continue processing your application without at least a draft of the navigational risk assessment.

Although you have provided to us the letters, legal opinions and legal citations regarding the claims made by LAFCO, it remains unclear whether the Ventura Port District has the authority under state law to construct permanent structures in navigable waters outside state boundaries as would be required for the proposed Ventura Shellfish Enterprise project.

Therefore, I have made a preliminary determination that in order to continue processing your permit application, the above draft navigational risk assessment and documented resolution of your dispute with LAFCO must be provided. Documentation from LAFCO, the LAFCO Board or a higher level state entity that the dispute has been resolved would be sufficient for the Corps to continue processing your application.

The Corps respectfully requests resolution of these matters in the next 30 days. If the requested information cannot be submitted within 30 days, the Corps will withdraw your permit application. When you do provide the requested information, the Corps will resume review of your previously submitted permit application.

If you have any questions, you may contact me at (805) 585-2148 or aaron.o.allen@usace.army.mil or Theresa Stevens, Ph.D. at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil.

Sincerely,

ALLEN.AARON.
O.1232270795

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Date: 2020.01.15 07:44:28
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Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division

Cc: Kai Luoma, Executive Director, Ventura County Local Agency Formation Commission
Lieutenant Commander Isaac Mahar, U.S. Coast Guard District 11 Waterways Management,
Los Angeles-Long Beach



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DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT
60 SOUTH CALIFORNIA STREET, SUITE 201
VENTURA, CALIFORNIA 93001-2598

February 18, 2020

SUBJECT: Withdrawal of Permit Application

Brian Pendleton
Ventura Port District
Ventura, California 93001

Dear Mr. Pendleton:

I am responding to your application (File No. SPL-2017-00093) for a Department of the Army permit to install structures or conduct work in, over, under or affecting navigable waters of the U.S., in association with the Ventura Shellfish Enterprise project in the Pacific Ocean near the city of Ventura, Ventura County, California.

Our files indicate you have not provided the additional information we requested in our letter dated January 15, 2020 to continue processing your application. Therefore, your application is considered withdrawn. If you wish to re-establish evaluation of your project, please submit the items described in our January 15, 2020 letter.

Thank you for participating in our Regulatory Program. If you have any questions, please contact Theresa Stevens, Ph.D. at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil. Please help me to evaluate and improve the regulatory experience for others by completing the customer survey form at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey.

Sincerely,

ALLEN.AARON
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Aaron O. Allen, Ph.D.
Chief, North Coast Branch
Regulatory Division

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**United States Court of Appeals
for the Fifth Circuit**

United States Court of Appeals
Fifth Circuit

FILED

August 3, 2020

Lyle W. Cayce
Clerk

No. 19-30006

GULF FISHERMENS ASSOCIATION; GULF RESTORATION
NETWORK; DESTIN CHARTER BOAT ASSOCIATION; ALABAMA
CHARTER FISHING ASSOCIATION; FISH FOR AMERICA USA,
INCORPORATED; FLORIDA WILDLIFE FEDERATION;
RECIRCULATING FARMS COALITION; FOOD & WATER WATCH,
INCORPORATED; CENTER FOR FOOD SAFETY,

Plaintiffs — Appellees,

versus

NATIONAL MARINE FISHERIES SERVICE; EILEEN SOBECK, IN HER
OFFICIAL CAPACITY AS ASSISTANT ADMINISTRATOR FOR
FISHERIES; DOCTOR ROY CRABTREE, IN HIS OFFICIAL CAPACITY
AS REGIONAL ADMINISTRATOR, SOUTHEAST REGION; NATIONAL
OCEANIC & ATMOSPHERIC ADMINISTRATION; DOCTOR KATHRYN
SULLIVAN, IN HER OFFICIAL CAPACITY AS UNDER SECRETARY OF
COMMERCE FOR OCEANS AND ATMOSPHERE AND ADMINISTRATOR
FOR NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION;
PENNY PRITZKER, IN HER OFFICIAL CAPACITY AS UNITED STATES
SECRETARY OF COMMERCE,

Defendants — Appellants.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:16-CV-1271

Before HIGGINBOTHAM, HIGGINSON, and DUNCAN, *Circuit Judges*.

STUART KYLE DUNCAN, *Circuit Judge*:

We consider whether a federal agency may create an “aquaculture,” or fish farming, regime in the Gulf of Mexico pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (“Magnuson-Stevens Act” or “Act”), 16 U.S.C. §§ 1801–83. The answer is no. The Act neither says nor suggests that the agency may regulate aquaculture. The agency interprets this silence as an invitation, but our precedent says the opposite: Congress does not delegate authority merely by not withholding it. *See Texas v. United States*, 809 F.3d 134, 186 (5th Cir. 2015), *aff’d by equally divided Court*, 136 S. Ct. 2271 (2016). Undaunted, the agency seeks authority in the Act’s definition of “fishing”—the “catching, taking, or *harvesting* of fish.” 16 U.S.C. § 1802(16) (emphasis added). “Harvesting,” we are told, implies gathering crops, and in aquaculture the fish are the crop. That is a slippery basis for empowering an agency to create an entire industry the statute does not even mention. We will not bite. If anyone is to expand the forty-year-old Magnuson-Stevens Act to reach aquaculture for the first time, it must be Congress.

We therefore AFFIRM the district court’s ruling that the challenged aquaculture rule exceeds the agency’s statutory authority. *See* 81 Fed. Reg. 1762 (Jan. 13, 2016), *codified at* 50 C.F.R. pts. 600 and 622.

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I.

A.

The Magnuson-Stevens Act seeks to “conserve and manage the fishery resources found off the coasts of the United States.” *Id.* § 1801(b)(1); *see also Delta Commercial Fisheries Ass’n v. Gulf of Mexico Fishery Mgmt. Council*, 364 F.3d 269, 271 (5th Cir. 2004) (the Act “aims to preserve fishery resources by preventing overfishing”). Congress passed the Act in 1976 after finding that aggressive fishing practices, especially by foreign trawlers, had imperiled important fish stocks and the coastal economies dependent on them.¹ *See* 16 U.S.C. § 1801(a)(2) (finding the economies of “[m]any coastal areas . . . have been badly damaged by the overfishing of fishery resources,” particularly by “[t]he activities of massive foreign fishing fleets”). Accordingly, the Act provides a framework for protecting and managing fishing and fishery resources in federal waters. *See id.* §§ 1801(b), (c) (stating Act’s purposes and policies).

As relevant here, the Act creates eight Regional Fishery Management Councils and tasks them with drafting Fishery Management Plans (“FMPs”). 16 U.S.C. §§ 1801(b)(5), 1852–53. Each FMP must identify and describe the fishery to which it applies, *id.* § 1853(a)(2), and contain “conservation and management measures” that are “necessary and appropriate for the conservation and management of the fishery, to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fishery,” *id.* § 1853(a)(1)(A). In addition, each FMP must “be consistent with” ten “national standards.” *Id.* § 1851(a). Among these standards are requirements

¹ *See* Robert J. McManus, *America’s Saltwater Fisheries: So Few Fish, So Many Fisherman*, 9 Nat. Resources & Env’t 13, 13 (Spring 1995).

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to “prevent overfishing while achieving . . . the optimum yield from each fishery.” *Id.* § 1851(a)(1).²

Today, the Act is administered by the National Marine Fisheries Service (“NMFS” or the “agency”), a division of the National Oceanic and Atmospheric Administration, by delegation from the Secretary of

² These are the ten standards:

- (1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
- (2) Conservation and management measures shall be based upon the best scientific information available.
- (3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
- (4) Conservation and management measures shall not discriminate between residents of different States. . . .
- (5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
- (6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.
- (7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.
- (8) Conservation and management measures shall . . . take into account the importance of fishery resources to fishing communities by utilizing economic and social data that meet [certain] requirements
- (9) Conservation and management measures shall, to the extent practicable, (A) minimize bycatch and (B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.
- (10) Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

16 U.S.C. § 1851(a).

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Commerce. *See id.* §§ 1854, 1855. NMFS reviews each FMP for consistency with the Act and other applicable laws. If NMFS fails to act within a specified period of time after the council submits an FMP, the plan is approved. *Id.* § 1854(a)(3). Each plan is then implemented through separate regulations, which NMFS reviews, *id.* § 1853(c), and, upon approval, implements through final rules, *id.* § 1854(b).³

The concept of a “fishery” is central to the Act and to the issues we consider in this case. The Act defines “fishery” as follows:

- (A) one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and
- (B) any fishing for such stocks.

Id. § 1802(13). “Fishing,” in turn, is defined as:

- (A) the catching, taking, or harvesting of fish;
- (B) the attempted catching, taking, or harvesting of fish;
- (C) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or
- (D) operations at sea in support of, or in preparation for any activity described in subparagraphs (A) through (C).

³ See generally *Anglers Conserv. Network v. Pritzker*, 809 F.3d 664, 667–68 (D.C. Cir. 2016) (discussing administration of the Act); *Lovgren v. Locke*, 701 F.3d 5, 13 (1st Cir. 2012) (same); *General Category Scallop Fishermen v. Sec’y, U.S. Dep’t of Commerce*, 635 F.3d 106, 108–09 (3rd Cir. 2011) (same); *Oregon Trollers Ass’n v. Gutierrez*, 452 F.3d 1104, 1108 (9th Cir. 2006) (same).

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Id. § 1802(16). When passed, the Act made no reference to aquaculture or fish farming.⁴

B.

The Gulf of Mexico Fishery Management Council (the “Council”) comprises Texas, Louisiana, Mississippi, Alabama, and Florida. *Id.* § 1852(a)(1)(E). The Council has “authority over the fisheries in the Gulf of Mexico seaward of” those five states. *Id.* In 2009, it became the first regional council to put forward a plan to regulate and permit aquaculture. In common terms, aquaculture means fish farming: it is “the cultivation of aquatic organisms (such as fish or shellfish) especially for food.”⁵ The practice typically entails planting “broodstock,” or wild-caught fish, to spawn the rest of the aquaculture stock, which are then harvested. *Id.*⁶ As NMFS explains, aquaculture “is essentially a farming operation, [in which] all animals cultured are intended for harvest.” 81 Fed. Reg. 1762, 1770 (Jan. 13, 2016).

The Council developed a “Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico” (the “Plan”). Under the Plan, the Council would approve five to twenty permits for aquaculture operations over a ten-year period. Permits would be conditioned on compliance with biological, environmental, recordkeeping, and reporting conditions. The Council submitted the Plan and a proposed implementing regulation to

⁴ As the district court noted, later amendments contain “discrete and immaterial” references to aquaculture. These post-enactment references, as we explain below, lend further support to our decision.

⁵ MERRIAM-WEBSTER DICTIONARY, *Aquaculture* (last visited June 23, 2020), <https://www.merriam-webster.com/dictionary/aquaculture>.

⁶ NMFS defines “aquaculture,” somewhat circularly, as “all activities, including the operation of an aquaculture facility, involved in the propagation or rearing, or attempted propagation or rearing, of allowable aquaculture species in the Gulf [Exclusive Economic Zone].” 50 C.F.R. § 622.2.

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NMFS. After NMFS took no position on the Plan, it went into effect. In 2014, NMFS published a proposed Rule to implement the Plan, which became final in 2016.⁷

In its own words, the Rule “establishes a comprehensive regulatory program for managing the development of an environmentally sound and economically sustainable aquaculture fishery in Federal waters of the Gulf.” 81 Fed. Reg. at 1762. Its purpose is “to increase the yield of Federal fisheries in the Gulf by supplementing the harvest of wild caught species with cultured product.” *Id.* To that end, the Rule requires aquaculture facilities to obtain aquaculture permits. *See id.* at 1763 (describing requirements for permit applications). Applications are submitted to NMFS’s Southeast Regional Administrator (the “RA”) who may grant or deny the permit. The Rule provides for a 45-day notice-and-comment period upon an application’s completion. *Id.* A permit is valid for ten years initially and must be renewed every five years thereafter. *Id.* at 1762. The Rule contains a number of “operational requirements, monitoring requirements, and restrictions” for permittees. *Id.* at 1763–64. Permittees must allow NMFS personnel and NMFS-designated third parties access to their facilities to “conduct inspections and determine compliance with applicable regulations.” *Id.* at 1765. Finally, the Rule contains a plethora of reporting and recordkeeping requirements, *id.* at 1766, and requires permittees to comply with various regulations promulgated by other federal agencies, including the Environmental Protection Agency (“EPA”), *id.* at 1763, and the Department of Agriculture, *id.* at 1764.

⁷ *See Fisheries of the Caribbean, Gulf, and South Atlantic; Aquaculture*, 79 Fed. Reg. 51,424 (Aug. 28, 2014); *Fisheries of the Caribbean, Gulf, and South Atlantic; Aquaculture*, 81 Fed. Reg. 1762 (Jan. 13, 2016), *codified at* 50 C.F.R. pts. 600 and 622.

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The Rule is the first attempt by NMFS or any council to regulate aquaculture under the Act. It is no small attempt. The Rule allows for a maximum annual production of 64 million pounds of seafood in the Gulf. *Id.* That figure would equal the previous average annual yield “of all marine species in the Gulf[] except menhaden^[8] and shrimp.” *Id.*

C.

A coalition of fishing and conservation organizations (“Plaintiffs”),⁹ concerned about the commercial and environmental impacts of the Rule’s proposed regime,¹⁰ challenged the Rule in district court. They claimed the Rule was invalid because it fell outside the Council’s authority to regulate “fisheries” under the Act. The parties cross-moved for summary judgment. Relying on the Act’s text, structure, and history, the district court held the Act unambiguously forecloses NMFS’s authority to regulate aquaculture. The court thus denied *Chevron* deference to the agency’s construction of the Act and granted Plaintiffs summary judgment. *See Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 842–43 (1984) (courts will not defer to agency interpretation of an “unambiguous[]” statute). The agency

⁸ Menhaden are prolific fish used for bait and fish oil. MERRIAM-WEBSTER DICTIONARY, *Menhaden*, <https://www.merriam-webster.com/dictionary/menhaden> (last visited June 23, 2020).

⁹ The organizations (Appellees here) are Gulf Fishermens Association, Gulf Restoration Network, Destin Charter Boat Association, Alabama Charter Fishing Association, Fish for America USA, Inc., Florida Wildlife Federation, Recirculating Farms Coalition, Food & Water Watch, Inc., and Center for Food Safety. Defendants (Appellants here) are NMFS, the National Oceanic and Atmospheric Administration, and three officers charged with administering the Act. Where appropriate, “agency” and “NMFS” refer to all Defendants.

¹⁰ Specifically, Plaintiffs worry that the Rule’s expansion of seafood production will harm traditional fishing grounds, reduce prices of wild fish, subject wild fish to disease, and pollute open waters with chemicals and artificial nutrients.

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appealed. Before us, it argues the Act is ambiguous as to whether it encompasses aquaculture. Because the Rule reasonably resolves this putative ambiguity, the agency claims it earns *Chevron* deference. *See id.* at 844 (when statute is ambiguous, “a court may not substitute its own construction . . . for a reasonable interpretation made by the administrator of an agency”).

II.

“We review a summary judgment *de novo*.” *Salinas v. R.A. Rogers, Inc.*, 952 F.3d 680, 682 (5th Cir. 2020) (citation omitted). Summary judgment is required when “there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” FED. R. CIV. P. 56(a).

The Administrative Procedure Act requires setting aside agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). We review an agency’s statutory interpretation—including one concerning the agency’s own jurisdiction—under the two-step *Chevron* framework. *See generally Sw. Elec. Power Co. v. EPA*, 920 F.3d 999, 1014 (5th Cir. 2019) (discussing *Chevron*); *see also City of Arlington, Tex. v. FCC*, 569 U.S. 290, 306–07 (2013). At step one, we ask “whether Congress has directly spoken to the precise question at issue.” *Chevron*, 467 U.S. at 842. We answer that question by “exhaust[ing] all the ‘traditional tools’ of construction,” including “text, structure, history, and purpose.” *Kisor v. Wilkie*, 139 S. Ct. 2400, 2415 (2019) (quoting *Chevron*, 467 U.S. at 843 n.9; *Pauley v. BethEnergy Mines, Inc.*, 501 U.S. 680, 707 (1991) (Scalia, J., dissenting)). Our interpretation “must account for both the specific context in which language is used and the broader context of the statute as a whole.” *Util. Air Regulatory Grp. v. EPA*, 573 U.S. 302, 321 (2014) (citation omitted) (cleaned up). We will not defer to “an agency interpretation that is inconsistent with the design and structure

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of the statute as a whole.” *Id.* (quoting *Univ. of Tex. Sw. Med. Ctr. v. Nassar*, 570 U.S. 338, 353 (2013)) (cleaned up). If that holistic reading of the statute settles the matter, *Chevron* ends: we “must give effect to the unambiguously expressed intent of Congress.” *Chevron*, 467 U.S. at 843. On the other hand, if the statute is “truly ambiguous” on the question, *Kisor*, 139 S. Ct. at 2415, we proceed to step two, “asking whether the agency’s construction is ‘permissible.’” *Sw. Elec. Power Co.*, 920 F.3d at 1014 (quoting *Chevron*, 467 U.S. at 843). A permissible construction is one that “reasonabl[y] accommodat[es] . . . conflicting policies that were committed to the agency’s care by the statute.” *Chevron*, 467 U.S. at 845 (quoting *United States v. Shimer*, 367 U.S. 374, 382 (1961)).

III.

We first ask whether the Magnuson-Stevens Act unambiguously precludes the agency from creating an aquaculture regime. The answer is yes. *Chevron* step one is thus the only step we need take to resolve this appeal.

A.

We usually start with the text, but more telling here is the Act’s lack of text. As far as aquaculture, the Magnuson-Stevens Act is a textual dead zone: the original Act does not mention aquaculture or fish farming at all.¹¹ More to the point, the Act’s provisions defining the agency’s regulatory power say nothing about creating or administering an aquaculture or fish farming regime. *Cf.*, *e.g.*, 16 U.S.C. §§ 1802, 1854, 1855. The agency concedes this but asks us to treat the chasm as a mere “gap” for it to fill. That is, the agency argues it has power to regulate aquaculture because the Act

¹¹ Later amendments contain a few references to aquaculture. We explain below why those references actually support our holding.

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“do[es] not unambiguously express Congress’s intent to prohibit the regulation of aquaculture.”

This nothing-equals-something argument is barred by our precedent. In *Texas v. United States*, we held the Immigration and Naturalization Act (“INA”) unambiguously foreclosed the Department of Homeland Security’s (“DHS”) Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”). 809 F.3d 134, 186 (5th Cir. 2015), *aff’d by equally divided Court*, 136 S. Ct. 2271 (2016). Acknowledging that many of DAPA’s provisions were not expressly foreclosed by the INA, we still rejected the argument that “congressional silence has conferred on DHS the power to act.” *Id.* *Chevron* step two is not implicated, we said, merely because “a statute does not expressly negate the existence of a claimed administrative power.” *Id.* at 186 (quoting *Ethyl Corp. v. EPA*, 51 F.3d 1053, 1060 (D.C. Cir. 1995)) (emphasis in original). “Were courts to presume a delegation of power absent an express *withholding* of such power,” we explained, “agencies would enjoy virtually limitless hegemony, a result plainly out of keeping with *Chevron* and quite likely with the Constitution as well.” *Id.* (quoting *Ethyl*, 51 F.3d at 1060).¹²

Similarly, in *Ethyl*, on which we relied in *Texas*, the D.C. Circuit rejected EPA’s construction of a provision of the Clean Air Act (“CAA”). 51 F.3d at 1054. The CAA prohibits fuel additives but directs EPA to waive the prohibition for additives that do not interfere with a vehicle’s emissions-control systems. *Id.* (citing 42 U.S.C. § 7545(f)(4)). EPA determined the

¹² See also *Contender Farms, L.L.P. v. U.S. Dep’t of Agric.*, 779 F.3d 258, 269 (5th Cir. 2015) (“[A]n administrative agency does not receive deference under *Chevron* merely by demonstrating that ‘a statute does not expressly negate the existence of a claimed administrative power’” (quoting *Ry. Labor Executives’ Ass’n v. Nat’l Mediation Bd.*, 29 F.3d 655, 671 (D.C. Cir. 1994) (en banc) (emphasis in the original))).

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petitioner had satisfied that criterion but denied waiver, imagining it could “consider other factors” in its waiver decision, including public health. *Id.* (citation omitted). The agency argued that because the emissions provision did not mention public health, “Congress ha[d] not directly spoken on the issue of whether [EPA] may consider the public health implications of fuel additives before granting or denying a . . . waiver.” *Id.* The D.C. Circuit set aside the decision, rejecting “the notion that if Congress has not mentioned public health in [the additive provision], then Congress is ‘silent or ambiguous’ as to that issue” for *Chevron* purposes. *Id.* at 1070 (quoting *Chevron*, 467 U.S. at 843). The provision was not “ambiguously worded” and did not “direct the Agency to adopt implementing regulations” to determine its meaning. *Id.* “Rather, the statutory waiver provision unambiguously expresse[d] Congress’s intent that the [EPA] consider a fuel additive’s effects on vehicles meeting emission standards.” *Id.*¹³

Here, NMFS’s argument parallels DHS’s in *Texas* and EPA’s in *Ethyl*. The agency claims, not that Act affirmatively empowers it to regulate aquaculture, but that the Act fails to “express[] Congress’s unambiguous intent to *foreclose* the regulation of aquaculture.” As *Texas* and *Ethyl* teach, this argument gets *Chevron* backwards. “It is only legislative *intent to delegate* such authority that entitles an agency to advance its own statutory construction for review under the deferential second prong of *Chevron*.” *Ethyl*, 51 F.3d at 1060 (quoting *Nat. Res. Defense Council v. Reilly*, 983 F.2d 259, 266 (D.C. Cir. 1993)) (cleaned up); *see also Am. Bus Ass’n v. Slater*, 231 F.3d 1, 9 (D.C. Cir. 2000) (Sentelle, J., concurring) (“In order for there to be

¹³ *Accord Motion Picture Ass’n of Am., Inc. v. FCC*, 309 F.3d 796, 805 (D.C. Cir. 2002) (rejecting as “entirely untenable” agency position that adopting certain rules “is permissible because Congress did not expressly foreclose the possibility” (citing *Ry. Labor Executives’ Ass’n*, 29 F.3d at 671)).

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an ambiguous grant of power, there must be a grant of power in the first instance.”). Instead of identifying any intent to delegate authority here, the agency can claim only that Congress did not withhold the power the agency now wishes to wield. Once again, this is the argument that presumes power given if not excluded. We have resisted that siren song before, *see Texas*, 809 F.3d at 186, and we again decline to be seduced.

Fond of animal metaphors, courts like to say “Congress does not ‘hide elephants in mouseholes.’” *Chamber of Commerce v. U.S. Dep’t of Labor*, 885 F.3d 360, 376 (5th Cir. 2018) (quoting *Whitman v. Am. Trucking Ass’n, Inc.*, 531 U.S. 457, 468 (2001)). The agency’s argument here is all elephant and no mousehole. It asks us to believe Congress authorized it to create and regulate an elaborate industry the statute does not even mention. Because we cannot suspend our disbelief that high, we reject the agency’s position.

B.

Unable to land support for its interpretation in the words of the Act, the agency goes angling for ambiguity. It argues the Act’s text is sufficiently open-ended to give it leeway to create an aquaculture regime. *See, e.g., Cuozzo Speed Technologies, LLC v. Lee*, 136 S. Ct. 2131, 2142 (2016) (explaining, “where a statute leaves a ‘gap’ or is ‘ambiguous,’ we typically interpret it as granting the agency leeway” to regulate (quoting *United States v. Mead Corp.*, 533 U.S. 218, 229 (2001) (cleaned up)). The agency fixes on the word “harvesting” in the definition of “fishing.” *See* 16 U.S.C. § 1802(16) (“fishing” means “the catching, taking, or harvesting of fish”). Recall that the Act empowers councils to regulate “fisheries,” *id.* § 1852(a)(1)(E), whose definition includes “fishing” for stocks of fish, *id.* § 1802(13)(B). The agency contends the word “harvesting” is roomy enough to include

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aquaculture, because it may mean gathering or reaping a crop.¹⁴ The crop reaped from an aquaculture “fishery,” we are told, would be the farmed fish. The district court correctly rejected this argument.

To address the agency’s argument, we focus first on the words of the definition itself—the “catching, taking, or harvesting of fish.” *Infra* III(B)(1). We then situate that definition within the Act’s broader structure. *Infra* III(B)(2). Through either lens, the agency’s implausible reading of the definition of “fishing” to encompass aquaculture does not fall “within the range of meanings that could be plausibly attributed to the relevant statutory language.” *Sw. Elec. Power Co.*, 920 F.3d at 1024 (quoting RICHARD J. PIERCE, JR., ADMINISTRATIVE LAW TREATISE § 3.6).

1.

First, the words. The agency puts far more weight on “harvesting” in § 1802(16) than it can bear. It argues that one meaning of the term (“gathering a crop”) quietly opens the door to an elaborate regime of farming fish for “harvest.”

That is not how to read statutes. As the district court reasoned, far better to read “harvesting” as synonymous with the adjacent terms “catching” and “taking.” *See, e.g., United States v. Buluc*, 930 F.3d 383, 390 (5th Cir. 2019) (discussing *noscitur a sociis* or “associated-words” canon under which a “string of statutory terms . . . should be given related meaning” (quoting *S.D. Warren Co. v. Me. Bd. of Env’tl. Prot.*, 547 U.S. 370,

¹⁴ *See, e.g., OXFORD ENGLISH DICTIONARY, harvest, v.*, <https://tinyurl.com/y9ssjdo4> (last visited June 23, 2020) (defining “harvest” as “[t]o reap and gather in” a “ripe crop”).

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378 (2006))).¹⁵ “Catching” and “taking” both mean “seizing” or “capturing” an organism—here, fish.¹⁶ As the district court put it, these terms “more appropriately describe traditional fishing activities,” and so “harvesting” more likely “refer[s] only to the traditional fishing of wild fish.” One dictionary entry does not override a term’s surrounding context. The reverse is true: a word with “many dictionary definitions . . . must draw its meaning from its context.” *Kucana v. Holder*, 558 U.S. 233, 245 (2010) (cleaned up).¹⁷ “Harvesting” may also mean “[t]o kill or remove wild animals” from their habitat.¹⁸ Linking the term with “catching” and “taking” in § 1802(16) points to that meaning rather than to “gathering a crop.”

The agency objects to this use of the associated-words canon, arguing the definition’s “structure” shows the three terms were not meant to have similar meaning. The agency does not explain why this is so. All the canon requires is an “association” or “gathering” of terms that “have some quality

¹⁵ See also ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW* 195 (2012) (the canon advises that “words grouped in a list should be given related meanings” (quoting *Third Nat’l Bank in Nashville v. Impac Ltd.*, 432 U.S. 312, 322 (1977))).

¹⁶ See WEBSTER’S THIRD NEW INTERNATIONAL DICTIONARY 351 (1986) (defining “catching” as “to capture or seize”); id. at 2329 (defining “take” as “to seize or capture physically”).

¹⁷ See also *Kirtseang v. John Wiley & Sons, Inc.*, 568 U.S. 519, 531 (2013) (same); *Ardestani v. INS*, 502 U.S. 129, 135 (1991) (same); see generally SCALIA & GARNER at 418 (whereas a dictionary definition “states the core meanings of a term,” it “cannot delineate the periphery” and readers must “use the context in which a given word appears to determine its aptest, most likely sense”).

¹⁸ OXFORD ENGLISH DICTIONARY, *harvest*, v., <https://tinyurl.com/y9ssjdo4> (last visited June 23, 2020); see also MERRIAM-WEBSTER DICTIONARY, *harvest*, v., <https://tinyurl.com/yc7nkfa9> (last visited June 23, 2020) (defining “to harvest” as “to gather, catch, hunt, or kill (salmon, oysters, deer, etc.) for human use, sport, or population control”) (second definition).

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in common.” *See Buluc*, 930 F.3d at 390–91 (quoting *S.D. Warren Co.*, 547 U.S. at 379–80; SCALIA & GARNER at 196 (2012)). When referring to “fish,” the terms have a common meaning.¹⁹ For instance, federal courts often use the terms “catch,” “take,” and “harvest” interchangeably when discussing fish. *See, e.g., Washington v. Wash. State Commercial Passenger Fishing Vessel Ass’n*, 443 U.S. 658, 663, 664 (1979) (referring to migrating salmon that would be “caught or ‘harvested,’” as well as “tak[en],” by fishermen).²⁰ Indeed, in other provisions Magnuson-Stevens itself uses the term “harvest” as synonymous with a “catch” of fish.²¹

¹⁹ For that reason, the agency’s reliance on *Graham County Soil & Water Conservation District v. United States*, 559 U.S. 280 (2010), is mistaken. *Graham County* declined to apply the canon to make the phrase “congressional, administrative, or GAO” in the False Claims Act mean “congressional, *federal* administrative, or GAO.” 559 U.S. at 286 (quoting 31 U.S.C. § 3730(e)(4)(A)). In that case, however, the listed words—unlike those before us—were “quite distinct from each other” and “too disparate” to trigger the canon. *Id.* at 288, 289. The district court properly relied on *Jarecki v. G.D. Searle & Co.* for the proposition that while the *noscitur a sociis* canon is not “inescapable,” it is “often wisely applied where a word is capable of many meanings in order to avoid the giving of unintended breadth to the Acts of Congress.” 367 U.S. 303, 307 (1961). This is just such a situation: the canon saves the definition of “fishing” from a construction that would drastically (and, as discussed in the next section, awkwardly) expand the Act.

²⁰ *See also Yates v. United States*, 574 U.S. 528, 531 (2015) (plurality op.) (“John Yates, a commercial fisherman, *caught* undersized red grouper in federal waters in the Gulf of Mexico. To prevent federal authorities from confirming that he had *harvested* undersized fish, Yates ordered a crew member to toss the suspect *catch* into the sea.”); *Douglas v. Seacoast Prods., Inc.*, 431 U.S. 265, 269 n.3 (1977) (discussing the U.S. menhaden “fishery” and interchangeably using the terms “catch,” “harvest,” “taken,” and “caught”); *Trawler Diane Marie, Inc. v. Kantor*, 91 F.3d 134 (4th Cir. 1996) (Table) (“With the renouncement of its Alaskan registration, the MR. BIG . . . could *harvest* as many scallops as it could *catch* and carry.”) (emphases added).

²¹ *See, e.g.,* 16 U.S.C. § 1802(23) (defining “individual fishing quota” as a “limited access system to harvest a quantity of fish, expressed by . . . a percentage of the total allowable *catch* of a fishery” (emphases added)); *id.* § 1802(26) (same); *id.* § 1821(h)(2)(A) (referring to “a situation where a fleet of *harvesting* vessels transfers its *catch* . . . to another vessel” (emphases added)); *id.* § 1855(i)(1)(B)(i) (referring to “the annual percentage of

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The agency also objects that the district court wrongly injected the concept of “traditional fishing of wild fish” into the Act. That is a puzzling objection, given one of the Act’s goals is to remedy the “overfishing of fishery resources” caused by “[c]ommercial and recreational fishing,” as well as “the activities of massive foreign fishing fleets.” 16 U.S.C. § 1801(3).²² To us, this sounds like concern over “traditional fishing of wild fish.” In any event, the agency misunderstands the district court’s rationale. The court used the phrase “traditional fishing of wild fish” merely to contrast with “farming of fish.” Specifically, it reasoned that “catching” and “taking” are terms that “describe traditional fishing activities and would be awkward in reference to the farming of fish.” Just so, the term “harvesting” should be read similarly to refer only to the traditional fishing of wild fish.” This is a straightforward—and correct—use of the associated-words canon to pin down the most likely meaning of “harvesting.”²³

the total allowable *catch*, guideline *harvest* level, or other annual *catch* limit” (emphases added)); *id.* § 1881a(e)(2)(B) (Secretary may structure private fishery surveys “by permitting the contractor to *harvest* on a subsequent voyage and retain for sale a portion of the allowable *catch* of the surveyed fishery” (emphases added)); *id.* § 1881(a)(e)(2)(C) (same).

²² The Act contains numerous provisions that unmistakably refer to matters associated with the “traditional fishing of wild fish.” *See, e.g.*, § 1853(a)(1) (requiring FMP to be “applicable to foreign fishing and fishing by vessels of the United States”); *id.* § 1853(a)(2) (requiring FMP to “contain a description of the fishery, including . . . the number of vessels involved, the type and quantity of fishing gear used, . . . any recreational interests in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights”); § 1853(a)(13) (requiring FMP to “include a description of the commercial, recreational, and charter fishing sectors which participate in the fishery”).

²³ For similar reasons, we also disagree with the agency that the district court incorrectly limited the Act’s scope to “wild fish.” Again, the court used “wild fish” merely to contrast with “farmed fish,” not to address the specific kinds of fish covered by the Act. No one contests that the Act defines “fish” broadly to embrace “all other forms of marine

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The agency further argues that the district court’s interpretation slights the term “harvesting,” making it redundant with “catching” and “taking.” This invokes the anti-surplusage canon, which encourages courts to give effect to “all of [a statute’s] provisions, so that no part will be inoperative or superfluous, void or insignificant.” *Latiolais v. Huntington Ingalls, Inc.*, 951 F.3d 286, 294 (5th Cir. 2020) (en banc) (quoting *Corley v. United States*, 556 U.S. 303, 314 (2009)). But that canon “yields to context,” *id.* (citation omitted), and we have explained that, in context, the three terms are synonymous. Sometimes Congress writes statutes this way, either due to a “not uncommon sort of lawyerly iteration,” *id.* (quoting *Freeman v. Quicken Loans, Inc.*, 566 U.S. 624, 635 (2012)), or “out of an abundance of caution,” *Fort Stewart Sch. v. Fed. Labor Relations Auth.*, 495 U.S. 641, 646 (1990). And, even on the agency’s reading, the term “harvesting” is no more superfluous than “catching” and “taking” are to each other. The bottom line: “If the meaning of a text is discernibly redundant, courts should not invent new meaning to avoid superfluity at all costs.” *Latiolais*, 951 F.3d at 294. We decline the agency’s invitation to do so here.²⁴

animal and plant life other than marine mammals and birds.” § 1802(12). That definition, however, says nothing about whether the Act opens the door to aquaculture.

²⁴ The agency relies on *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, which applied the anti-surplusage canon to “take” in the Endangered Species Act (“ESA”). 515 U.S. 687, 690 (1995). The ESA penalizes “taking” an endangered species, defining “take” as “harass, harm, pursue, wound, or kill.” *Id.* (cleaned up). The Secretary of the Interior defined “harm” to include modifying a habitat. *Id.* The Court upheld that reading, in part because it prevented “harm” from duplicating the other words in the definition of “take.” *Id.* at 698. Similarly, it held the D.C. Circuit erred by using *noscitur a sociis* to deny “harm” any “independent meaning.” *Id.* at 702. *Sweet Home* does not support the agency’s position. As relevant here, *Sweet Home* rejected *noscitur a sociis* largely because “[t]he statutory context of ‘harm’ suggest[ed] that Congress meant that term to serve a particular function in the ESA, consistent with, but distinct from, the functions of the other verbs used to define ‘take.’” *Id.* at 702. But here nothing suggests “harvesting” in 16 U.S.C. § 1802(16) was meant to carry any more water than “catching” or “taking.”

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The agency also relies on the breadth of some of the Act’s terms to show an expansive meaning of “harvesting.” For example, it cites § 1855(d), giving the agency “general responsibility to carry out any fishery management plan” and empowering it to “promulgate such regulations . . . as may be necessary to discharge such responsibility or to carry out any other provision of this chapter.” It also cites language defining “fishery resources” to include “*any* fishery” and “*any* stock of fish.” 16 U.S.C. § 1802(15) (emphases added). We are unpersuaded. These provisions are like “the broad grants of authority” DHS vainly relied on in *Texas*.²⁵ We refused to read such provisions to expand the agency’s power beyond the statute’s terms. So too here. The grant of authority to promulgate “necessary” regulations cannot expand the scope of the provisions the agency is tasked with “carry[ing] out.” *Id.* § 1855(d). And the grant of authority over “any fishery” and “any stock of fish,” *id.* § 1802(15), still depends on whether the relevant stock is a “fishery,” which, in turn, turns on the definition of “fishing.” As explained, nothing in the definition plausibly suggests the agency has been given authority to regulate aquaculture.

Finally, we point out a more fundamental problem with the agency’s position. In 1976, when Magnuson-Stevens was passed, Congress knew what aquaculture was and how to confer authority to regulate it. Only four years earlier, Congress had amended the Federal Water Pollution Control Act of 1948 to give EPA authority to regulate “aquaculture project[s].” *An Act to Amend the Federal Water Pollution Control Act*, Pub. L. 92-500, § 318(a), 86 Stat. 816, 877 (1972), *codified at* 33 U.S.C. § 1328(a). Subsequently, in 1992

²⁵ See 809 F.3d at 183 (citing 6 U.S.C. § 202(5) (providing DHS “shall be responsible for . . . [e]stablishing national immigration enforcement policies and priorities”), and 8 U.S.C. § 1103(a)(3) (providing Secretary “shall establish such regulations . . . and perform such other acts as he deems necessary for carrying out his authority under the provisions of this chapter”)).

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and 2007, Congress even added three specific references in parts of Magnuson-Stevens to “aquaculture” and “fish farms.”²⁶ As the district court concluded, while these “discrete and immaterial provisions” do not purport to empower NFMS to regulate aquaculture, they do show that Congress knows how to legislate on the subject when it wishes. *See, e.g., Russello v. United States*, 464 U.S. 16, 23 (1983) (“[W]here Congress includes particular language in one section of a statute but omits it in another, it is presumed that Congress acts intentionally and purposely.” (cleaned up)).²⁷ In light of that, the agency’s position appears all the more unfathomable. From one word—“harvesting”—the agency would conjure up authority over aquaculture that Congress knew how to give, but never gave. That does not hold water.

2.

So far, we have seen that the definition of “fishing” in § 1802(16), on its own terms, forecloses the agency’s interpretation. That result is reinforced when we read the definition “in context and with reference to the

²⁶ In 1992, Congress provided resources “to restore overfished New England groundfish stocks through aquaculture or hatchery programs.” Pub. L. No. 102-567, § 902(a), 106 Stat. 4270, 4318 (1992), *codified at* 16 U.S.C. § 1863(a)(E). In 2007, Congress established programs “to educate and inform consumers about the quality and sustainability of wild fish or fish products farmed through responsible aquaculture.” Pub. L. No. 109-479, § 109, 120 Stat. 3575, 3595 (2007), *codified at* 16 U.S.C. §§ 1855(j)(1)–(2). The same amendment delineated the status of “an individual who owns or operates a fish farm outside of the United States.” *Id.* § 103(j), 120 Stat. at 3583, *codified at* 16 U.S.C. § 1852(d)(2)(D)(iii).

²⁷ The agency’s rejoinder is unpersuasive. It claims there is no evidence “that Congress actually considered the question of NMFS’s regulating aquaculture” and rejected that possibility. *See Coastal Conservation Ass’n v. U.S. Dep’t of Commerce*, 846 F.3d 99, 106 (5th Cir. 2017) (negative-implication canon does not apply “unless it is fair to suppose that Congress considered the unnamed possibility and meant to say no to it”). But the 1972 Federal Water Pollution Control Act amendment is precisely such evidence.

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larger statutory scheme.” *Sm. Elec. Power Co.*, 920 F.3d at 1024 (citing *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 132 (2000)).²⁸ As the district court pointed out, there are “various ways in which [the Act] is nonsensical when applied to aquaculture.” That is correct. When aquaculture is viewed as a “fishery,” some of the Act’s core requirements stop making sense. We will not defer to an agency interpretation that is “inconsistent with the design and structure of the statute as a whole.” *Util. Air Regulatory Grp. v. EPA*, 573 U.S. 302, 321 (2014) (citation omitted).

The Rule’s innovation is to equate an “aquaculture facility” with a “fishery” under the Act.²⁹ But the Act makes demands on a fishery that cannot apply to an aquaculture facility. Importantly, each fishery must have a plan (the “FMP”) with measures designed “for the conservation and management of the fishery, [and] to *prevent overfishing* and rebuild *overfished stocks*.” 16 U.S.C. § 1853(a)(1)(A) (emphases added). Easy to see how this applies to a typical fishery: the FMP must have measures, like annual catch limits, that will prevent taking too many fish out of the relevant fishery.³⁰ But try applying this idea to aquaculture, and your line will become hopelessly snarled. “Since aquaculture is essentially a farming operation,” the Rule tells us, “all animals cultured are intended for harvest *and cannot undergo*

²⁸ See also, e.g., *United States v. Transocean Deepwater Drilling, Inc.*, 767 F.3d 485, 496 (5th Cir. 2014) (we interpret statutes by “looking at the full text of the statute, rather than one isolated clause, along with the statute’s structure and its public safety purpose”).

²⁹ See, e.g., 81 Fed. Reg. at 1762 (Rule establishes a program for managing an “aquaculture facility” in the Gulf of Mexico); *id.* (“The aquaculture facility is managed under the FMP.”); *id.* (Rule authorizes a “Gulf aquaculture permit” that “authorizes operation of an offshore aquaculture facility in the Gulf EEZ”).

³⁰ See, e.g., International Fisheries; Pacific Tuna Fisheries; 2019 and 2020 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean, 84 Fed. Reg. 18,409 (May 1, 2019) (establishing annual catch limits on Pacific bluefin tuna), *codified* at 50 C.F.R. pt. 300.

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overfishing or become overfished.” 81 Fed. Reg. at 1771 (emphasis added).³¹ Other provisions of the Act are also geared to prevent “overfishing” a fishery,³² including one of the national standards every FMP must honor.³³ Equating a “fishery” with an aquaculture facility effectively erases these provisions from the Act.³⁴

The agency responds that aquaculture may help mitigate overfishing with respect to “other stocks of fish”—that is, other fisheries. That is mistaken. The Act specifies when an FMP must address the specific fishery that is the subject of the plan. *See generally* 16 U.S.C. §§ 1853(a)(1)(A), (a)(2), (3), (5)–(7), (10), (11), (13)–(15) (applying FMP requirements to “the fishery” in question). As to overfishing, an FMP must “specify objective and measurable criteria for identifying when *the fishery to which the plan applies* is overfished,” and must “establish a mechanism for specifying annual catch

³¹ *See also* 81 Fed. Reg. at 1784 (stating “it is not possible to overharvest cultured animals”).

³² *See, e.g.,* 16 U.S.C. § 1853(a)(10) (plan must specify criteria “for identifying when the fishery to which the plan applies is *overfished*,” and, “in the case of a fishery which the Council or the Secretary has determined is approaching an overfished condition or is overfished, contain *conservation* and management measures to prevent *overfishing* or end *overfishing* and rebuild the fishery”); *id.* § 1853(a)(15) (plan must have a “mechanism for specifying annual catch limits . . . at a level such that *overfishing* does not occur in the fishery” (emphases added)).

³³ *See id.* § 1851(a)(1) (requiring any FMP, “and any regulation promulgated to implement such plan,” to be consistent with national standards including “[c]onservation and management measures [that] *shall prevent overfishing*” (emphasis added)).

³⁴ Same for the Act’s requiring an FMP to assess a fishery’s “maximum sustainable yield and optimum yield.” *See* 16 U.S.C. §§ 1853(a)(3), 1851(a)(1). An aquaculture facility’s “yield” is by definition 100% because—again, as the Rule itself states—“*all* animals cultured are intended for harvest.” 81 Fed. Reg. at 1770 (emphasis added). So, it makes no sense to talk about the “maximum sustainable yield” or “optimum yield” from an aquaculture facility. *Cf.* 16 U.S.C. § 1802(33) (defining “optimum,” in part, as referring to “an overfished industry”).

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limits . . . at a level such that overfishing does not occur *in the fishery*.” *Id.* § 1853(a)(10), (15) (emphases added).³⁵ Here, the regulated fishery includes only aquaculture facilities, *see* 81 Fed. Reg. at 1762, and the overfishing requirements apply to *those* “fisheries,” not others.³⁶

The agency also invokes its general authority under the Act to “prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.” 16 U.S.C. § 1853(b)(14). It claims regulating aquaculture is “necessary and appropriate” to conserve fishing resources, perhaps by diminishing demand on wild fisheries. But, as discussed already, the Act’s pertinent conservation provisions apply *to each FMP* and *per fishery*. In other words, the Act requires each management plan to employ conservation techniques for the given fishery, not for all fisheries or the ecosystem as a whole. Accordingly, the Act defines “fishery” as “one or more stocks of fish *which can be treated as a unit for purposes of conservation and management*.” *Id.* § 1802(13) (emphasis added). Here, the Rule conceives all Gulf aquaculture as one “fishery,” 81 Fed. Reg. at 1762, such that the Act’s

³⁵ When the Act requires an FMP to consider impacts on *other* fisheries, it says so. *See id.* § 1853(a)(9)(B) (plan must include an impact statement analyzing likely effects on, *inter alia*, “participants in the fisheries conducted in adjacent areas under the authority of another Council”). Such references to *other* fisheries do not appear in the Act’s overfishing measures discussed above.

³⁶ The agency cites no textual basis showing that one fishery can be regulated to prevent overfishing in another fishery. It quotes only the definition of “conservation and management,” which refers to measures for “rebuilding, restoring, or maintaining[] *any* fishery resource and the marine environment.” *Id.* § 1802(5)(A) (emphasis added). But the word “any” merely confirms that conservation measures include all of the “fishery resources” in § 1802(15). In any event, the agency does not explain how one word in the definition of “conservation and management” overrides the Act’s express requirements that overfishing measures apply to the specific regulated fishery. *See, e.g., id.* § 1802(a)(10) (referring to overfishing criteria applicable to “the fishery to which the plan applies”).

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required conservation techniques apply only to *that* “fishery,” not all Gulf fishing or all fishing under the Act’s ambit.

Finally, we note the agency itself has conceded the Act fits poorly with aquaculture. In the Rule’s environmental impact statement, NMFS candidly stated that “[t]he [Act] was . . . not explicitly written for managing at sea fish farming or aquaculture operations.” Accordingly, “[m]any of the principles and concepts that guide wild stock management under the [Act] are *either of little utility or not generally applicable* to the management of aquaculture operations” (emphasis added).³⁷ The agency thus admitted that “[m]any” of the Act’s “legal requirements do not fit well or are difficult to satisfy with respect to aquaculture, thereby making them seem less useful or even unnecessary.” “Despite this lack of conceptual similarity,” the agency nonetheless insisted that “offshore aquaculture falls within the realm of activities subject to regulatory control under the [Act] and therefore must be accommodated within the existing legal framework.” This was the district court’s reaction, which we find apt:

Contrary to the NMFS’s position, this Court does not view the incompatibility of the requirements of the [Magnuson-Stevens Act] with aquaculture operations as an unfortunate happenstance, but rather, as a clear indication that Congress did not intend for the [Act] to grant NMFS the authority to regulate aquaculture.³⁸

³⁷ *Accord* 81 Fed. Reg. at 1762 (“[M]any of the principles and concepts that guide wild stock management are not generally applicable to the management of an aquaculture fishery.”).

³⁸ Given our conclusion that the Act’s text and structure foreclose the agency’s interpretation, we need not reach the district court’s conclusion that the Act’s legislative history also fails to support the agency’s position.

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The judgment of the district court is AFFIRMED.

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STEPHEN A. HIGGINSON, *Circuit Judge*, dissenting:

Through the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (Magnuson Act) and its national standards, 16 U.S.C. §§ 1801–1882, Congress delegated to the Commerce Department expansive authority to regulate, manage, and conserve fish in the exclusive economic zone. Specifically, the Commerce Department’s National Marine Fisheries Service (NMFS), in conjunction with eight independent regional fishery management councils, “will exercise . . . exclusive fishery management authority over *all fish*, and *all Continental Shelf fishery resources*, within the exclusive economic zone.” § 1811(a) (emphasis added); *see also* §§ 1851, 1854–55; *see generally Oregon Trollers Ass’n v. Gutierrez*, 452 F.3d 1104, 1008 (9th Cir. 2006); *Kramer v. Mosbacher*, 878 F.2d 134, 135 (4th Cir. 1989). Congress provided that this expansive authority should be used to “conserve and manage the fishery resources found off the coasts of the United States . . . by . . . exploring, exploiting, conserving, and managing *all fish*,” “promote domestic commercial and recreational fishing under sound conservation and management principles,” and “encourage the development by the United States fishing industry of fisheries which are currently underutilized or not utilized by United States fishermen.” § 1801(b)(1), (3), (6) (emphasis added).

In turn, the Gulf of Mexico Fishery Management Council, comprised of members from the five Gulf states, eleven of whom are nominated by those states’ governors, spent six years discussing offshore aquaculture before adopting the Plan for Regulating Offshore Marine Aquaculture in the Gulf of Mexico. That plan, which went into effect in 2009, regulates and permits greatly enhanced takes of fish through the operation of offshore structures

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and nets wherein fish are bred and from which fish are harvested.³⁹ Thereafter, in 2014, NMFS published its Proposed Rule to implement the plan; and, in January 2016, its Final Rule. *See generally* 81 Fed Reg. 1762 (Jan. 13, 2016).

I would uphold NMFS’s decision that it may regulate how fish are reared and harvested in the exclusive economic zone because this authority follows from Congress’s expansive grant of authority to conserve and manage offshore “fishery resources,” without distinguishing between methods of fishing or types of fish. *See* § 1802(15) (defining “fishery resource” as “*any* fishery, *any* stock of fish, *any* species of fish, and *any* habitat of fish” (emphasis added)).

As the majority notes, Congress’s statutory delegation to NMFS does not delimit “aquaculture” as an industry distinct from other types of fishing. I would say that is because fishing, from time immemorial, has involved ingenious varieties of lines, pots, cages, nets and enclosures. The Magnuson Act responsibility given to NMFS—to conserve, maintain, and manage offshore fisheries—comprehends not just familiar mariculture methods like mussel lines and lobster traps, *see, e.g., Duckworth v. United States ex rel. Locke*, 705 F. Supp. 2d 30, 45–46 (D.D.C. 2010), fish hatcheries, *see, e.g., Gutierrez*, 452 F.3d at 1109, 1117–19, and towed mesh cages capable of growing up to 2,000 fish, *see Kahea v. NMFS*, 2012 WL 1537442, at *8–*10 (D. Haw. 2012), *affirmed in relevant part*, 544 F. App’x 675 (9th Cir. 2013), but also the more modern and enlarged methods contemplated by the Final Rule.

³⁹ The timing of the plan was not coincidental. The United States had become deeply reliant on imported seafood to meet demand. Kristen L. Johns, Note, *Farm Fishing Holes: Gaps in Federal Regulation of Offshore Aquaculture*, 86 S. CAL. L. REV. 681, 683 (2013) (observing that, in 2011, the United States imported 91% of its seafood supply).

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Regardless, even if the Magnuson Act’s capacious regulatory grant does not unequivocally comprehend aquaculture, I would say it is at least ambiguous.⁴⁰ Indeed, to read out ambiguity, I would have to say either, as appellees do, that fish farming is not “fishing,” or, as the district court did, that “fishing” only means what it meant “traditionally” when the Magnuson Act was passed in 1976, assertedly the capture of “wild” fish. *But cf. Bostock v. Clayton Cty.*, 140 S. Ct. 1731, 1745 (2020) (“[C]ontentions about what . . . the law was meant to do, or should do, [do not] allow us to ignore the law as it is.”).

Each of these understandings is plausible but neither is an unambiguously correct interpretation of the statutory language. That is because Congress provided an expansive definition of “fishing,” explicitly including “*any operations at sea in support of*” “*any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.*” § 1802(16) (emphasis added).⁴¹ Spawning, raising, and then taking or

⁴⁰ The majority classifies NMFS’s position as “nothing-equals-something.” But I understand NMFS to be relying on the broad language in the statute and the broad purposes of the statute to argue—I think convincingly—that it is at least ambiguous whether the plain language of the statute encompasses aquaculture. *See Env’tl. Integrity Project v. EPA*, 960 F.3d 236, 246–47 (5th Cir. 2020) (“Under *Chevron*, we defer to an agency’s interpretation when it reasonably resolves a genuine statutory ambiguity.”). NMFS argues separately against what *it* perceives to be “nothing-equals-something” analysis where courts insert limiters like “wild” or “traditional” onto Congress’s “any/all” statutory grant.

⁴¹ The majority applies the *noscitur a sociis* canon of statutory interpretation to conclude that “harvesting” is “synonymous with” “catching” and “taking.” In applying the *noscitur a sociis* canon, courts should focus on the “most general quality—the least common denominator, so to speak—relevant to the context.” ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW* 196 (2012). As I read the statute, the least common denominator is extraction of “any fish” from the water. Both “harvest” and “take” could be used to describe aquaculture, where fish are raised in offshore enclosures

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harvesting fish from offshore nets, pens, or other enclosures are “operations at sea” supporting “any . . . activity” that results in the taking or harvesting of fish. *See id.*

In fact, ambiguity enters only when one considers the majority’s points that other provisions of the Act, separate and distinct from NMFS’s authorizing text, may be inapt when applied to modern methods of rearing and harvesting fish in and from enclosed offshore waters. These points are well taken,⁴² but do not unambiguously resolve the issue. *See City of Dallas v. F.C.C.*, 118 F.3d 393, 395 (5th Cir. 1997) (holding that a court must “defer to the agency’s reasonable construction” of a statute if there is ambiguity after applying all of the traditional tools of interpretation, including analysis of the “design of the statute as a whole”).

Therefore, applying *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984), I would defer to the agency’s reasonable interpretation. *Envtl. Integrity Project v. EPA*, 960 F.3d 236, 246–47 (5th Cir. 2020). Interpreting the Magnuson Act to permit regulation of aquaculture is reasonable. Aquaculture fits within the Act’s broad definitions of “fishery resources” and “fishing,” and regulating aquaculture fits within the Act’s mandate to manage and conserve “all fish, and . . . fishery resources, within the exclusive economic zone.” §§ 1802(15)–(16), 1811(a).

and then “harvested” or “taken” from those enclosures, so the *noscitur a sociis* canon—in my view—does not limit the appropriate interpretation of “harvest” to wild fish.

⁴² *See* Read Porter & Rebecca Kihslinger, *Federal Environmental Permitting of Offshore Aquaculture: Coverage and Challenges*, 45 ENVTL. L. REP. NEWS & ANALYSIS 10875, 10881 (2015).

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Congress's clear purpose to conserve and maintain our nation's offshore fisheries, coupled with its explicit and capacious grant of authority over "all fish," lead me to conclude that modern aquaculture methods of fishing fit vitally in, not out of, the Magnuson Act regime.⁴³ Alternatively, I would find that the statutory grant of authority is at least open on that point, obliging us to defer to the NMFS's reasonable interpretation before invalidating over a decade of state and federal officials' efforts, along with private experts, to draft a "fishery management" plan that reconciles myriad commercial, environmental, and recreational interests.⁴⁴

⁴³ Multiple other federal agencies regulate aquaculture, including the Army Corps of Engineers, the Environmental Protection Agency, the U.S. Fish and Wildlife Service, and the Department of Agriculture. Scholars have noted, however, that "the [Magnuson Act] is an important link in protecting the environment from the impacts of offshore aquaculture because it authorizes NMFS to deploy management measure and permit conditions . . . that are not adequately addressed by other regulatory programs." Porter & Kihlsinger, *supra* note 4, at 10882.

⁴⁴ Notably, these interests include conservation and management of wild fish, which no one disputes as a fundamental purpose of the Magnuson Act. *See* Porter & Kihlsinger, *supra* note 4, at 10882, 10892–93. It would be puzzling if the broad authority to manage and conserve wild fish under the Magnuson Act in no way permitted regulation of fish reared in, harvested from, and impacting the same waters.



November 16, 2020

Ventura Port District Board of Commissioners
1603 Anchors Way Drive
Ventura, CA 93001
Sent to jrauch@venturaharbor.com

Re: Preliminary Operations Plan for the Proposed Ventura Shellfish Enterprise Project

Dear Commissioners:

Thank you for the opportunity to comment on the Preliminary Operations Plan for the proposed Ventura Shellfish Enterprise Project. As explained in our July 13, 2020, and October 1, 2020 letters, the undersigned groups are concerned about the proposed siting of this Project in federal waters. Collectively, our organizations have extensive knowledge of marine resources off the California coast and experience navigating the various laws and policies associated with coastal and marine development. We remain convinced that state environmental, safety, and health regulations and public processes are more robust and protective than their federal counterparts. Additionally, LAFCo rules prohibit the District from pursuing a project in federal waters. For these reasons, we urge you to refrain from submitting the Preliminary Operations Plan to the Army Corps of Engineers and California Coastal Commission.

Instead, we urge the District to work with the relevant state agencies to explore a proposal in state waters. The California Coastal Commission is working on a Guidance for

aquaculture projects in state waters that will be completed by the end of the year.¹ The California Department of Fish and Wildlife is tasked with preparing a programmatic Environmental Impact Report for aquaculture in state waters,² and is completing an Aquaculture Information Report. The California Ocean Protection Council identified promoting sustainable aquaculture as a primary objective in its 2020-2025 Strategic Plan, with a goal of developing a statewide aquaculture action plan focused on marine algae and shellfish by 2023.³ These efforts involve coordination with various state agencies to produce a comprehensive process for reviewing proposed projects and ensure adequate attention to environmental, health, and safety concerns.

In contrast, the federal review process is mired in controversy and potential legal obstacles.⁴ Several federal laws and regulations are weaker than state requirements, e.g., the National Environmental Policy Act lacks the substantive mandate to avoid or minimize environmental effects that the California Environmental Quality Act requires. In addition, the Coastal Commissions consistency review under the federal Coastal Zone Management Act lacks the permitting authority, environmental review, oversight, and enforcement that apply to issuance of coastal development permits.

Finally, state LAFCo requirements do not allow the District to operate in federal waters.⁵ Accordingly, we urge the Commission to refrain from submitting the Preliminary Operations Plan to the Army Corps of Engineers and Coastal Commission, and to instead direct your staff to consider a proposal in state waters.

Thank you for consideration of our comments.

Sincerely,

Linda Krop, Chief Counsel
Environmental Defense Center

Susan Jordan, Executive Director
California Coastal Protection Network

Hallie Templeton, Senior Oceans Campaigner
Friends of the Earth

Mati Waiya, Executive Director
Wishtoyo Chumash Foundation

Michael Stocker
Director, Ocean Conservation Research
President, Seven Circles Foundation

Morgan Patton, Executive Director
Environmental Action Committee of West
Marin

¹ See California Coastal Commission CDP Application Guidance: Aquaculture and Marine Restoration, Draft, July 2020; available at <https://documents.coastal.ca.gov/assets/cdp/Draft-CDP-Application-Guidance-Aquaculture-and-Marine-Restoration.pdf>.

² Fish & Game Code section 15008 (SB 201, 2006).

³ California Ocean Protection Council, *Strategic Plan to Protect California's Coast and Ocean 2020-2025*, p. 27.

⁴ See, for example, *Gulf Fishermen's Ass'n v. Nat'l Marine Fisheries Serv.*, 968 F.3d 454 (5th Cir. 2020), *as revised* (Aug. 4, 2020).

⁵ Staff report by Kai Luoma, Ventura County LAFCo, to LAFCo Commissioners (October 16, 2019).

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Ben Pitterle, Science and Policy Director
Santa Barbara Channelkeeper

Julie Teel Simmonds, Senior Attorney
Center for Biological Diversity

Rosanna Marie Neil, Policy Counsel
Northwest Atlantic Marine Alliance

Courtney S. Vail, Director of Strategic
Campaigns
Oceanic Preservation Society

cc: Assemblymember Monique Limon
Cassidy Teufel, California Coastal Commission
Charlton Bonham, California Department of Fish and Wildlife
Mark Gold, Ocean Protection Council
Kai Luoma, Ventura County LAFCo

Open Session Meeting: November 18, 2020

Standard Agenda Item 1,
Consideration of Operations Plan
and
Economic and Fiscal Impacts
of the
Proposed Ventura Shellfish Enterprise Project

Commissioners:

The Magnuson-Stevens Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.) does not specify anything concerning aquaculture.

As a result, the Fifth Circuit Court of Appeals has determined that NOAA - National Marine Fisheries Service has no authority to regulate aquaculture pursuant to the *Magnuson-Stevens Act* (see *Gulf Coast Fishermen's Association v. National Marine Fisheries Service*, 968 F3d 454 (5th Cir. 2020)).

Because the *Magnuson-Stevens Act* is the authorizing statute for NOAA - National Marine Fisheries Service (the only entity within NOAA that concerns fisheries), if the Act does not authorize NOAA's work in aquaculture, NOAA has no statutory authority to be involved in aquaculture.

U. S. Senators Wicker, Rubio and Schatz introduced S 4723, *Advancing the Quality and Understanding of American Aquaculture Act* on September 24, 2020. Once this bill is enacted, regulations adopted, and Regional Management Plans approved by the Secretary of Commerce, NOAA – National Marine Fisheries Service could exercise the regulatory authority granted, thereby. This could take up to five years. Until then, there is no statutory scheme that authorizes development of aquaculture in offshore (Federal) waters.

The lack of legal authority to proceed with the District's shellfish project should not be construed as an opinion regarding the potential economic benefit of such a project. Instead, it should be understood to mean that until Senate Bill 4723 is enacted and all administrative requirements are met, the District cannot consider any project in Federal Waters.



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

DEPARTMENTAL STAFF REPORTS

NOVEMBER 2020

&

LONG TERM GOALS

5-YEAR OBJECTIVES

INDEX

Ventura Port District - Long Term Goals 5-Year Objectives

Long Term Goals				
#	Category		Sub #	Intent/Strategy
1	Safety & Navigation	Maintain and enhance a safe and navigable harbor	a	Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials;
			b	Dredging the Inner Harbor and preserving infrastructure;
			c	Providing superior Harbor Patrol, Maintenance, and related District services;
			d	Preserving and enhancing infrastructure, equipment and facilities for a modernized, efficient and safe working harbor.
2	Commercial & Recreational Boating & Fishing	Support and promote commercial and recreational boating and fishing.		
3	Economic Vitality	Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.		
4	Sustainability	Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups.		
5	Relationships	Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.		
6	Public Service	Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective and public focused organization.		

5 Year Objectives				
#	Category	Objective	Sub #	Intent/Strategy
D	Harbor Dredging	Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner Harbor	1	Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program
			2	Provide an on-going leadership role and active participation with California Marine Affairs and Navigation Conference (CMANC) and other relevant organizations in support of federal and state assistance
			3	Ventura Port District Dredging
E	Public and Civic Engagement Plan	Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders	1	Collaborate with business partners and stakeholders through increased engagement, communication, and participation.
			2	Collaborate with City, regional, state, and federal agency officials in pursuit of mutually beneficial projects, programs
			3	Public and Civic Engagement Planning
F	Commercial Fishing	Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements	1	Reactivate Ventura's commercial fishing association and/or establish fishermen working group as part of improved stakeholder engagement
			2	Continue improvements of Commercial Fishing Industry service offerings by District
			3	VSE Project Grant utilization
			4	Complete permitting, regulatory, and legislative approvals for VSE project
			5	VSE Subleasing
M	Master Tenants & Parcels 5+8	Collaborate with existing and future Master Tenants to maintain, improve, and develop the Harbor	1	Engagement and support of Master Tenants for successful business operations at the Harbor
			2	Evaluate opportunities for Parcels 5 and 8
P	National/State Parks Collaboration	Maintain Channel Islands National Park Service (NPS) presence at Harbor	1	Coordinate with NPS Superintendent and General Services Administration (GSA) to secure long-term leases for NPS personnel currently located at 1441 and 1691 Spinnaker Dr. (Harbor Village)
		Draw upon Ventura Harbor area Nat'l. & State parks and wetland areas to enhance ecotourism	2	Coordinate with National & California State Parks to develop destination-based ecotourism offerings
T	Village Parking & Traffic	Continue to increase and/or maximize visitor parking and traffic circulation during busy periods	1	Evaluate pedestrian, bicycling, transit networks and parking within and around the Harbor
			2	Pursue needed improvements and management plans
			3	Evaluate pedestrian, bicycling, transit networks and pursue needed improvements, enforcement strategies in partnership with the City
V	Harbor Village	Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience	1	Complete Harbor Village refresh programs
			2	Leasing/Property Management Action Plan
			3	Marketing Action Plan

DEPARTMENTAL STAFF REPORTS

CAPITAL PROJECTS

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

c: Providing superior Harbor Patrol, Maintenance, and related District services.

d: Preserving and enhancing infrastructure, equipment, and facilities for a modernized, efficient and safe working harbor.

Goal 3: Economic Vitality

Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies

Goal 4: Sustainability

Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups

Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

Goal 6: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

Objective F: Commercial Fishing

Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements

2: Continue improvements of Commercial Fishing Industry service offerings by District

Objective V: Harbor Village

Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience.

1: Complete Harbor Village refresh programs

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Joe A. Gonzalez, Capital Projects Manager
SUBJECT: November 2020 Capital Projects Report

CALIFORNIA COASTAL CONSERVANCY FISHERIES GRANT

Status: Ongoing

Budget: On Budget

On September 29th, the District received grant documentation from the California Coastal Commission for a \$318,600 Fisheries Grant which was accepted by the Board of Port Commissioners at its October 7th meeting. The final grant award contract makes relevant costs incurred by the District after May 1, 2020 reimbursable up to \$316,800. The grant is being used to fund two projects: 1) the modernization of the Fishermen's Storage Yard and, 2) the procurement and installation of a second derrick crane for the fish pier. Staff has submitted a draft Work Program to the Conservancy and is awaiting approval which will be followed by an updated budget proposal.

Jensen Design & Survey, Inc. has received approval from the City of Ventura Planning Department for the project and have applied for building permits, which are expected by mid-December. Formal bidding for the construction is being advertised in early December.

Staff has been working with Longitude 123, Inc. on specifications to go out to Bid to secure the 26 storage containers needed. On Thursday, December 3rd the District had its public Bid opening. The District received two bids and staff will be recommending for the lowest bidder to be accepted on December 16th Board of Commissioners meeting. Unfortunately, there is a current global shortage of storage containers impacting price and delivery times (estimated at 10-14 weeks). Staff required in the bidding for all containers to meet "one-trip" specification requirements from all vendors, as this will maximize the longevity of the storage containers in our marine environment. The bid specifications also require a roof sealer to be added to all containers' as additional protection.

The second element to the project is the procurement of a second 1-ton derrick crane for the fish pier. The manufacturer (Allied Power Products) has remedying some issues with hot-dip galvanization of two components. The galvanization is essential to properly protect the crane from corrosion. The District will be going to bid for some structural repairs and cathodic protection improvements at the fish pier in November, as well as, going to bid for the crane assembly and installation upon delivery (likely Q4 2020 or Q1 2021).

1591 SPINNAKER DRIVE PATIO REMODEL

Status: Ongoing

Budget: Over budget

This summer, dry rot and termite damage were identified in the sidewalls and vertical posts of the patio at 1591 Suite 115 (the old Blackbeard's restaurant). In anticipation of finding a restaurant tenant to lease the space, Staff determined that the patio should be renovated. Originally this project was planned for staff to complete in-house. Due to the COVID-19, staff is currently concentrating on the safety of the public by cleaning and sanitizing public areas more frequently. This unforeseen development has resulted in the need to outsource some projects at a modest increase in cost. Staff hired a local contractor to refurbish the exterior of the patio, glad to report that the refurbishment has been completed and a new awning has been ordered and scheduled to be install on December 15th a couple of weeks from today.

New refurbished patio without awning



ONGOING CAPITAL PROJECTS:

Ventura Harbor Village Additional Painting

Staff continues to work with local painting companies to paint several items within the Village, e.g. metal hand rails, common signage, ADA Contrasting stripes on common areas steps etc. These items were not part of the District's Master Painting Project scope of work; originally these items were planned for staff to complete in-house. Due to the Covid-19 situation, Maintenance Department staff are currently concentrating more on the safety of the public by cleaning/sanitizing more of the public areas more often. This unforeseen development has resulted in the need to outsource this project at modest increase in anticipated cost.

Before



After



VPD Elevators

The elevators located at 1559 Drive had their yearly inspection from the State (State of California Department of Industrial Relations Division of Occupational Safety and Health). Staff continues to work with ThyssenKrupp Elevator and the State to address the 1559 elevator preliminary orders from the State's inspection. Technicians are at the end of the repairs. The 1559 elevator is currently in service while these minor conditions are corrected.

Additional Projects:

- 1559 ADA Restrooms Remodel
- 1591 suite 112 ADA entry upgrades
- 1575 suite 104 (Sugar Lab)
- VHV trash enclosures project

Status: Recommending to the board for bid approval on the Dec16th Board meeting.

Status: Waiting on the City for plans approval

Status: Monitoring/Assisting contractors

Status: waiting on City for plan review

DEPARTMENTAL STAFF REPORTS

DREDGING

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

- a: Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials
- b: Dredging the inner harbor and preserving infrastructure

Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing

Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

5-YEAR OBJECTIVES:

Objective D: Harbor Dredging

Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner harbor

- 1: Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program
- 2: Provide on-going leadership role and active participation with California Marine Affairs and Navigation Conference (CMANC) and other relevant organizations in support of federal and state assistance.
- 3: Ventura Port District Dredging

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: November 2020 Dredging Report

VENTURA HARBOR ENTRANCE CHANNEL DREDGING

On November 17, the District hosted an in-person meeting with the US Army Corps of Engineers' (USACE) South Pacific Division Chief of Operations & Regulatory as well as the Los Angeles District Chief of Navigation Section, and the Project Manager for Ventura's entrance channel dredging. The meeting discussed with the team issues regarding schedule (Channel Islands Harbor is being dredged very quickly and is unlikely to have any impact on Ventura's dredging). The meeting also discussed the annual need to secure funding for the USACE to complete the Federal Channel dredging, the timing of that funding, and the importance of USACE in putting forth the competitive advantages of Ventura Harbor – particularly as it relates to commercial fishing.

The District also performed some hydrographic sounding checks in the entrance channel and harbor verifying that, to date there has been little sediment accumulation since the dredging was performed. Typically, most sediment accumulation is due to winter storm activity. Manson Construction will be doing a comprehensive survey of the Federal Channel in December to determine the estimated total volume of dredging.

INNER HARBOR DREDGING – PERMIT AMENDMENTS

On October 9th, the VPD Dredging Team (including VPD BOM, Rincon Consultants, and Jon Moore) submitted two draft reports to the US Army Corps of Engineers local regulatory office to review prior to the District formally seeking an amendment to our dredging permits. Constructive feedback was received on November 2 and the VPD Dredging Team worked on amendments and additions for formal submission on November 25th for the Southern California Dredged Material Management Team (DMMT). The Dredging Team has been advised that the request has been put on the DMMT Meeting agenda for December 9th, when the permit amendment request from both the District as well as the City of Ventura will be presented and discussed.

Separately, District staff have engaged with the local District Supervisor of the California Coastal Commission to discuss the topics of permit requirements (shoreline monitoring), amendments, and also the pursuit of entitlements for Parcel 20 in conjunction with Derektor Marine Holdings. A virtual meeting was held on November 16th with Brian Pendleton, Todd Mitchell, Jacqueline Phelps, Coastal Commission District Supervisor, and Walt Deppe, Coastal Commission Coastal Program Analyst. District staff were able to advise the Commission staff on several projects planned in Ventura Harbor, including those being planned by Master Tenants, as well as to discuss the Dredging Permit amendment being planned.

POLITICAL ACTIVITIES

In communication with the USACE, the District has determined that the total cost of the federal channel dredging in 2022 is likely to escalate due to the contract being rebid. Currently, the estimated cost is likely between \$5.4 and \$5.8 million and therefore this figure is being communicated to both to federal appropriators and elected officials for the purpose of inclusion in the next President's Budget Request.

DEPARTMENTAL STAFF REPORTS

FACILITIES

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

c: Providing superior Harbor Patrol, Maintenance, and related District services.

d: Preserving and enhancing infrastructure, equipment, and facilities for a modernized, efficient and safe working harbor.

Goal 3: Economic Vitality

Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies

Goal 4: Sustainability

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5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

Objective F: Commercial Fishing

Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements

2: Continue improvements of Commercial Fishing Industry service offerings by District

Objective V: Harbor Village

Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience.

1: Complete Harbor Village refresh programs

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Sergio Gonzalez, Maintenance Supervisor
SUBJECT: November 2020 Facilities Report

MAINTENANCE ACTIVITIES
COVID-19 MAINTENANCE RESPONSE /UPDATE

Status: Ongoing Budget: Over normal operating budget

VPD Maintenance Department has responded to the COVID-19 pandemic by increasing janitorial services throughout the District with a concentration on high-touch surfaces, including restrooms, door handles, etc.

Maintenance staff continued to work with shifts staggered to minimize overlap in arrival and departure times. In addition, we have implemented a variation in staff schedule to ensure a Maintenance employee is on shift until 7:00 PM, 7 days a week to improve visibility of staff throughout the Village through November 30, 2020. Staff has been provided reusable washable face coverings & surgical masks, nitrile gloves & disinfectant wipes upon request. Staff has continued to self-screen and log all data entry. Morale remains good and Village facilities are kept at a high standard of cleanliness.

Signage has been placed throughout the village addressing the social distancing guidelines. We continue to work with tenants to ensure cooperative compliance with these orders.



All restrooms throughout the Village are open, hours were reduced based on restaurant hours and to discourage issues with vandalism and theft. As of October 16, 2020, we have opened all the public restrooms at VHV to accommodate the influx of visitors due to the County's reopening. Open restrooms hours have been adjusted to close at 11:00 pm. Due to the new Stay Home Order, the hours of operation will be revisited in December.

LAUNCH RAMP PUBLIC DOCK FLOAT DISCHARGE

Status: Completed Budget: Budgeted

A float from under a section of the eastern public boat launch dock dislodged overnight and was recovered out of the water by Tow Boat USA. The float was secured to their dock until further repairs could be completed. After consulting with a local repair contractor, it was determined that an effort was going to be made in-house to replace the float. A timeline was scheduled to replace the float during a major low tide event to facilitate the process. Thanks to the efforts to Maintenance Worker 2 / Abel Gamino the float was resecured to the section of the dock.

Dislodged float



Re-secured float



VENTURA HARBOR VILLAGE 1575 LIGHT REPLACEMENTS

Status: Completed Budget: Budgeted

We identified three remaining outdated fluorescent boxed wall lights that were removed and replaced with new recessed LED fixtures. After installation all necessary patching and repairs were painted to match.

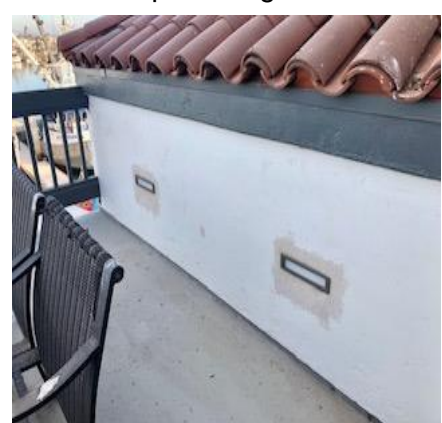
Removed fluorescent light



Replaced LED light



2nd & 3rd replaced lights



PUBLIC LAUNCH RAMP WASH DOWN PUMP FAILURE & REPAIR

Status: Completed Budget: Budgeted

On a weekend, we received reports that the drains at the boat wash down located at the eastern end of the Launch ramp parking lot were backing up and flooding the area. After troubleshooting, it was determined that the sump pump located in the first holding tank clarifier went bad and was not transferring the wastewater to the next tank. The wash down was placed out of service until a new replacement pump was ordered and prepped for installation. Thanks to the efforts of Electrical Tech / John Collins and Maintenance Worker 1 / Juan Valeriano, the pump was replaced and the wash down was placed back in service for public use within days.

Out of service wash down



Defective sump pump



PUBLIC LAUNCH RAMP SAFETY BOLLARDS REPAINTING

Status: Completed Budget: Budgeted

We repainted approximately 15 faded safety bollards located throughout the parking lot to increase visibility & safety. After painting the bollards, we applied strips of reflective tape to increase the visibility in low light conditions.

Faded bollards



Repainted bollards with reflective tape



CAPITAL PROJECT MANAGER/ PROPERTY MANAGER:

Assist Capital Project Manager & Property Manager with pending projects.

MARINA/MARKETING DEPARTMENTS:

The Maintenance Department continues to perform monthly inspections on all gangways, docks, fire extinguishers and fire boxes. Assist Marketing department with banner placement and COVID-19 related signage. Extra efforts were made in coordination with the Marketing department to assist in preparation of the Holiday Décor by assuring electrical connections and necessary décor mounting hardware were in place for installation contractor.

HARBOR PATROL:

Assist in the everyday operations by performing preventive maintenance and on the spot repairs of equipment, vehicles, and vessels.

FACILITIES:

Staff continues to perform everyday maintenance and on the spot repairs throughout the Ventura Harbor Village and other VPD properties.

DEPARTMENTAL STAFF REPORTS

FEDERAL

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

- a: Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials

Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing

Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.

5-YEAR OBJECTIVES:

Objective D: Harbor Dredging

Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner harbor

- 1: Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program
2. Provide on-going leadership role and active participation with California Marine Affairs and Navigation Conference (CMANC) and other relevant organizations in support of federal and state assistance
- 3: Ventura Port District Dredging

2020 Election Results

The White House. Former Vice President Joe Biden (D) has been named the projected winner in the 2020 Presidential election with 306 electoral votes to 232 electoral votes for President Donald Trump (R).

Senate. Coming into this election, Republicans held a 53-47 majority in the Senate. After the election, the Senate stands at 48 Democrats and 50 Republicans—a net gain so far of +1 for Democrats— with two races in Georgia to be decided in a run-off election on January 5th. These two Senate elections in January will determine which party will be in the majority in the 117th Congress. If Democrats are successful in both races, the chamber would be 50-50 with Vice President Kamala Harris as the tie-breaking vote. Additionally, with the upcoming resignation of Senator Harris from the Senate, California Governor Gavin Newsom will appoint a successor to fill the seat she will be vacating.

House of Representatives. Coming into this election, Democrats hold a 232-197 majority in the House. After the election, the House stands at 222 Democrats and 206 Republicans with 7 races still yet to be called.

Leadership Elections. In the Senate, there will be no changes to top positions on either side of the aisle, with Sens. Mitch McConnell and Chuck Schumer retaining their current leadership positions. In the House, there will also be no changes to top positions on either side of the aisle, with Speaker Nancy Pelosi (D-CA) and Minority Leader Kevin McCarthy (R-CA) retaining their current leadership positions.

Biden Administration Transition

President-elect Biden has begun moving forward with the transition process. On Monday, November 23rd, the General Services Administration (GSA) officially signed off on the letter to allow the formal transition process to begin. In addition to providing federal funding, this letter also allows members of the Biden transition team to officially begin conversations with all of the federal agencies and to start formally conducting their agency review process. Additionally, the Biden transition now have an official government website (buildbackbetter.gov).

President-elect Biden has made several announcements regarding senior staff. A few positions of note are:

- Chief of Staff: Ron Klain (longtime Biden aide; former Chief of Staff to Vice President Biden; former White House Ebola Response Coordinator)
- Deputy Chief of Staff: Jen O'Malley Dillon (former Biden campaign manager)
- Director of the White House Office of Intergovernmental Affairs: Julie Rodriguez (native Californian; longtime Harris aide; former Deputy Press Secretary at the Department of the Interior for Secretary Salazar)
- Director of Communications: Kate Bedingfield (Deputy Campaign Manager and Communications Director for the Biden-Harris Campaign)
- Press Secretary: Jen Psaki (Former White House Communications Director; former State Department Spokesperson)

Last week, President-elect Biden made his first round of cabinet secretary nomination and appointment announcements, focused around the issues of National Security, which included the following:

- Secretary of State: Antony Blinken (Served as Deputy Secretary of State during the Obama Administration)
- Secretary of Homeland Security: Alejandro Mayorkas (Deputy Secretary of Homeland Security in the Obama Administration)
- Director of National Intelligence: Avril Haines (Former Principal Deputy National Security Advisor to President Barack Obama and Legal Advisor to the National Security Council)
- Ambassador to the U.N.: Linda Thomas-Greenfield (35-year veteran of the U.S. Foreign Service who has served on four continents; Assistant Secretary for the Bureau of African Affairs under the Obama Administration)
- Special Presidential Envoy for Climate Change: Former Secretary John Kerry (Former Secretary of State in Obama Administration and former US Senator)

This week, President-elect Biden made another round of cabinet secretary nomination and appointment announcements, focused around economic issues, which included the following:

- Secretary of the Treasury: Janet Yellen (Former Chair of the Council of Economic Advisors; former Chair of the Federal Reserve)
- Deputy Secretary of the Treasury: Wally Adye (Served as the Deputy Director of the National Economic Council and Deputy National Security Advisor in the Obama Administration; former Chief of Staff of the Consumer Financial Protection Bureau)
- Director of the Office of Management and Budget: Neera Tanden (President & CEO of the Center for American Progress)
- Chair of the Council of Economic Advisors: Cecilia Rouse (Former member of the Obama Council of Economic Advisers; dean of the Princeton School of Public and International Affairs)

Over the coming weeks, it is expected that President-elect Biden will continue to make announcements for additional cabinet secretaries and senior staff.

FY 2021 Appropriations Update

Earlier this month, the Senate Appropriations Committee released all twelve of their FY21 Appropriations bills to begin negotiations with the House and working to move towards a final appropriations package. The federal government is still being funded by a Continuing Resolution (CR) that runs until December 11th. Before the Thanksgiving break, House and Senate negotiators struck a deal on dividing \$1.4 trillion among the 12 individual spending bills. That agreement clears the way for appropriators to put the finishing touches on their bills, which will likely be rolled into an omnibus package. If talks do not continue to progress regarding an omnibus appropriations package over the next few days, another CR will need to be passed to avoid a government shutdown. Both Speaker Pelosi and Senate Majority Leader Mitch McConnell (R-KY) have indicated their preference to pass an omnibus and avoid another CR.

Negotiations on COVID-19 Relief Bill Stall

Since returning to Washington, D.C. after the elections, negotiations on an additional COVID-19 relief package have stalled. Both sides still appear to be far apart on an overall price tag of the package, as well as many aspects of a package, including funding for state and local governments and extending unemployment insurance. In an effort to restart negotiations, in late November, Speaker Pelosi and Minority Leader Schumer sent a joint letter to Majority Leader McConnell asking him to meet with them and begin discussions on an additional COVID-19 relief package.

Murkowski and Hassan Introduce Bill to Extend CRF Deadline

Senators Lisa Murkowski (R-AK) and Maggie Hassan (D-NH) introduced legislation that extends the period during which States, Indian Tribes, territories, and local governments may use Coronavirus Relief Fund (CRF) payments, allocated under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. If enacted, this bipartisan legislation will allow the relief funds to be used until September 30, 2021, rather than the original deadline of the end of this year, December 30, 2020. The CARES Act allocated \$150 billion to create the Coronavirus Relief Fund.

Mnuchin Requests Unused MLF Funds be Returned to Treasury

On November 19th, Treasury Secretary Steven Mnuchin sent a letter to the Federal Reserve Chairman requesting that any unused funds from the Municipal Liquidity Facility (MLF) be returned to the Treasury. The MLF, established under the CARES Act, is currently set to expire on December 31, 2020. To date, the amount returned to the Treasury would be \$455 billion dollars.

In response to the devastating fiscal impacts of the COVID-19 pandemic, the Federal Reserve established the MLF to lend money to eligible cities, counties and states that experienced revenue declines. The Federal Reserve had the authority to lend up to \$500 billion dollars to these local entities, although there are many restrictions surrounding the eligibility of borrowers. Currently, only counties with populations over 500,000 and cities with populations over 250,000 may access the MLF. To ensure smaller jurisdictions may also be supported by the MLF, potential borrowers were expanded in June to include cities or counties identified by governors in states where less than two cities and counties meet these population thresholds.

A Look Ahead: What Might Congress Tackle in the Remaining Days of the Lame Duck Session

With only a handful of days remaining before the end of the 116th Congress, the window for Congress to pass legislation is beginning to close. There are a few legislative items that Congress is focusing on during the remaining days in the lame duck session including:

- FY21 Appropriations Bills
- Additional COVID-19 Relief Package
- National Defense Authorization Act
- Water Resources Development Act
- Extension of the Temporary Assistance for Needy Families

Congressional desire to stay in Washington, D.C. for a few more weeks to try and complete some of these items may be waning, coupled with an increase in the number of Members of Congress who have recently tested positive for COVID-19. House Majority Leader Steny Hoyer(D-MD) announced that the House may complete its business for the year early next week.

Feinstein Announces She Will Not Seek Top Spot on Judiciary Committee

Senator Dianne Feinstein (D-CA) announced she will not seek the position of chairman or ranking member of the Senate Judiciary Committee in the 117th Congress. She has served as ranking member of the Judiciary Committee since 2017 and previously served as chairman and vice chairman of the Senate Intelligence Committee and chairman of the Senate Rules Committee. She will continue to serve as a member of those committees next year, as well as remaining on the Senate Appropriations Committee.

DEPARTMENTAL STAFF REPORTS

HARBOR PATROL

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

c: Providing superior Harbor Patrol, Maintenance, and related District services.

d: Preserving and enhancing infrastructure, equipment, and facilities for a modernized, efficient and safe working harbor.

Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing.

Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

Goal 5: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
John Higgins, Harbormaster
SUBJECT: November 2020 Harbormaster/Harbor Patrol Report

PUBLIC SAFETY

Overview:

We have begun to receive more weather related calls as we are entering the winter season. Wind remains the biggest challenge for our boaters and Harbor tenants. To help inform the boaters we have our real time weather station, fly our weather flags, display warnings at the launch ramp via our electronic board, and personally answer questions from the public.

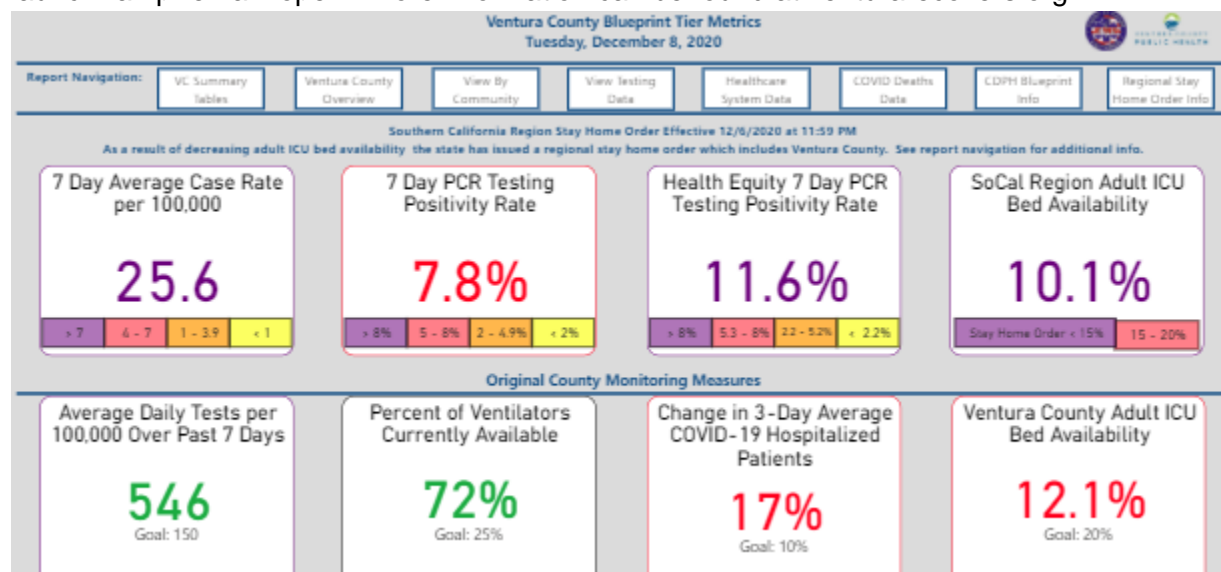


The colder weather has also brought more vagrant related issues with camping within the Harbor and on private property. Harbor Patrol performs several landside truck patrols throughout the Harbor each shift and routinely contacts people illegally camping or trespassing. There are many challenges in effectively removing these individuals and our staff always tries to work within the law. We work with Ventura Police and the master tenants when possible to find ways to make these areas less attractive to these individuals.

COVID-19

Community Overview:

California has seen a significant increase in positive cases in the past few weeks. The resulting Stay at Home order will once again change activities within the Harbor. The Harbor, beach, and launch ramp remain open. More information can be found at venturarecovers.org.



Ventura County websites: www.vcemergency.com, www.venturarecovers.org
California Website: www.covid19.ca.gov

BEACHES

Harbor Cove:

Harbor Cove remains popular for outdoor exercise and social distancing. Even with the colder winter water temperatures, people continue daily lap swimming and other water activities. We will be reaching out to the City towards the end of the month to coordinate the removal of the beach access mat. This is done yearly, just before dredging, to ensure the mat does not get damaged from the heavy equipment operating on the beach.

Due to the State Health Order, the Beach Volleyball Courts remain closed.

South Beach:

We have only seen moderate beach erosion, and fortunately, there have been no issues as a result. In the next few months, we expect that the sand will retreat towards the dunes. Fortunately, the annual dredging appears to be on track, and the beach replenishment that occurs will provide for another year of high use by the public.

TRAINING

Marine Firefighting Training:

Harbor Patrol Officer Tucker Zimmerman returned from the California Division of Boating & Waterways course held in Marina Del Rey. This five-day course covered marine firefighting from a maritime platform along with land-based firefighting. During the course, he participated in several specialized modules that included tactics, response, scenarios, and debriefing. He thanks the Board for the opportunity to attend and plans to share his experience with the other members of the Harbor Patrol.

Rescue Boat Handling:

Marine Safety Officer Casey Graham attended the California Division of Boating & Waterways Course also held in Marina Del Rey in late November. The five-day course covered numerous topics for search and rescue. During the course, they covered local, State, and Federal search and rescue curriculum. They also focused on the different skills of each member of the team. He was appreciative of the opportunity to attend this class, and like Harbor Patrol Officer Zimmerman plans to share his experiences with other members of the Harbor Patrol.

Emergency Reporting Software:

Harbor Patrol Staff have begun training and using the Emergency Reporting Software daily. This software will help us move closer to paperless operations and provide real efficiencies with the overall operations management. This software is available on the desktop, ipads, and iphones, which now gives staff the flexibility to submit log entries, complete reports, and submit maintenance requests in real-time and in the field.

VENTURA HARBOR PATROL BLOTTER

Summaries of some more notable calls for service can be found in our bi-weekly blotter. You can request to be included in the email distribution list by emailing: harbormaster@venturaharbor.com or find it online: <https://venturabreeze.com/category/harbor-patrol-blotter/>

911 CALLS DISPATCHED (26 CALLS RECEIVED 11/9-12/9)

20-0306477	HPRM1, ME2, MEDH21	M5	ASSAULT NON EMD	Ventura County Fire Department	1415 Spinnaker Dr	Ventura	11/9/2020 9:37:50 PM
20-0306781	HARS1, ME103, MEDH71, MTS	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1449 Spinnaker Dr	Ventura	11/17/2020 1:24:01 PM
20-0306134	B1, B22, B01, BOAT1, CSTGRD1, EMG53, HARS1, LIFSGD2, ME3, MEDH71, MTS, OR1, OR35, OR53, OR56, VCAU1	F4	OCEAN RESCUE HIGH	Ventura County Fire Department	5 Seaward Ave / Zephyr Ct	Ventura	11/25/2020 5:39:31 AM
20-0306135	HARS1	F7	TEST CALL	Ventura County Fire Department	1510 Anchors Way	Ventura	11/25/2020 6:51:56 AM
20-0306496	B22, B3, CSTGRD1, E25, EMG53, HARS1, LIFSGD2, MEDH71, OR35	F5	OCEAN RESCUE LOW	Ventura County Fire Department	115 MOSEL PIER RD	Rincon Bluffs	11/26/2020 8:55:11 AM
20-0306790	HARS1, ME2, MEDH71	M3	CHOKING HIGH	Ventura County Fire Department	983 Schooner Dr	Ventura	11/26/2020 2:43:26 PM
20-0306943	HARS1, ME2, ME7, MEDH73	M7	STROKE (CVA) NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	11/27/2020 5:32:56 PM
20-0306964	HARS1, ME2, MEDH71, MEDH73	M5	SICK PERSON	Ventura County Fire Department	1215 Anchors Way	Ventura	11/30/2020 6:45:06 AM
20-0306713	HARS1, ME2, MEDH71	M3	UNCONSCIOUS/FAINT HIGH	Ventura County Fire Department	1583 Spinnaker Dr	Ventura	11/30/2020 9:02:10 AM
20-0306660	HARS1, MEDH74, MTS	M5	FALL	Ventura County Fire Department	1215 Anchors Way	Ventura	11/30/2020 4:42:33 PM
20-0100333	HARS1, ME2, MEDH71	M3	SICK PERSON HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	12/02/2020 10:26:39 AM
20-0100371	BOAT17, E06, EMG53, EMG56, FCC1, HARS1, HARS2, ME2, MEDH23, MEDH72, MEDH65, T06	M5	FALL NON EMD	Ventura County Fire Department	1683 ANCHORS WAY DR	Ventura	12/02/2020 12:27:49 PM
20-0101119	B2, B32, CSTGRD1, EMG53, HARS1, LIFSGD2, ME2, MEDH71, MTS, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	1350-1401 Greentock Ln	Ventura	12/02/2020 2:39:36 PM
20-0101355	HARS1, ME2, MEDH62	M7	FALL NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	12/05/2020 10:19:41 AM
20-0101360	HARS1, ME2, MEDH71, MEDH61, MEDH62	M7	SICK PERSON NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	12/05/2020 12:15:49 PM
20-0101690	HARS1, ME2, MEDH51	M5	STROKE (CVA)	Ventura County Fire Department	965 Schooner Dr	Ventura	12/06/2020 11:07:02 AM
20-0101687	HARS1, ME5, MEDH21, MEDH71	M3	HEMORRHAGE/LACERATIONS HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	12/06/2020 10:22:47 PM
20-0102090	HARS1, HARS2, ME2	F7	HAZARD INVESTIGATION	Ventura County Fire Department	1215 Anchors Way	Ventura	12/07/2020 11:13:07 AM
20-0102149	HARS1, ME2	F7	HAZARD INVESTIGATION	Ventura County Fire Department	1215 Anchors Way	Ventura	12/07/2020 12:34:59 PM
20-0102488	B1, B15, B01, C11, E141, E04, FCC1, HARS1, ME103, ME2	F5	FIRE MISC	Ventura County Fire Department	N Harbor Bl / W Gonzales Rd	Oxnard (County)	12/07/2020 10:34:43 PM
20-0102590	HARS1, MTS	F7	FIRE ALARM	Ventura County Fire Department	1049 Marina Dr	Ventura	12/08/2020 8:19:49 AM
20-0102640	B1, B23, CSTGRD1, E001, EMG48, HARS1, LIFSGD2, ME7, MEDH23, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	600 E Harbor Blvd	Ventura	12/08/2020 10:26:56 AM
20-0102678	B1, B3, B01, BOAT19, CSTGRD2, EMG53, HARS1, HARBOR, LIFSGD2, ME1, ME2, MEDH71, MTS, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	2211 Harbor Bl	Oxnard	12/08/2020 1:43:09 PM
20-0103093	HARS1, MEDH71, MTS	M7	LIFT ASSIST	Ventura County Fire Department	1215 Anchors Way	Ventura	12/09/2020 5:15:11 AM

DEPARTMENTAL STAFF REPORTS

MARINA

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

c: Providing superior Harbor Patrol, Maintenance, and related District services.

d: Preserving and enhancing infrastructure, equipment, and facilities for a modernized, efficient, and safe working harbor.

Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing.

Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

Goal 6: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

Objective F: Commercial Fishing

Support current commercial fishing industry central to Ventura's premier working waterfront through: stakeholder engagement, diversification, and infrastructure improvements.

2: Continue improvements of Commercial Fishing Industry service offerings by District

**VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT**

Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Dave Werneburg, Marina Manager / Commercial Fisheries
SUBJECT: November 2020 Marina Report

MARINA DEPARTMENT ACTIVITIES

California Market Squid Harvest – Ventura Harbor

- No commercial squid landings in November for Ventura Harbor
- 19 – 20 YTD (Starting April 1, 2019): 581 landings, 9,262,965 lbs. / 4,631 tons
- California Squid Season Limit: 118,000 tons

Commercial Fishing

While there were no commercial squid landings in Ventura in November, there continues to be active fishing in Monterey and a number of landings in San Pedro for squid harvested near Catalina. Many of our fleet have returned to Ventura and are actively prepping to fish but first need to make some needed upgrades, repairs and swapping out nets. One of our typical seiners may have up to three or four different types of nets, i.e., squid, sardine, anchovy, salmon, some types of tuna, though most commercial turn is fished long-line. A seiner will have at least two types of squid nets, a shallow (rock) net and a deep net. New nets can cost upwards of \$100,000 each; used nets can be had for \$30,000 to \$50,000 each. Vessels must schedule and reserve access to the old haul-out/elevator slip (east side of Fish Pier) through the Dockmaster. One flatbed truck will haul off the old net and take it to storage; another flatbed will arrive with the proper new type net. This process can take up to a full day. So, not only does each vessel have to have the right number and type of nets, but they also must have the current permits for each type of fish they are harvesting. If fishing for tuna, a Federal Observer will be along for the ride at the expense of the host vessel. Commercial fishing is far more complex, and cost burdened than one might think.

Courtesy Patrol / Dockmasters

The Village has experienced a significant uptick in transient and homeless population due to the winter days, chilly nights, and strong sea winds. They take refuge under cramped stairwells, closets, restrooms, etc. The Boatyard has experienced a troubling trend of thefts of propane tanks and equipment recovered from the river encampments. The Boatyard is engaged with VIM to upgrade their security systems. The Port District has supplemented both our swing shift (4pm to midnight) and graveyard shift (midnight to 8am) with extra Dial Security Officers so that each of these shifts during these challenging winter months are staffed by two personnel, one of our Courtesy Patrol/Dockmasters and one Dial Security Officer. During periods of high wind / King Tide events, the Dockmaster must also keep a keen watch over all our marina tenants. High winds, surging, etc. can loosen lines, pull shore power cords from their pedestals, etc.

VENTURA HARBOR VILLAGE MARINA

Total Slip Count	103	100%
Slips Assigned / Reservations	102	99%
Slips Currently Occupied	73	71%
Slips Available	1	.09%

DEPARTMENTAL STAFF REPORTS

MARKETING

LONG-TERM GOALS:

Goal 3: Economic Vitality

Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

Goal 5: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

- 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

Objective V: Harbor Village

Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience

- 3: Marketing Action Plan

NOVEMBER MARKETING REPORT

Enhance Visitor Experiences

"BEST OF" VENTURA COUNTY

VC Reporter Best Of results are normally announced in summer, but was moved to November in 2020. Multiple media outlets utilized to share this good news story!

Congratulations goes to the following Harbor businesses that won a category or were recommended in the top 3: Andria's Seafood Restaurant & Fish Market; Barefoot Boutique; Brophy Bros. Restaurant & Clam Bar; Coastal Cone; The Greek Mediterranean Steak & Seafood; Ventura Dive & Sport; Ventura Yacht Club

Ventura Harbor Village was voted as one of the Top 3 Shopping Centers in Ventura County and this will be highlighted throughout the next year!



HOLIDAY SHOPPING PASSPORT LAUNCH

17 Harbor retailers participating in 2020!
Promotion Goal: To enhance the visitor experience, increase Village retail exposure & encourage shopping with locally-owned & operated businesses for holidays.

SHOP SMALL
LOCALLY OWNED * LOCALLY OPERATED



ENTRY SIGNAGE

New seasonal banners installed at entrances to the Ventura Harbor Village for the holiday season!

SEASONAL CHALK PAINT

New seasonal chalk paint depicting Santa relaxing on the beach, was created by artist Randall Williams as part of the Thanksgiving weekend visitor experience on Promenade located in front of Le Petit Café & Bakery.



SEASONAL HOLIDAY DECOR

General Manager requested to start the holiday décor early in 2020, so marketing team worked to secure & install the coastal-sea inspired décor in November. Includes hints of red added throughout, new aqua lights, enhanced sea pearls & bows on light poles, new reindeer, more wreaths & trees, and refurbished SEASON'S GREETINGS sign.



Strong focus on **patio dining** and the stunning seaside experience in November:



EVENT REVENUE

2 Onsite Weddings
= \$886 total

NOTE - Each event is Covid approved with social distancing protocol.

NOVEMBER MARKETING REPORT

Engage Customers via Paid Media

DATA DRIVEN DECISIONS

Demographic data is derived from website & social media platform analytics, and campaign performance. The regional drive market influenced strategic marketing messages. The top demographics for November 2020 are:

Ages

AGES 25 - 54

Markets

LOS ANGELES
VENTURA COUNTY
SANTA CLARITA

Interests

EVENTS
DINE & SHOP
PARADE OF LIGHTS
VC REPORTER BEST OF
VODI MESSAGING
FISH MARKET
CHANNEL ISLANDS

PLEASE NOTE:

The data above is a summary of top results for the month, it is not reflective of all demographic data for Ventura Harbor overall.

CONTENT CREATION & LEVERAGING LOCAL INFLUENCERS

Since most international travel plans are taking a back seat due to COVID19, we partnered with **Trendi Eats**, a local **foodie influencer** group, to explore the culinary wonders of the world found within in Ventura Harbor - from Mexico, to Greece, to France, to Cuba, and so on. Part one of the video was launched before Thanksgiving to encourage customers to bring their relatives to eat in the Harbor, as we truly have "something for everyone".

Trendi Eats has the digital platform to reach a vast audience online (many of which are in the **local 805 and Los Angeles market**). The restaurants they cover are predominantly in Oxnard and Ventura. They have a loyal audience who support the businesses they promote. We have additional Harbor coverage lined up, with filming planned for early 2021.



@TRENDIEATS

SOCIAL PERFORMANCE
of 1st harbor foodie video



12,172 Engagements
135,890 Impressions



1,495 Engagements
27,375 Impressions



GOOGLE ADS

Reinstated ads on top searches for Ventura (Things to Do in Ventura, Ventura Restaurants, and more) to highlight Ventura Harbor Village as an attraction towards top of Google search results.

Ad presence garnished:

660 click thrus
33,099 impressions
\$808 Spend



PRODUCTION IN PROGRESS

MEET THE MAKERS

In collaboration with Dream Cast Media Group based out of Carpinteria, a digital Meet the Makers Tour is in production. This will highlight harbor art galleries and maker spaces. Originally a Makers event was lined up, but due to COVID-19 limitations, we pivoted to film a sample tour for guests that will be evergreen on VenturaHarborVillage.com for time being.

TRENDI EATS FOODIE VIDEO - PART 2

A second Trendi Eats video for culinary is in production, was set to launch in Nov. but moved to Dec. Launch is pending approval of businesses given the new COVID restrictions.

VENTURA HARBOR HIGHLIGHTS

A video to highlight Fun on the Water (to release in March 2021) and Season's Greetings was shot in November. Stay tuned for stats!

NOVEMBER MARKETING REPORT

Social Media & Content Development

RECOVERY MESSAGING

November 2020 social posts were dedicated to messages of gratitude, small business support and encouraging local shopping this holiday season.

INSTAGRAM

20,382 Followers (↑ 2%)
12,070 Engagement (↓ 25%)
371,163 Impressions (↓ 33%)



FACEBOOK

26,600 Followers (↑ 1%)
28,664 Engagement (↓ 42%)
629,713 Impressions (↓ 31%)



TWITTER

5,550 Followers (↑ 1%)
14 Link Clicks (↓ 44%)
8,725 Impressions (↓ 20%)



SAMPLE SOCIAL TOPICS INCLUDE:

Posts highlighting Dia de los Muertos, serene imagery during the election, Veterans Day, small business merchandise, Thanksgiving eats & treats, squid seiners, Seaside Safely mask protocol, plus the below...



Ventura Pottery Gallery Seasonal Promotion



Purple Tier Update for Ventura Harbor Visitors



Harbor Voted one of Best Shopping Districts by Locals

SOCIAL MEDIA STORIES IN NOVEMBER

Total Stories Posted: 6 videos + 44 shares | Total Impressions: 4.5k

Sample Topics: Holiday Decor & Lights, Best of Ventura announcements, Small Business Saturday, Frenchies Nails Vote promotion, various harbor restaurants & retail.

PAID ADS

SOCIAL MEDIA AD

Safe Seaside Holiday Sojourn (carousel ad):
18,475 Reach | 525 Link Clicks | \$150 Spend

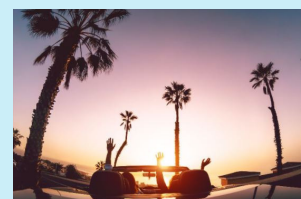
GOOGLE AD

Ventura Harbor Village
33,099 impressions | 663 Link Clicks | \$808 Spend

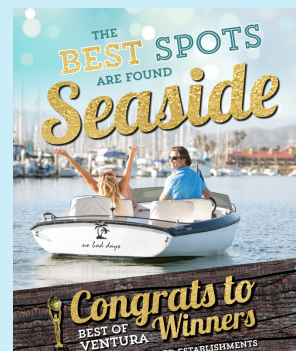


BLOGS & ENEWSLETTERS sent to gk subscribers

Road Trip to Ventura Harbor
1,310 opens | 95 clicks



VC Reporter 'Best Of' Winners
1,380 opens | 143 clicks



Holiday Styles & Services
1,170 opens | 50 clicks



Message of 'Thanks'
1,184 opens | 79 clicks



NOVEMBER MARKETING REPORT

Earned Media & Tourism

INSPIRE LOCAL DRIVE MARKET

Before the more restrictive purple tier was enacted, individuals within a 100 mile radius of Ventura Harbor were targeted to plan a safe visit - complete with an inspirational video, itinerary suggestions, and a curated coastal playlist for their journey to the sea.

GET INSPIRED

CLICK HERE to "sea" what to expect

PLAN AHEAD

CLICK HERE for itinerary suggestions

SET THE MOOD

CLICK HERE for the official Ventura Harbor Village Playlist

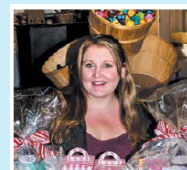
RECOVERY MESSAGING

The marketing team continues to be updated on the Visit California and the governor's messaging on travel and the "Calling all Californian's" campaign that in November was moving forward and by end of November had been paused. Ventura Harbor followed suit with pivoting on messaging.



PUBLIC RELATIONS & EARNED MEDIA

Ventura Harbor marketing pitched **Ventura Breeze** for coverage on first year anniversaries during a pandemic and received coverage for Top This Chocolate and Lemon & Lei on navigating challenging times with success.

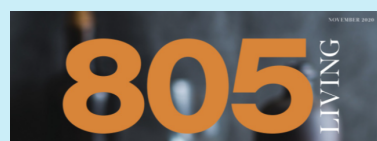


Katie Adams



Shana Elton

Happy anniversary to the female owned businesses at Ventura Harbor
by Carol Leish



Here's an Idea:

Eat clean and healthfully during the holidays by purchasing a variety of sustainably caught fresh fish at the **FISHERMAN'S MARKET** at Ventura Harbor Village every Saturday (weather permitting) from 7:30 a.m. until they sell out. Local fishermen offer their just-off-the-hook catches at the ocean side of Andria's Seafood Restaurant & Market. Pick-up and delivery options are available; venturaharborvillage.com.

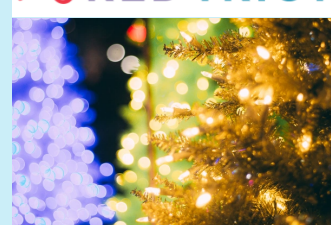
Somerville Associates sent Ventura Harbor holiday happenings to over 20 local and regional media outlets for coverage, editorial placements in multiple publications including **Mommy Poppins, Conejo Valley, Red Tricycle, LA Times, Macaroni Kid** and more. Distributed to over **900 publications and bloggers** press release entitled: Island Packers Give the Gift of Whale Watching Excursion to Channel Islands For Holiday, editorial placements in multiple publications. **805 Living Magazine** coverage in November issue on Harbor Fish Markets pitched to the editorial staff in early fall. Somerville arranged for a requested media visit to the Channel Island NP with Island Packers, harbor marketing offered free meal with Andria's Seafood Restaurant & Market following the excursion – both covered in the article (**Warner News** - Woodland Hills/San Fernando Valley/Agoura Hills/Studio City - Circ. 35k)



VALLEY ENTERTAINMENT
COVID Fatigue? Escape for a Day to Ventura's Great Outdoors



RED TRICYCLE



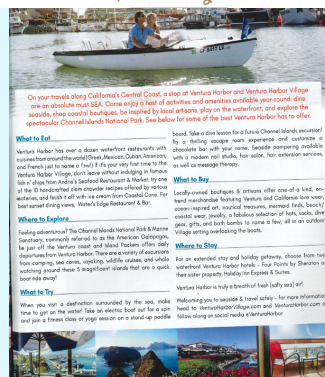
Holiday Decor and Lights on the Water - Ventura Harbor Village

Seasons greetings abound at Ventura Harbor Village where the glitter Pacific will shine even brighter with the Harbor's display of ocean-inspired holiday decorations decking the halls from Thanksgiving to New Year's and your sugarplums will enjoy whimsical colorful trees, bountiful wreath holiday decor, lights on the water, seasonal sweets, a shopping passport and more.

Dates: Nov. 20 - Jan. 3
Times: 11 a.m. - 6 p.m.
Cost: Free to visit the Village

1583 Spinnaker Dr.
Ventura, 93001
Online: www.venturaharborvillage.com

CALIFORNIA 101 TRAVELERS GUIDE



DEPARTMENTAL STAFF REPORTS

PROPERTY

LONG-TERM GOALS:

Goal 3: Economic Vitality

Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

Goal 5: Relationships

Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials, and the community.

Goal 5: Public Service

Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective, and public focused organization.

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders

- 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

Objective V: Harbor Village

Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience

- 1: Complete Harbor Village refresh programs
- 2: Leasing/Property Management Action Plan

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Robin Baer, Property Manager
SUBJECT: November 2020 Property Manager Report

CURRENT TENANT REPORT

1) Harbor Businesses seeking COVID-19 Ventura Harbor Rental Abatement and Deferment Program, Resolution Number 3398 (for the month of November)

- Staff continues to work with tenants on their qualification for the updated plan and/or the updated City Ordinance

2) Sugar Lab – 1575 Spinnaker #105A/B

- Tenant is experiencing construction delays due to pandemic. Tenant estimates Grand Opening for January 2021, depending on Covid health orders.

3) Rated Sports – 1591 Spinnaker #201 move to #207

- Tenant is growing and has chosen to increase square footage (746 to 1,420). A new lease has been negotiated and is being presented for Board approval.
- Staff is in discussion with a new prospective tenant for space #201

4) Ultimate Escape Rooms – 1591 Spinnaker #117C

- Staff has negotiated a lease renewal of a five-year term with a four-year option.

5) Month-To-Month Tenants --- Staff continues to keep communication lines open, be creative in lease terms and work with these tenants to secure them into long term leases in the near future.

CURRENT AVAILABILITY REPORT

1) 1567 Spinnaker Drive #100

- District has received City of Ventura planning permit to buildout the space
 - Staff has received a proposal and continues to communicate with the prospective tenant to review and discuss their proposal, layout, and timelines.

2) 1591 Spinnaker Drive #114 & 115. This space is being advertised on our leasing outreach programs listed below. The following upgrades to the space are as follows:

- New interior lighter/brighter paint, including the ceiling
- Repairs to patio siding, along with cleanup of the flooring
- Replacement of torn patio awning highlighting the new approved Village palette color

LEASING OUTREACH

1) Leasing Outreach – Daily exposure with our ads online via LoopNet/CoStar which covers the following:

- Listed on Ventura Harbor Village and Ventura Harbor websites, along with window leasing signage on available properties
- Top three commercial real estate marketplaces:
 - LoopNet, City Feet and Showcase;
 - Email Networking blasts from interested parties
 - 150 plus online newspaper websites including Wall Street Journal
 - 24 Million visitors to these sites /200,000 real estate professionals use CoStar

OCCUPANCY LEVELS AT HARBOR VILLAGE

November 2020

CATEGORY	TOTAL	Harbor	Harbor	Harbor	Harbor	City *	City *
	Square	Vacancy	Vacancy	Available	Available	Vacancy	Available
	Footage	Sq Ft	%	Sq Ft	%	%	%
Office	19,759	1,420	7%	2,703	14%	24%	46%
Retail	22,518	0	0%	13,075	58%	23%	32%
Restaurant	32,197	1,537	5%	3,927	12%	42%	42%
> Harbor Vacancy --- No tenant or lease							
Office ----		1591 -- Hawkridge Systems					
Retail ---		N/A					
Restaurant ---		1591 -- Blackbeard's					
> Harbor Available --- Tenant on MTM lease, including Harbor Vacancy numbers							
Office ----		1591 -- Custom Embroidery, Hawkridge Systems, Martin/Gray					
Retail ---		1559 -- Comedy Club					
		1567 -- Carousel , HV Gallery, Treasure Cove, Potters Guild					
		1583 -- Lemon & Lei					
		1591 -- Ultimate Escape Rooms					
Restaurant ---		1575 -- 805 Bar/Copa Cubana					
		1591 #114/#115 -- Blackbeard's					
* City --- Based on comparable square footage within Ventura 93001 area							
** Occupancy Levels for Office -- tend to be lower due to shorter lease terms							
*** City Restaurant vacancy/available as reported by CoStar Program							
**** Definition of available includes MTM status but the District is not taking action to replace tenants on MTM during the pandemic.							

SALES REPORTS

The attached summary for October sales for three categories: restaurants, retail, and charters. The reports compare the monthly sales for 2019 and 2020. They also include year-to-date comparisons. The year-to-date overall sales for Harbor Village Tenants in October were 19.18% down from the same time last year.

ATTACHMENTS:

Attachment 1 – October 2020 Sales Report

ATTACHMENT 1

Ventura Harbor Village Tenant Sales Summary

Month of
10/2020

	<u>October-2020</u>	<u>October-2019</u>	<u>% Change</u>
Restaurants	\$ 1,461,018	\$ 1,234,976	18.30%
Retail	\$ 440,042	\$ 335,319	31.23%
Charters	\$ 441,518	\$ 518,571	-14.86%
Total	\$ 2,342,578	\$ 2,088,866	12.15%

Year-to-date through October 2020

	<u>October-2020</u>	<u>October-2019</u>	<u>% Change</u>
Restaurants	\$ 12,663,414	\$ 14,238,052	-11.06%
Retail	\$ 3,633,472	\$ 3,809,702	-4.63%
Charters	\$ 2,967,054	\$ 5,788,712	-48.74%
Total	\$ 19,263,940	\$ 23,836,466	-19.18%



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

CONSENT AGENDA ITEM A

ANNUAL RESERVE POLICY REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
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 December 18, 2019. Legal Counsel and staff have reviewed the current policy and have determined that no changes are necessary at this time.

LONG-TERM GOALS:

- Goal 6: Public Service
 - Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective and public focused organization.

5-YEAR OBJECTIVES:

- Objective E: Public and Civic Engagement Plan
 - Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders.
 - 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

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.

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

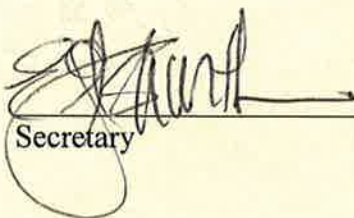
- (c) Specification of the conditions under which reserve funds shall be expended or transferred, consistent with Board directives.

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

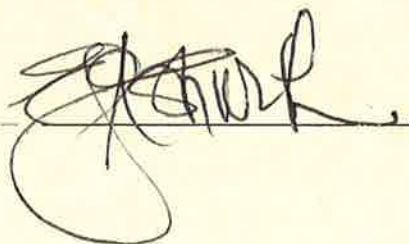
STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF SAN BUENAVENTURA)

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 16, 2020

CONSENT AGENDA ITEM B

APPROVAL OF NEW OFFICE LEASE
AGREEMENT FOR TARA PIELAET DBA
RATED SPORTS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Robin Baer, Property Manager
SUBJECT: Approval of New Office Lease Agreement for Tara Pielaet dba Rated Sports
1591 Spinnaker Drive #207

RECOMMENDATION:

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Tara Pielaet dba Rated Sports for space located at 1591 Spinnaker Drive #207 consisting of approximately 1,420 square feet for a three (3) year term with a three (3) year option.

SUMMARY:

Staff has negotiated with this tenant who will now be signing a three (3) year term with a three (3) year option.

LONG-TERM GOALS:

- Goal 3: Economic Vitality
 - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

5-YEAR OBJECTIVES:

- Objective V: Harbor Village
 - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience
 - 2: Leasing/Property Management Action Plan

BACKGROUND:

Rated Sports Group LP has been providing a full spectrum of creative and event management services for over 7 years with a concentration on building brand awareness and event attendance to the sports community across the USA and Canada. Their business continues to grow and they have requested to expand their square footage from 1591 Spinnaker #201 at 746 square feet to 1591 Spinnaker #207 at 1,420 square feet. Their current lease expires February 28, 2021.

FISCAL IMPACT:

This new lease reflects current market rental rates for office space in the complex. The lease has annual step increases in the base term and during the option years, the rent increases annually in accordance with CPI. Tenant improvements for updating the new space will be in the amount not to exceed \$37,800.00.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

CONSENT AGENDA ITEM C

APPROVAL OF NEW RETAIL LEASE
AGREEMENT FOR MARILYN RYEMON AND
ANNETTE CORTEZ DBA THE ULTIMATE
ESCAPE ROOMS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM C
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Robin Baer, Property Manager
SUBJECT: Approval of New Retail Lease Agreement for Marilyn Ryemon and Annette
Cortez, dba The Ultimate Escape Rooms, 1591 Spinnaker Drive #117C

RECOMMENDATION:

That the Board of Port Commissioners approve a new retail lease agreement for the premises located at 1591 Spinnaker Drive #117C consisting of 1,291 square feet between the Ventura Port District dba Ventura Harbor Village and The Ultimate Escape Rooms for a five (5) year term with a four (4) year option.

SUMMARY:

Staff has negotiated with this existing tenant who will now be signing a five (5) year term with a four (4) year option.

LONG-TERM GOALS:

- Goal 3: Economic Vitality
 - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

5-YEAR OBJECTIVES:

- Objective V: Harbor Village
 - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience
 - 2: Leasing/Property Management Action Plan

BACKGROUND:

Ms. Cortez and Ms. Ryemon continue to re-invent this entertainment venture called The Ultimate Escape Rooms. They have revised the room arrangements to accommodate the pandemic health orders along with adding “Virtual” reality rooms. Tenant will be installing an additional exterior door to accommodate an entry and exit point to separate the gathering of people in one area.

The demographic target is the millennials, but also captures the interest of corporations, families, and people of all ages. They are regularly collaborating with the Harbor restaurants to offer all sorts of event packages.

FISCAL IMPACT:

This new lease reflects current market rental rates for retail space in the complex. The minimum rent over the five-year base term is adjusted annually. The option years have two different rent increase rates, one of which is an incentive for achieving a minimum gross sales target. Tenant improvement allowance is not to exceed \$8,500.00 towards new exterior courtyard door, awning, and replacement of old front door.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

CONSENT AGENDA ITEM D

APPROVAL OF MINUTE REVISIONS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM D
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Jessica Rauch, Clerk of the Board
SUBJECT: Approval of Minute Revisions

RECOMMENDATION:

That the Board of Port Commissioners approve the revision to the October 7, 2020 and October 21, 2020 regular meeting minutes.

SUMMARY:

Meeting minutes have been corrected to reflect an oversight in reported District staff in attendance.

LONG-TERM GOALS:

- Goal 6: Public Service
 - Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective and public focused organization.

5-YEAR OBJECTIVES:

- Objective E: Public and Civic Engagement Plan
 - Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders.
 - 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

BACKGROUND:

Minutes are the historical record of an officially convened meeting of an organized decision-making body. Minutes are taken at every Commission meeting and it is important to record the correct names of those who were present and absent.

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment 1 – October 7, 2020 Regular Meeting Minutes
Attachment 2 – October 21, 2020 Regular Meeting Minutes

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF OCTOBER 7, 2020



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 5:30PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary via teleconference
Everard Ashworth via teleconference
Michael Blumenberg via teleconference

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner via teleconference
Elsa Sham via teleconference

PUBLIC COMMUNICATIONS: None.

CONVENED TO CLOSED SESSION AT 5:31PM.

ADJOURNMENT: Closed Session was adjourned at 6:30PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chairman Chris Stephens at 7:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

PLEDGE OF ALLEGIANCE: By General Manager, Brian D. Pendleton.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary via teleconference
Everard Ashworth via teleconference
Michael Blumenberg via teleconference

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board
John Higgins, Harbormaster via teleconference
Dave Werneburg, Marina Manager via teleconference
Joe Gonzalez, Capital Improvements Manager via teleconference
Sergio Gonzalez, Maintenance Supervisor via teleconference
Jennifer Talt-Lundin, Marketing Manager via teleconference
Gloria Adkins, Accounting Manager via teleconference
Robin Baer, Property Manager via teleconference

Legal Counsel:

Andy Turner via teleconference
Elsa Sham via teleconference

ADOPTION OF AGENDA

ACTION: Commissioner Blumenberg moved, seconded by Commissioner Brennan, and carried by a vote of 5-0 to adopt the October 7, 2020 agenda.

APPROVAL OF MINUTES

The Minutes of the September 16, 2020 Regular Meeting were considered as follows:

ACTION: Commissioner Brennan moved, seconded by Commissioner Ashworth, and carried by a vote of 5-0 to approve the September 16, 2020 Regular Meeting.

PUBLIC COMMUNICATIONS: Mike Lebecki provided written comment suggesting the Commission allow the parade of lights and fireworks this year.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed all items on the closed session agenda. The Board gave direction to staff as how to proceed. No action was taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: Commissioner Gardina commended Harbor Patrol staff during for their hard work during these extremely busy times. Commissioner Brennan announced that at the next meeting there will be an informational report on water quality and styrofoam.

STAFF AND GENERAL MANAGER REPORTS: None.

LEGAL COUNSEL REPORT: None.

1) Consideration of Adoption of Ordinance No. 53 Authorizing Execution of the Assignment of the Existing Parcel 20 Master Lease and an Option Agreement Between the Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

1. Conduct a public hearing for the purpose of receiving input on proposed Ordinance No. 53;
2. Waive reading and direct Clerk to place Ordinance No. 53 in the record of this meeting; and
3. Adopt Ordinance No. 53, which authorizes execution of the Assignment of the Existing Parcel 20 Master Lease and Option Agreement between Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease.

Report by Brian D. Pendleton, General Manager

ACTION: Chairman Stephens opened the public hearing at 7:07PM for the purpose of receiving input on proposed Ordinance No. 53. The reading of the Proposed Ordinance No. 53 was waived. There was one public comment. The public hearing was closed by Chairman Stephens at 7:11PM.

Public Comment: Sam Sadove, owner of Ventura Harbor Marina Associates, LLC appreciates all the work that has been done. He questioned the commencement date of October 8th since his closing date with Derecktor Marine Holdings is not until October 19th.

ACTION: Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to adopt Ordinance No. 53 as follows:

ORDINANCE NO. 53

**AN ORDINANCE OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT APPROVING
(1) ASSIGNMENT OF THE EXISTING PARCEL 20 MASTER LEASE, AND (2) AN OPTION
AGREEMENT BETWEEN THE DISTRICT AND
DERECKTOR MARINE HOLDINGS FOR A NEW 50-YEAR MASTER LEASE
(California Harbors and Navigation Code section 6270)**

The Board of Port Commissioners of the Ventura Port District hereby ordains as follows:

The General Manager of the Ventura Port District is authorized and directed to execute the Option Agreement between Ventura Port District, and Derecktor Marine Holdings, with a commencement date of October 8¹⁹, 2020.”

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of Ventura Port District held on October 7, 2020. This Ordinance was adopted by the following vote:

AYES: Commissioners Stephens, Brennan, Gardina, Ashworth, Blumenberg

2) Consideration of Preliminary Operations Plan and Draft Economic and Fiscal Impacts of the Proposed Ventura Shellfish Enterprise Project

Recommended Action: Informational.

That the Board of Port Commissioners receive and consider public comment on the Preliminary Operations Plan and Draft Economic and Fiscal Impacts of the Proposed Ventura Shellfish Enterprise Project.

Report by Brian D. Pendleton, General Manager; Laurie Monarres, Dudek; Andrea Dransfield, Dudek; Michael Wright, Illuminas Consulting.

Public Comment: Sam Sadove, owner of Ventura Harbor Marina Associates, LLC commented on marine mammal issues, financial projections, and the 5th Circuit Court decision. Michael Wagner, owner of Andria's Seafood commented on marine mammal issues, financial projections and moving the project more inland towards Carpinteria. Kai Luoma, Executive Officer for LAFCo submitted written comment (Attachment 1). Cassidy Teufel, Senior Environmental Scientist for the California Coastal Commission submitted written comment (Attachment 2). Written comments were also received and included with the staff report by Bernard Friedman, Santa Barbara Mariculture Co.; Mary Luna; and a joint letter from Linda Krop, Environmental Defense Center, Susan Jordan, California Coastal Protection Network, Hallie Templeton, Friends of the Earth, Mati Waiya, Wishtoyo Chumash Foundation, Michael Stocker, Ocean Conservation Research, Morgan Patton, Environmental Action Committee of West Marin, Ben Pitterle, Santa Barbara Channelkeeper, Julie Teel Simmonds, Center for Biological Diversity, Rosanna Marie Neil, Northwest Atlantic Marine Alliance, and Courtney Vail, Oceanic Preservation Society.

ACTION: The Board of Port Commissioners received and considered public comment on the Preliminary Operations Plan and Draft Economic and Fiscal Impacts of the Proposed Ventura Shellfish Enterprise Project.

3) Approval of Financial Statements and Checks for April through June 2020

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3399 to:

- a) Accept the following draft financial statements for the Quarter ended June 30, 2020, pending audit adjustments, and accounting for year-end GASB 68 and GASB 75 journal entries; and,
- b) Review the payroll and regular checks for April through June 2020.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None.

ACTION: Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to adopt Resolution No. 3399 to accept the following draft financial statements for the Quarter ended June 30, 2020, pending audit adjustments, and accounting for year-end GASB 68 and GASB 75 journal entries; and review the payroll and regular checks for April through June 2020.

4) Acceptance of Coastal Conservancy Grant for Fishing Facilities Enhancement Project

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3400 authorizing the General Manager to execute an agreement with the State of California Coastal Conservancy to grant a sum of \$318,600 to the Ventura Port District towards the performance of the Ventura Harbor Commercial Fishing Facilities Enhancement Project.

ATTACHMENT 1

Ventura Port District Board of Port Commissioners

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Report by Todd Mitchell, Business Operations Manager.

Public Comment: Sam Sadove, owner of Ventura Harbor Marina Associates, LLC offered to help move storage containers with the boatyards forklift. Michael Wagner, owner of Andria's Seafood, thanked the Commission for putting this through.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to adopt Resolution No. 3400 authorizing the General Manager to execute an agreement with the State of California Coastal Conservancy to grant a sum of \$318,600 to the Ventura Port District towards the performance of the Ventura Harbor Commercial Fishing Facilities Enhancement Project.

5) Ventura Port District Operations Update as it Relates to COVID-19

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

- a) The COVID-19 Ventura Harbor Rental Abatement and Deferment Program; and
- b) Status of Ventura Port District operations.

Report by Brian D. Pendleton, General Manager.

Public Comment: Michael Wagner, owner of Andria's Seafood, emphasized the District should still enforce masks and 6 feet distancing or we will go backwards. Sam Sadove, owner of Ventura Harbor Marina Associates, LLC commented that the County of Ventura came and conduct inspection at boatyard. He does not want to go backwards. He has also noticed an increase in homeless activity in the Harbor and town and they are becoming more dangerous.

ACTION: The Board of Port Commissioners received an update on COVID-19 related items.

ADJOURNMENT: The meeting was adjourned at 8:26PM.

The next meeting is Wednesday, October 21, 2020.

Jackie Gardina, Secretary

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF OCTOBER 21, 2020



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 6:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary via teleconference
Michael Blumenberg via teleconference

Commissioners Absent:

Everard Ashworth

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner via teleconference
Elsa Sham via teleconference

PUBLIC COMMUNICATIONS: None.

CONVENED TO CLOSED SESSION AT 6:05PM.

ADJOURNMENT: Closed Session was adjourned at 6:30PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chairman Chris Stephens at 7:00PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom Meeting.

PLEDGE OF ALLEGIANCE: By Business Operations Manager, Todd Mitchell.

ATTACHMENT 2

Ventura Port District Board of Port Commissioners
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ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary via teleconference
Michael Blumenberg via teleconference

Commissioners Absent:

Everard Ashworth

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board
John Higgins, Harbormaster via teleconference
Dave Werneburg, Marina Manager via teleconference
Joe Gonzalez, Capital Improvements Manager via teleconference
Sergio Gonzalez, Maintenance Supervisor via teleconference
Jennifer Talt-Lundin, Marketing Manager via teleconference
Gloria Adkins, Accounting Manager via teleconference
Robin Baer, Property Manager via teleconference

Legal Counsel:

Andy Turner via teleconference
Elsa Sham via teleconference

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina, and carried by a vote of 4-0 to adopt the October 21, 2020 agenda.

APPROVAL OF MINUTES

The Minutes of the October 7, 2020, 2020 Regular Meeting were considered as follows:

ACTION: Commissioner Gardina moved, seconded by Commissioner Brennan, and carried by a vote of 4-0 to approve the October 7, 2020 Regular Meeting.

PUBLIC COMMUNICATIONS: None.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed all items on the closed session agenda. The Board gave direction to staff as how to proceed. No action was taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: Commissioner Brennan commented on the Portside Development. Commissioner Stephens and Commissioner Brennan attended a meeting with Congresswoman Brownley, who is a pleasure to work with.

STAFF AND GENERAL MANAGER REPORTS: Marketing Manager, Jennifer Talt-Lundin updated the Commission on the holiday activities that will occur at the Village. General Manager, Brian Pendleton

congratulated Sam Sadove, Tom Derecktor and Leonora Valvo on the closing of the Parcel 20 transaction.

LEGAL COUNSEL REPORT: None.

STANDARD AGENDA:

1) Ventura Isle Marina: Safe Harbor Marinas Change in Ownership

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

1. Consent to Change in Ownership of SHM Ventura Isle, LLC to Sun Communities Operating Limited Partnership, an affiliate of Sun Communities, Inc.
2. Authorize the General Manager to execute the Consent to Change of Ownership upon:
 - a. District Legal Counsel review of supporting transactional documents;
 - b. Receipt of Appreciation Rent in the amount of approximately \$862,000; and,
 - c. Reimbursement of the District's legal fees associated with the transaction.

Report by Brian D. Pendleton, General Manager and Kate Pearson, Vice President of Business Development, Safe Harbor Marinas.

Public Comment: None.

ACTION: Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 4-0 to:

1. Consent to Change in Ownership of SHM Ventura Isle, LLC to Sun Communities Operating Limited Partnership, an affiliate of Sun Communities, Inc.
2. Authorize the General Manager to execute the Consent to Change of Ownership upon:
 - a. District Legal Counsel review of supporting transactional documents;
 - b. Receipt of Appreciation Rent in the amount of approximately \$862,000; and,
 - c. Reimbursement of the District's legal fees associated with the transaction.

2) Water Quality Monitoring and Maintenance in Ventura Harbor

Recommended Action: Informational.

That the Board of Port Commissioners receive an informational report on ongoing activities and methods employed by District staff and our business partners to maintain and monitor water quality in Ventura Harbor.

Report by Brian D. Pendleton, General Manager; John Higgins, Harbormaster; Todd Mitchell, Business Operations Manager.

Public Comment: Derek Turner is concerned about sludge streaks and trash in the Harbor and believes there needs to be more pump out stations for boaters. Councilmember Lorrie Brown commented that maybe there could be a partnership with the City, Ventura Port District and Ventura Land Trust. Michael Wagner, owner of Andria's Seafood commented that the squid fleets are not pumping out in the Harbor.

ACTION: The Board of Port Commissioners received an informational report on ongoing activities and methods employed by District staff and our business partners to maintain and monitor water quality in Ventura Harbor.

ATTACHMENT 2

Ventura Port District Board of Port Commissioners

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3) City of Ventura Proposal to Ban Styrofoam and Campaign to Reduce Single-Use Plastics

Recommended Action: Informational.

That the Board of Port Commissioners receive a status report on the City of Ventura's Ordinance banning the use of Expanded Polystyrene (EPS) commonly called Styrofoam and the Surfrider campaign to reduce single-use plastics.

Report by Jessica Rauch, Clerk of the Board.

Public Comment: Michael Wagner, owner of Andria's Seafood thought there was a company in Los Angeles County that picked up styrofoam and recycled it. Councilmember Lorrie Brown clarified that the City Ordinance was only Styrofoam, not all single-use plastics.

ACTION: The Board of Port Commissioners received a status report on the City of Ventura's Ordinance banning the use of Expanded Polystyrene (EPS) commonly called Styrofoam and the Surfrider campaign to reduce single-use plastics.

4) Quarterly Update on the Ventura Port District Goals and 5-Year Objectives

Recommended Action: Informational.

That the Board of Port Commissioners receive an update on the status of Ventura Port District 5-Year Objectives.

Report by Brian D. Pendleton, General Manager.

Public Comment: Derek Turner asked why water quality was not included in the objectives and where would it go. Michael Wagner, owner of Andria's Seafood does not believe water quality in the Harbor is an issue. Councilmember Lorrie Brown suggested more diversification of Village tenants.

ACTION: The Board of Port Commissioners received an update on the status of Ventura Port District 5-Year Objectives.

5) Ventura Port District Operations Update as it Relates to COVID-19

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

- a) The COVID-19 Ventura Harbor Rental Abatement and Deferment Program; and
- b) Status of Ventura Port District operations.

Report by Brian D. Pendleton, General Manager.

Public Comment: Michael Wagner, owner of Andria's Seafood stated that business will not survive with these payment schedules and the District should help with rent. Sam Sadove asked the Commission to consider one year or one and half years to pay back rents.

ACTION: The Board of Port Commissioners received an update on the City of Ventura's Temporary Eviction Moratorium.

ADJOURNMENT: The meeting was adjourned at 9:20PM.

The next meeting is Wednesday, November 18, 2020.

Jackie Gardina, Secretary



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

STANDARD AGENDA ITEM 1

ADOPTION OF RESOLUTION No. 3402 EXTENDING THE COVID-19 VENTURA HARBOR RENTAL ABATEMENT AND DEFERMENT PROGRAM

VENTURA PORT DISTRICT
BOARD COMMUNICATION

STANDARD AGENDA ITEM 1
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Gloria Adkins, Accounting Manager
SUBJECT: Adoption of Resolution No. 3402 Extending COVID-19 Ventura Harbor Rental Abatement and Deferment Program

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3402 further extending the COVID-19 Ventura Harbor Rental Abatement and Deferment Program through March 31, 2021.

SUMMARY

Ventura Harbor has been severely impacted by the COVID-19 Pandemic. Many Harbor businesses have been closed or partially closed by Governmental Order or in response to lost business resulting from the COVID-19 Pandemic. This may lead to the permanent closure of businesses, loss of employment and loss of rental revenue to the District, which is its primary source of operating revenue. The Regional Stay Home Order that became effective on Sunday, December 6th will cause further impacts.

Because of the symbiotic relationship of the businesses and the District, in order to help business owners avoid permanent business closures, further loss of employment and long-term impacts to the Port District, staff recommends further extension of the COVID-19 Ventura Harbor Rental Abatement and Deferment Program. The Program will allow for the abatement or deferment of all rental payments for those Harbor Master Tenants and Harbor Village Tenants who have been directly impacted by the COVID-19 Pandemic (on a monthly-basis) through March 31, 2021, if adopted by the Commission.

LONG-TERM GOALS:

- Goal 3: Economic Vitality
 - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.
- Goal 5: Relationships
 - Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.

5-YEAR OBJECTIVES:

- Objective M: Master Tenants
 - Collaborate with existing and future Master Tenants to maintain, improve, and develop the Harbor.
 - 1: Engagement and support of Master Tenants for successful business operations at the Harbor.
- Objective V: Harbor Village
 - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience
 - 2: Leasing/Property Management Action Plan

BACKGROUND

COVID-19 Ventura Harbor Rental Abatement and Deferment Program

If the Resolution is adopted, the Port District will abate or defer all rental payments for those Harbor Master Tenants and Harbor Village Tenants who have been directly impacted by the COVID-19 Pandemic (on a monthly-basis) for the period of April 2020 through March 31, 2021. The City of Ventura's Ordinance 2020-024 ("Temporary Eviction Moratorium") was amended by the City Council for commercial tenants (City-wide) on Monday, October 12th. Staff will implement the City's ordinance as applicable and return to the Board as necessary.

For example, the City of Ventura's Ordinance 2020-024 (Section 6.1020.030) currently requires commercial tenants to repay 40% of rent deferred due to the COVID-19 pandemic by July 31, 2021 and repay the remaining 60% by January 31, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the August 2021 rent payment.

COVID-19 Ventura Harbor Rental Abatement and Deferment Program Qualifications:

April through June 2020 (Initial Period)

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
 - Business is closed by Government Order; or
 - Business has lost 50% or more of typical monthly revenue pre-COVID-19.

July through September 2020 (First Extended Period)

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
 - Business is closed due to Government Order; or
 - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
 - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

October through December 2020 (Second Extended Period)

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
 - Business is closed due to Government Order; or
 - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
 - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

January through March 2021 (Proposed Third Extended Period)

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
 - Business is closed due to Government Order; or
 - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or

- Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

Conditions:

1. All Tenants must abide by the orders of the City, County, and State business practices in response to the COVID-19 pandemic.
2. All Master, Village and Village Marina Charter Tenants must notify the Leasing Manager by the 10th of each month of their need to continue with the program.
 - a. Master, Village and Village Marina Charter Tenants who report sales, will continue to report sales as currently required, to determine the total deferred rental amount, even if these sales are \$0 due to closure.
 - b. Tenants who are not required to provide sales reports to the District must provide demonstration of loss as part of their notification.
3. Master Tenants who qualify must provide the same monthly deferment to all sub-tenants.
4. Harbor Village and Village Marina Charter Tenants who qualify, and who also pay the District a promotional fee for marketing, shall have the promotional fee waived for each month rent is deferred.
5. Harbor Village and Village Marina Charter Tenants who qualify, and who also pay the District a common area maintenance (CAM) fee, shall have one-half the CAM fee waived for each month rent is deferred.
6. Master, Village and Village Marina Charter Tenants will seek COVID-19 federal or other governmental business assistance (if eligible) and pursue business interruption insurance (if eligible). Deferments for May 2020 through March 31, 2021 will require demonstration of pursuit of both or documentation of ineligibility.
7. Repayment of all deferred rent (base rents, one-half CAM fees, percentage rent, etc.) shall be consistent with Ventura's Ordinance 2020-024 or as further amended.
8. No interest or late fees will apply to the deferred rent during this time-period but shall be applicable as per the lease terms if not paid in full by this date.
9. Any outstanding rent owed by Master Tenants and Village Tenants to the District, prior to April 2020, is not eligible for the COVID-19 Ventura Harbor Rental Abatement and Deferment Program.
10. All other terms, obligations, and requirements in both Master Tenant, Village Tenant, and Village Marina Recreational Charter Business lease agreements remain in full force and effect.

The General Manager will have the authority to implement the Program, receive applications and approve documentation of the qualifications and conditions above to ensure timely processing and approval of monthly rental abatements and deferments. Approval for Program participation will continue to be on a monthly basis during the 3-month extension period.

Tenants who do not qualify for the Program may be eligible for rental deferment as provided by in the City of Ventura Emergency Ordinance #2020-024 "Temporary Eviction Moratorium". Tenants may consult a District leasing team representative for additional information.

FISCAL IMPACT

Prior to the onset of the COVID-19 pandemic, Staff had forecast operating income for the District at \$9,737,500 for FY20-21. During the budget process, that revenue estimate was revised downward by \$1,800,000 to \$7,937,500 due to the projected impacts of COVID-19. As of the end of the First Quarter of FY20-21, the District operating income was \$386,128 above projections. The resulting revenue estimated for FY20-21 is now \$1,413,872 below pre-COVID estimates.

Staff expects earned revenue to dip again in response to the latest closures and possibly continuing well into the new year for some business categories.

The amount of deferred rent accumulated in total since the onset of the Pandemic is \$402,676 as of October 31, 2020.

The General Manager began implementing reductions in expenditures to partially offset revenue losses for promotional and CAM fees beginning in April. This continued with the adoption of the FY20-21 Budget. Fiscal impacts caused by COVID-19 requires ongoing evaluation of Port District operational, capital and tenant improvement expenses against the FY20-21 Budget.

ATTACHMENTS:

Attachment 1 – Resolution No. 3402

Attachment 2 – City of Ventura Ordinance #2020-024



RESOLUTION NO. 3402

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF THE VENTURA PORT DISTRICT EXTENDING THE COVID-19
VENTURA HARBOR RENTAL ABATEMENT AND DEFERMENT PROGRAM**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19;

WHEREAS, on March 12, 2020, the County of Ventura declared a State of Emergency to exist in Ventura County as a result of the threat of COVID-19.

WHEREAS, on March 17, 2020, the County of Ventura Health Officer issued an Order for the control of COVID-19 directing vulnerable individuals to shelter at their place of residence and issued restrictions of certain businesses.

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 for the preservation of public health and safety throughout the entire State of California to head the State public health directives from the Department of Public Health that, in order to protect public health, all individuals living in California must stay in their home or place of residence unless needed to maintain continuity of operations of critical infrastructure sectors.

WHEREAS, Executive Order N-33-20 identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered to be essential. All other businesses were directed to close.

WHEREAS, on March 20, 2020, the County of Ventura Health Officer issued an Order directing persons living in Ventura County to stay in their place of residence and restricting non-essential activities in response to COVID-19. Essential activities include only activities and tasks essential to health and safety of themselves, family, or household members, to obtain services or supplies, outdoor activities, to perform work for an essential business, or to care for a family member or pet in another household.

WHEREAS, on April 7, 2020, the City of Ventura passed and adopted Ordinance No. 2020-014, an emergency ordinance amending Section 6.1020.020 "Temporary Eviction Moratorium" for the City of Ventura which provides city residents and businesses impacted by COVID-19 the ability to defer rent payment up to six months after the expiration of the City's Declaration of Local Health Emergency.

WHEREAS, on April 28, 2020, Governor Gavin Newsom announced four "Resilience Roadmap Stages" that California would use to guide its gradual reopening process. The four

stages are: Stage 1- Safety and Preparedness; Stage 2- Lower Risk Workplaces; Stage 3- Higher Risk Workplaces; and Stage 4- End of Stay at Home Order. California has been in Stage 1 since the statewide Stay at Home Order, which took effect on March 16, 2020. California is currently in early Stage 2, which began on May 8, 2020.

WHEREAS, on June 11, 2020, the County of Ventura Health Officer issued an Order for the control of COVID-19 directing businesses to establish, implement and enforce COVID-19 prevention plans and observe other capacity restrictions.

WHEREAS, the City of Ventura's Ordinance 2020-024 (Section 6.1020.030) implemented October 12, 2020 requires commercial tenants to repay 40% of rent deferred due to the COVID-19 pandemic by July 31, 2021 and repay the remaining 60% by January 31, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the August 2021 rent payment. District Staff will implement the City's ordinance as applicable and return to the Board, as necessary.

WHEREAS, on December 3, 2020, California Health Officials announced a Regional Stay Home Order triggered by Intensive Care Unit Capacity falling below 15%.

WHEREAS, on December 6, 2020, the Southern California Region became subject to the Regional Stay at Home Order for a minimum of three weeks triggered by Intensive Care Unit Capacity falling below 15%.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners, by adoption of this Resolution No. 3402 hereby authorizes the extension of the COVID-19 Ventura Harbor Rental Abatement and Deferment Program, as follows:

The Ventura Port District hereby extends the COVID-19 Ventura Harbor Rental Abatement and Deferment Program ("Program") that will defer all rental payments for those Harbor Master Tenants and Harbor Village Business Tenants who have been directly impacted by the COVID-19 Pandemic on a monthly basis from April 2020 through March 2021;

From April through June 2020, the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Businesses must be a Master Tenant, Harbor Village Tenant (i.e. direct commercial tenant of the Ventura Port District), or a Village Marina Recreational Charter Business;
- And:
 - Business is closed by Government Order; or
 - Business has lost 50% or more of typical monthly revenue in the month prior to rent due

From July through September 2020 (First Extended Period), the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Businesses must be a Master Tenant, Harbor Village Tenant (i.e. direct commercial tenant of VPD), or a Village Marina Recreational Charter Business;
- And:
 - Business is closed due to Government Order; or
 - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or

ATTACHMENT 1

- Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

From October through December 2020 (Second Extended Period), the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Businesses must be a Master Tenant, Harbor Village Tenant (i.e. direct commercial tenant of VPD), or a Village Marina Recreational Charter Business;
- And:
 - Business is closed due to Government Order; or
 - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
 - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

From January through March 2021 (Third Extended Period), the COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
 - Business is closed due to Government Order; or
 - Business has reopened but has lost 20% or more of typical monthly revenue pre-COVID-19; or
 - Business has been open for less than 1 year but certifies it has lost 20% or more of projected monthly revenue pre-COVID.

The conditions of the COVID-19 Ventura Harbor Rental Deferment Program are:

1. Tenants must abide by the orders of the City, County, and State business practices in response to the COVID-19 pandemic.
2. All Master, Village and Village Marina Charter Tenants must notify the Leasing Manager by the 10th of each month of their need to continue with the program.
 - Master, Village and Village Marina Charter Tenants who report sales, will continue to report sales as currently required, to determine the total deferred rental amount, even if these sales are \$0 due to closure.
 - Tenants who are not required to provide sales reports to the District must provide demonstration of loss as part of their notification.
3. Master Tenants who qualify must provide the same monthly deferment to all sub-tenants.
4. Harbor Village Tenants and Village Marina Recreational Charter Businesses who qualify and who also pay the District a promotional fee for marketing, shall have the promotional fee waived for each month rent is deferred.
5. Harbor Village Tenants and Village Marina Recreational Charter Businesses who qualify, and who also pay the District a common area maintenance (CAM) fee, shall have one-half the CAM fee waived for each month rent is deferred.
6. Master Tenants, Village Tenants, and Village Marina Recreational Charter Businesses will seek COVID-19 federal or other governmental business assistance (if eligible) and pursue business interruption insurance (if eligible). Deferments for May 2020 through March 2021 will require demonstration of pursuit of both or documentation of ineligibility.
7. Repayment of all deferred rent (base rents, one-half CAM fees, percentage rent, etc.) shall be consistent with Ventura's Ordinance 2020-024 or as further amended.

ATTACHMENT 1

8. No interest or late fees will apply to the deferred rent during this time-period but shall be applicable as per the lease terms if not paid in full by this date.
9. Any outstanding rent owed by Master Tenants, Village Tenants, and Village Marina Recreational Charter Businesses to the District, prior to April 2020, is not eligible for the COVID-19 Ventura Harbor Rental Abatement and Deferment Program.
10. All other terms, obligations, and requirements in both Master Tenant, Village Tenant, and Village Marina Recreational Charter Business lease agreements remain in full force and effect.

BE IT FURTHER RESOLVED that the Board of Port Commissioners, by adoption of this Resolution hereby authorizes General Manager, Brian D. Pendleton, to have the authority to extend the program, receive applications and approve documentation of the qualifications and conditions to ensure timely processing and approval of monthly rental abatements and deferments.

PASSED, APPROVED AND ADOPTED by the Board of Port Commissioners, this 16th day of December 2020.

Chris Stephens, Chairman

ATTEST:

Jackie Gardina, Secretary

ATTACHMENT 1

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

I, Jackie Gardina, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3402 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 16th day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 16th day of December 2020.

Jackie Gardina, Secretary

ORDINANCE NO. 2020-024

**AN EMERGENCY ORDINANCE OF THE
CITY COUNCIL OF THE CITY OF SAN
BUENAVENTURA, CALIFORNIA,
AMENDING CHAPTER 6.1020,
“TEMPORARY EVICTION MORATORIUM,”
OF THE SAN BUENAVENTURA MUNICIPAL
CODE AND DECLARING THE URGENCY
THEREOF**

WHEREAS, Section 706(c) of the Charter of the City of San Buenaventura authorizes the City Council to adopt emergency ordinances which become effective immediately upon adoption when the City Council determines the same is necessary to preserve the public peace, health, or safety, and the emergency ordinance contains the reasons for its urgency; and,

WHEREAS, International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and,

WHEREAS, On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and,

WHEREAS, On March 12, 2020, the Ventura County Board of Supervisors and Public Health Department declared a local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and,

WHEREAS, On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and,

WHEREAS, On March 15, 2020, the City Manager, acting as the Director of Disaster Services under Chapter 2.370 of the San Buenaventura Municipal Code, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective response to COVID-19 and this declaration was confirmed by Resolution of the City Council on March 17, 2020; and,

WHEREAS, On March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 reconfirming the State of Emergency in California as a result of the threat of COVID-19, the additional economic impact the virus is causing to businesses and housing matters, and the need for local jurisdictions to determine, based on their particular needs, additional measures to assist commercial tenancies; and,

WHEREAS, On March 30, 2020, the City Council enacted Ordinance No. 2020-010 to provide eviction protections to both residential and commercial tenants within the City; and,

WHEREAS, On April 6, 2020, the Judicial Council of California adopted emergency rules that would prevent any new or existing unlawful detainer actions from proceeding in court, protecting both commercial and residential tenants from eviction; and,

WHEREAS, On August, 16, 2020, the Judicial Council voted to end their eviction protections on September 1, 2020; and,

WHEREAS, On August 31, 2020, the State of California enacted AB3088, which provided statewide eviction protections for residential tenants but did not include protections for commercial tenants; and,

WHEREAS, AB3088 protects residential tenants from eviction for not paying rent between March 1, 2020 and January 31, 2021, as long as a residential tenant submits a declaration that they experienced COVID-19-related financial distress and makes a rent payment amounting to 25% of the rent due between September 1, 2020 and January 31, 2021, and requires full rent payments to begin on February 1, 2020; and,

WHEREAS, Because AB3088 provides comprehensive residential protections, the City Council believes that it is appropriate to end the existing protections enacted by the City Council in March and allow AB3088 to provide the sole residential protections; and,

WHEREAS, The City Council, by way of this Ordinance, does hereby remove the City's residential eviction protections by replacing the entirety of Chapter 6.1020 of the San Buenaventura Municipal Code with new commercial eviction protections; and,

WHEREAS, Many commercial tenants in the City of San Buenaventura continue to be negatively impacted by the COVID-19 pandemic and face the real possibility of being forced to close their business permanently if they are not granted financial relief and protection from eviction; and,

WHEREAS, The closure of businesses in the City would result in significant job loss for City residents and would have a great impact on the City's economy; and,

WHEREAS, The City Council finds that immediate adoption of eviction protections for commercial tenants that are similar to the State protections for residential tenants is necessary to preserve the public peace, health and safety.

The Council of the City of San Buenaventura does ordain as follows:

SECTION 1. AMENDMENT TO CODE. Chapter 6.1020, "Temporary Eviction Moratorium," of the San Buenaventura Municipal Code is hereby amended to read as follows:

"Chapter 6.1020 – Temporary Eviction Moratorium for Commercial Tenants

Section 6.1020.010. – Definitions.

Section 6.1020.020. – Requirements for Protection from Eviction for Commercial Tenants.

Section 6.1020.030. – Future Payment and Repayment of Rents.

Section 6.1020.040. – Eviction Moratorium.

Section 6.1020.050. – Required Initial Notice.

Section 6.1020.060. – Required Demand to Pay Rent.

Section 6.1020.070. – Declaration of COVID-19-Related Financial Distress.

Section 6.1020.080. – Affirmative Defense

Section 6.1020.090. – Violation of the Chapter.

Section 6.1020.100. – Non-Waiver.

Section 6.1020.110. – Partial Invalidity.

Section 6.1020.120. – Chapter's Provisions Sunset.

Section 6.1020.010. – Definitions.

The following definitions apply to the administration and enforcement of this Chapter:

(a) 'Covered Time Period' means the time period between March 1, 2020, and January 31, 2021.

(b) 'COVID-19-Related Financial Distress' means any of the following:

(1) If during the Protected Time Period:

(i) A Tenant experienced lost revenue resulting from business closures related to COVID-19 or other economic impacts of COVID-19.

(2) If during the Transition Time Period:

(i) A Tenant is currently closed due to any state, federal, or local government order issued in response to COVID-19.

(ii) A Tenant is open but has experienced any combination of lost revenue and increased experiences due

to COVID-19 that effectively results in a financial impact to the Tenant equal to 20% or more for the month prior to the date rent is due when compared to the same month's revenues or expenses in the preceding year. For example, a Tenant that, as a result of COVID-19, experiences lost revenue of 14% and increased expenses of 6% (totaling 20%), has a qualifying COVID-19-Related Financial Distress.

(iii) A Tenant has been open for less than one year and has experienced any combination of lost projected revenue and increased projected expenses due to COVID-19 that effectively results in a financial impact to the Tenant equal to 20% or more for the month prior to the date rent is due when compared with pre-COVID-19 revenue and expense projections. For example, a Tenant that, as a result of COVID-19, experiences lost revenue of 14% and increased expenses of 6% (totaling 20%), has a qualifying COVID-19-Related Financial Distress.

(c) 'COVID-19 Rental Debt' means unpaid rent or any other unpaid financial obligation of a Tenant owed to the Landlord under the lease agreement that came due during the Covered Time Period.

(d) 'Declaration of COVID-19-Related Financial Distress' means the following written statement:

'I am currently unable to pay my rent or other financial obligations under the lease in full because of one or more of the following:

(1) For rents due between March 1, 2020 and October 31, 2020, my business lost revenue because of business closures related to COVID-19 or other economic impacts of COVID-19.

(2) For rents due between November 1, 2020 and January 31, 2021:

(i) My business is currently closed due to a state, federal, or local government order issued in response to COVID-19.

(ii) My business has experienced any combination of lost revenue and increased experiences due to COVID-19 that effectively results in a financial impact equal to 20% or more, as determined by comparing the revenue or expenses for the month prior to the date rent is due with the same month's revenues or expenses in the preceding year.

(iii) My business has been open for less than one year and has experienced any combination of lost projected revenue and increased projected experiences due to COVID-19 that effectively results in a financial impact equal to 20% or more, as determined by comparing the actual revenue or expenses for the month prior to the date rent is due with pre-COVID-19 revenue and expense projections.

Any monetary assistance, including business insurance, the Paycheck Protection Program, or other small business loans under the CARES Act

or other government programs, that I have received since the start of the COVID-19 pandemic does not fully make up for my loss of revenue and/or increased expenses.

Signed under penalty of perjury:
Dated:’

(e) ‘Landlord’ includes all of the following or the agent of any of the following:

- (1) An owner of commercial real property.
- (2) An owner of a nonresidential rental unit.
- (3) The owner of any real property that is not a dwelling unit.

(f) ‘Protected Time Period’ means the time period between March 1, 2020, and October 31, 2020.

(g) ‘Rental Payment’ means rent or any other financial obligation of a tenant under the tenancy.

(h) ‘Repayment Period’ means the time period between February 1, 2021 and January 31, 2022.

(i) ‘Tenant’ means any person or entity that rents any real property in the City of San Buenaventura that is not a dwelling unit.

(j) ‘Transition Time Period’ means the time period between November 1, 2020, and January 31, 2021.

Section 6.1020.020. – Requirements for Protection from Eviction for Commercial Tenants.

(a) A Tenant is eligible for eviction protections under this Chapter if a Tenant completes the following requirements:

(1) For Rent Not Paid for Any Portion of the Protected Time Period.

(i) Within 15 business days of receipt of a demand of payment of COVID-19 Rental Debt from a Landlord pursuant to Section 6.1020.060(b), a Tenant must return a Declaration of COVID-19-Related Financial Distress for the Protected Time Period as required by Section 6.1020.070; and,

(ii) Comply with rent payment terms outlined in Section 6.1020.030.

(2) For Rent Not Paid for Any Portion of the Transition Time Period.

(i) Within 15 business days of receipt of a demand of payment of COVID-19 Rental Debt from a Landlord pursuant to Section 6.1020.060(c), the Tenant must return a Declaration of COVID-19-Related Financial Distress for the Transition Time Period as required by Section 6.1020.070;

(ii) Pay at least 25 percent of each month's rent that is otherwise due during the Transition Time Period; provided, however, that a Tenant and Landlord may agree to a monthly rent

payment that is greater than or less than 25 percent as long as the Tenant is not required to agree to any payment that is greater than 25 percent; and,

(iii) Comply with the rent payment terms outlined in Section 6.1020.030.

(b) Should a Tenant fail to satisfy the requirements of this Section, a Landlord may commence unlawful detainer proceedings.

Section 6.1020.030. – Future Payment and Repayment of Rents.

(a) Nothing in this Chapter shall relieve a Tenant of liability for the COVID-19 Rental Debt.

(b) Beginning February 1, 2021, a Tenant must begin making full monthly rental payments, unless the Landlord and Tenant agree to a different payment arrangement in writing.

(c) Repayment of the COVID-19 Rental Debt shall begin on February 1, 2021 according to the following schedule:

(1) A Tenant shall repay 40% of the COVID-19 Rental Debt by July 31, 2021 by making equal monthly payments on the same day monthly rent is due beginning with the February 2021 rent payment.

(2) A Tenant shall repay the remaining 60% of the COVID-19 Rental Debt by January 31, 2022 by making equal, monthly payments on the same day monthly rent is due beginning with the August 2021 rent payment.

(3) All COVID-19 Rental Debt shall be repaid to a Landlord by the end of the Repayment Period.

(d) A Landlord may commence unlawful detainer proceedings if a Tenant fails to make any of the payments outlined in subsection (c) above.

(e) Nothing in this Section shall prevent a Tenant from making greater payments than required by this Section.

(f) Nothing in this Section shall prevent a Tenant and a Landlord from agreeing, in writing, upon a lower monthly payment of the COVID-19 Rental Debt or from extending the Repayment Period.

Section 6.1020.040. – Eviction Moratorium.

(a) Subject to the exceptions in subsection (b) below, a Tenant shall not be guilty of unlawful detainer and the Landlord may not initiate an unlawful detainer action before February 1, 2022 if a Tenant satisfies all the requirements of Section 6.1020.020.

(b) Before February 1, 2022, a Tenant may be guilty of an unlawful detainer if one of the following applies:

(1) The Tenant was guilty of the unlawful detainer before March 1, 2020.

(2) In response to service of a demand of payment of COVID-19 Rental Debt, the Tenant fails to comply with the requirements of Sections 6.1020.020(a)(1) and (2).

(3) Beginning February 1, 2021, the Tenant fails to comply with the requirements of Section 6.1020.030.

(4) (i) The unlawful detainer arises because of a termination of tenancy for any of the following:

- (A) An at-fault just cause eviction.
 - (B) A no-fault just cause eviction.
 - (C) The owner of the property has entered into a contract for the sale of that property with a buyer who intends to occupy the property, and all legal requirements have been satisfied.
- (ii) In an action under this paragraph, other than an action to which paragraphs (2) and (3) also applies, the Landlord shall be precluded from recovering COVID-19 Rental Debt in connection with any award of damages.

Section 6.1020.050. – Required Initial Notice.

(a) A Landlord shall provide, in at least 12-point font, the following notice to a Tenant within 30 days of the first month in which a Tenant does not make a Rental Payment, or by November 30, 2020 if a Tenant has not paid one or more Rental Payments that came due during the Protected Time Period:

**'NOTICE OF PROTECTIONS FOR
COMMERCIAL TENANTS UNABLE TO PAY RENT
DUE TO COVID-19:**

The City of San Buenaventura has enacted an ordinance which protects commercial renters who have experienced COVID-19-related financial distress from being evicted for failing to make rental payments due between March 1, 2020, and January 31, 2021.

'COVID-19-related financial distress' means any of the

following:

- (1) If between March 1, 2020 and October 31, 2020:
 - (i) A Tenant experienced lost revenue resulting from business closures related to COVID-19 or other economic impacts of COVID-19.
- (2) If between November 1, 2020 and January 31, 2021:
 - (i) A Tenant is currently closed due to any state, federal, or local government order issued in response to COVID-19.
 - (ii) A Tenant is open but has experienced any combination of lost revenue and increased experiences due to COVID-19 that effectively results in a financial impact to the Tenant equal to 20% or more for the month prior to the date rent is due when compared to the same month's revenues or expenses in the preceding year. For example, a Tenant that, as a result of COVID-19, experiences lost revenue of 14% and increased expenses of 6% (totaling 20%), has a qualifying COVID-19-Related Financial Distress.
 - (iii) A Tenant has been open for less than one year and has experienced any combination of lost projected revenue and increased projected expenses due to COVID-19 that effectively results in a financial impact to the Tenant equal to 20% or more for the month prior to the date rent is due when compared with

pre-COVID-19 revenue and expense projections. For example, a Tenant that, as a result of COVID-19, experiences lost revenue of 14% and increased expenses of 6% (totaling 20%), has a qualifying COVID-19-Related Financial Distress.

This law gives you the following protections:

- (1) If you failed to make rental payments due between March 1, 2020, and October 31, 2020, because you had decreased revenues or increased expenses due to the COVID-19 pandemic, as described above, you cannot be evicted based on this nonpayment as long as you satisfy the repayment terms described in the San Buenaventura Municipal Code Section 6.1020.030.
- (2) If you are unable to pay full rent payments that come due between November 1, 2020, and January 31, 2021, because of decreased revenue or increased expenses of at least 20% due to the COVID-19 pandemic, as described above, you cannot be evicted if you pay 25 percent of each rental payment due monthly and satisfy the repayment terms described in the San Buenaventura Municipal Code Section 6.1020.030.

Before your landlord can try to evict you for failing to make a rental payment between March 1, 2020, and January 31, 2021, your landlord will be required to give you a 15-day demand that informs you of the amounts owed and includes a blank COVID-19 financial impact declaration form for you to return.

**IN ORDER TO BE PROTECTED BY THE
EVICITION PROTECTIONS DESCRIBED ABOVE,
YOU MUST RETURN TO YOUR LANDLORD THE
DECLARATION FORM UNDER PENALTY OF**

**PERJURY OF YOUR COVID-19-RELATED
FINANCIAL DISTRESS ATTESTING TO THE
DECREASED REVENUE OR INCREASED
EXPENSES DUE TO THE COVID-19 PANDEMIC.**

It is very important you do not ignore a 15-day demand to pay rent from your landlord. IF YOU ARE SERVED WITH A 15-DAY DEMAND AND DO NOT PROVIDE THE DECLARATION FORM TO YOUR LANDLORD BEFORE THE 15-DAY DEMAND EXPIRES, YOU COULD BE EVICTED. You could also be evicted beginning November 1, 2020, if you owe rental payments due between November 1, 2020, and January 31, 2021, and you do not pay an amount equal to at least 25 percent of the payments due for that time period. You and your landlord may come to an agreement that allows for a rental payment that is greater than or less than 25 percent; however, you are not required to agree to any payment that is greater than 25 percent.

For information about legal resources that may be available to you, visit lawhelpca.org.

- (b) The Landlord may provide the notice required by subdivision (a) by mail or in person.
- (c)
 - (1) A Landlord may not serve a demand pursuant to subdivision (b) or (c) of Section 6.1020.060 before the Landlord has provided the notice required by subdivision (a) of this Section.
 - (2) The notice required by subdivision (a) of this Section may be provided to a Tenant concurrently with a demand pursuant to subdivision (b) or (c) of Section 6.1020.060.

Section 6.1020.060. – Required Demand to Pay Rent.

(a) (1) In addition to any notice required by law, Landlord shall also serve Tenant a demand as required by this section. A demand which does not meet the requirements of this section, regardless of when the demand was issued, shall be deemed insufficient and Tenant may raise an affirmative defense based on the insufficient demand in a cause of action for unlawful detainer or a default judgment.

(2) Notwithstanding paragraph (1), this section shall have no effect if the Landlord lawfully regained possession of the property or obtained a judgment for possession of the property before the operative date of this Section.

(b) Payment of Rent Due During Protected Time Period. If the demand demands payment of rent that came due during the Protected Time Period, the demand shall comply with all of the following:

(1) Provide that a Tenant must pay the amount due, deliver possession of the property, or return the Declaration of COVID-19-Related Financial Distress within 15 days, excluding Saturdays, Sundays, and other judicial holidays, after receiving the demand outlined herein.

(2) The demand shall set forth the amount of rent demanded and the date each amount became due.

(3) The demand shall include the following text in at least 12-point font:

**'DEMAND TO PAY UNPAID RENT DUE TO
COVID-19:**

If you are unable to pay the amount

demanded in this demand, and are closed due to a government order or have decreased revenue or increased expenses due to COVID-19, your landlord will not be able to evict you for this missed payment if you sign and deliver the declaration form included with your demand to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, and begin repayment of this missed payment beginning February 1, 2021. IF YOU DO NOT SIGN AND DELIVER THE DECLARATION WITHIN 15 DAYS, YOU MAY LOSE THE EVICTION PROTECTIONS AVAILABLE TO YOU. You must return this form to be protected. You should keep a copy or picture of the signed form for your records.

You will still owe this money to your landlord and can be sued for the money, but you cannot be evicted if you comply with these requirements. You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes. Failure to respond to this demand may result in an unlawful detainer action (eviction) being filed against you.

For information about legal resources that may be available to you, visit lawhelpca.org.

(c) Payment of Rent Due During Transition Time Period. If the demand demands payment of rent that came due during the Transition Time Period, the demand shall comply with all of the following:

- (1) Provide that a Tenant must pay the amount due, deliver possession of the property, or return the Declaration of COVID-19-Related Financial Distress within 15 days, excluding Saturdays, Sundays, and other judicial holidays, after receiving

the demand outlined herein.

(2) The demand shall set forth the amount of rent demanded and the date each amount became due.

(3) The demand shall include the following text in at least 12-point font:

'DEMAND TO PAY UNPAID RENT DUE TO COVID-19:

If you are unable to pay the amount demanded in this demand, and are closed due to government order or have decreased revenue or increased expenses of 20% or more due to COVID-19, you may sign and deliver the declaration form included with your demand to your landlord within 15 days, excluding Saturdays, Sundays, and other judicial holidays, and your landlord will not be able to evict you for this missed payment so long as you make the minimum payment (see below) and begin repayment on February 1, 2021. You should keep a copy or picture of the signed form for your records.

If you provide the declaration form to your landlord as described above AND, pay a monthly rental payment in an amount that equals at least 25 percent of each month's rent that you were unable to pay as a result of decreased revenue or increased expenses due to COVID-19 during the period between November 1, 2020, and January 31, 2021, your landlord cannot evict you. Your landlord may require you to submit a new declaration form for each rental payment that you do not pay in full that comes due between November 1, 2020, and January 31, 2021. You and your landlord may come to an agreement that

allows for a rental payment that is greater than or less than 25 percent; however, you are not required to agree to any payment that is greater than 25 percent.

You will still owe the full amount of the rent to your landlord, but you cannot be evicted from your property if you comply with these requirements. You should keep careful track of what you have paid and any amount you still owe to protect your rights and avoid future disputes. **FAILURE TO RESPOND TO THIS DEMAND MAY RESULT IN AN UNLAWFUL DETAINER ACTION (EVICTION) BEING FILED AGAINST YOU.**

For information about legal resources that may be available to you, visit lawhelpca.org.

(d) An unsigned copy of a Declaration of COVID-19-Related Financial Distress shall accompany each demand delivered to a Tenant to which subdivision (b) or (c) is applicable.

(e) If a Tenant owes a COVID-19 Rental Debt to which both subdivisions (b) and (c) apply, the Landlord shall serve two separate demands that comply with subdivisions (b) and (c), respectively.

Section 6.1020.070. – Declaration of COVID-19-Related Financial Distress.

(a) A Tenant shall deliver a signed copy of a Declaration of COVID-19-Related Financial Distress within 15 days of receipt of the demand to pay rent as required by Section 6.1020.060.

(b) A Tenant may deliver the Declaration of COVID-19-Related Financial Distress to the Landlord by any of the following methods:

- (1) In person, if the Landlord indicates in the demand an address at which the declaration may be delivered in person.
- (2) By electronic transmission, if the Landlord indicates an email address in the demand to which the declaration may be delivered.
- (3) Through United States mail to the address indicated by the Landlord in the demand. If the Landlord does not provide an address pursuant to subparagraph (1), then it shall be conclusively presumed that upon the mailing of the declaration by the Tenant to an address previously provided by the Landlord, the declaration is deemed received by the Landlord on the date posted, if the Tenant can show proof of mailing to the address provided by the Landlord.
- (4) Through any of the same methods that the Tenant can use to deliver the payment pursuant to the demand if delivery of the declaration by that method is possible.

Section 6.1020.080. – Affirmative Defense

In any action by a Landlord to recover possession of a property, the Tenant may raise as an affirmative defense any violation or noncompliance with the provisions of this Chapter.

Section 6.1020.090. – Violation of the Chapter.

In addition to any other remedies available under law, any violations of the provisions of this Chapter or application thereof shall entitle the aggrieved Tenant to bring a cause of action for injunctive relief and to recover

actual damages, costs, and reasonable attorney's fees.

Section 6.1020.100 – Non-Waiver.

Except as otherwise provided herein, the provisions of this Chapter may not be waived, and any term of any lease, contract, or other agreement which purports to waive or limit a Tenant's rights under this Chapter is contrary to public policy, unenforceable, and void.

Section 6.1020.110. – Chapter's Provisions Sunset.

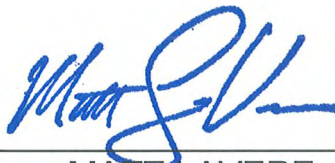
The provisions of this Chapter shall sunset on February 1, 2022."

SECTION 2. EFFECTIVE DATE. This Ordinance is an Emergency Ordinance pursuant to City Charter Section 706(c) shall be in full force and effect immediately upon its adoption.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Emergency Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Emergency Ordinance. The City Council hereby declares that it would have adopted this Emergency Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. PUBLICATION. The City Clerk is directed to cause a summary of this Emergency Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

PASSED and ADOPTED this 12th day of October 2020.



MATT LAVERE
Mayor

ATTEST:



ANTOINETTE M. MANN, MMC, CRM
CITY CLERK

APPROVED AS TO FORM
Gregory G. Diaz, City Attorney

By:



Megan Lorenzen
Assistant City Attorney

10/2/20

Date

CERTIFICATION

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

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 2020-024 that was introduced and adopted by said City Council at a regular meeting held October 12, 2020, by the following vote:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava, and Mayor LaVere

NOES: None

ABSENT: None

I further certify that said Ordinance No. 2020-024 was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.



Antoinette M. Mann, MMC, CRM
City Clerk
City of San Buenaventura, California



Date Attested





BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

STANDARD AGENDA ITEM 2

AWARD OF BID FOR THE
VENTURA HARBOR VILLAGE
RESTROOM ADA REMODEL

VENTURA PORT DISTRICT
BOARD COMMUNICATION

STANDARD AGENDA ITEM 2
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Joe Gonzalez, Capital Projects Manager
SUBJECT: Award of Bid for the Ventura Harbor Village Restroom ADA Remodel

RECOMMENDATION:

That the Board of Port Commissioners award the Ventura Harbor Village ADA Restroom Remodel Contract for 1559 Spinnaker Drive to Tomar Construction Inc. in the amount of \$ 97,800.00.

SUMMARY:

At the November 18, 2020 Board meeting, staff recommended the Board reject all bids for the Ventura Harbor Village ADA Restroom Remodel Project due to errors and omissions. The District re-published the request for bids on November 19, 2020. A public bid opening was held on December 7, 2020 per District policy. Six bids were received and the price for each bid was read aloud per District policy. With the assistance of the design architect, the District published the request for bids using the CyberCopy Public Plan Room Access website on November 20, 2020. An on-site preconstruction meeting was held at 1559 Spinnaker Drive on November 24, 2020.

The District and consulting architect Rasmussen & Associates reviewed the lowest three bids for errors and omissions and determined them to be responsive and staff is recommending accepting the bid from Tomar Construction Inc. in the amount of \$97,800.00 being the lowest bidder.

LONG-TERM GOALS:

- Goal 3: Economic Vitality
 - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

5-YEAR OBJECTIVES:

- Objective V: Harbor Village
 - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience.
 - 1: Complete Harbor Village refresh programs

BACKGROUND:

The Americans with Disabilities Act (ADA) provides civil rights protections for individuals with disabilities. The purpose of the ADA is to provide a “clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.” 42 U.S.C.A § 12101(b)(1). The ADA prohibits discrimination in employment, public accommodations, government services, public transportation, and telecommunications.

In 2014 and 2015, the District surveyed buildings and facilities within Ventura Harbor and Ventura Harbor Village with the aid of a consultant to assist the District in achieving compliance with local, state and federal laws and regulations. This included surveys of District assets as well as review of policies, programs, and procedures. The surveys identified physical barriers in Harbor Village buildings and facilities based on ADA Accessibility Guidelines and Title 24 standards. The list of facilities surveyed included:

- District-owned buildings
- District-owned parking lots

- District-owned beaches

FISCAL IMPACT:

The project was approved by the Board on July 1, 2020 in the FY20-21 Capital Improvements and ADA Improvements Plan in the amount of \$110,000. Project award will be for \$97,800.00. Note also that rebidding the project resulted in additional time for the architect and publishing a second notice in the Ventura County Star totaling approximately \$2,500.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

STANDARD AGENDA ITEM 3

AWARD OF BID FOR THE
FISHERMAN'S STORAGE
CONTAINERS PROJECT

VENTURA PORT DISTRICT
BOARD COMMUNICATION

STANDARD AGENDA ITEM 3
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Joe Gonzalez, Capital Projects Manager
SUBJECT: Award of Bid for the Fisherman's Storage Containers Project

RECOMMENDATION:

That the Board of Port Commissioners award the Fisherman's Storage Containers Project to Container Alliance in the amount of up to \$100,190.03.

SUMMARY:

The District published the request for bids for the procurement Fisherman's Storage Containers on November 20, 2020. A public bid opening was held on December 3, 2020 per District policy. Two bids were received and the price for each bid was read aloud per District policy.

District staff reviewed the lowest bidder's submission and had the consulting firm Longitude 123 review the bids and provide input for a virtual interview. District staff completed a virtual interview, and the lowest bidder has been determined to be responsive and is recommending accepting the bid from Container Alliance.

The project was identified in the current fiscal year Capital Project budget, however due to the decision to get "one-trip" containers (new except for a single trip after manufacture in Asia), the decision by staff to have a polymer coating (GE Enduris 3500) applied to the container roofs to prolong service life, and due to market shortage of one-trip containers, the project is higher than previously budgeted.

LONG-TERM GOALS:

- Goal 3: Economic Vitality
 - Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.

5-YEAR OBJECTIVES:

- Objective V: Harbor Village
 - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience.
 - 1: Complete Harbor Village refresh programs

BACKGROUND:

In 2016, the California Fish and Game Commission initiated the Coastal Fishing Communities Project in California after a series of stakeholder discussions indicated concerns about impacts to commercial fishing and the sustainability of local fishing communities. These discussions repeatedly highlighted concerns about changing ocean conditions, decreased access to fishing, overall fishery management changes, increased global marketplace competition, changing species diversity and aging infrastructure. The Coastal Fishing Communities Project consisted of a series of in-community meetings from June 2017 to July 2018, including a meeting in Ventura Harbor in October of 2017. Aging infrastructure and access to gear storage were amongst the many concerns highlighted at that community meeting as a priority to address.

The Ventura Harbor commercial fishing infrastructure and facilities require ongoing investment in order to provide superior and safe services to meet the needs of our commercial fishing industry. The cargo containers and storage area that the commercial fishermen use to store their gear and repair their nets have served the industry for decades and reinvestment is now necessary. In addition, the District is installing a new derrick crane for offloading landings to increase the speed and efficiency of bringing fish to port and moving them to market as well as providing redundancy.

The gear storage and net repair facility enhancement component of the proposed project consists of purchase and installation of twenty-six, 20-foot cargo containers, removal of dilapidated containers and derelict vessels, and repairing asphalt and fencing. The new cargo containers each provide approximately 150 square feet of enclosed storage for commercial fishermen. The removal of derelict vessels from the facility will result in an expansion of gear storage at the facility for participating fishermen. The new cargo containers will be owned by the District. The repairs to asphalt at the gear storage facility are part of the project but will be funded by the District. The project also includes the purchase and installation of a one-ton capacity, electric-powered derrick crane at the commercial fishing pier in the harbor.

FISCAL IMPACT:

The California Coastal Conservancy has awarded \$318,600 to the Ventura Port District to complete the project which will fully fund this procurement. The District has already invested in the project with payments towards the manufacture of the crane, engineering design of the storage yard, procurement of City permits, and will be committing further funding for asphalt/concrete work, quality assurance of the crane, and construction management for a total of approximately \$195,000 (final amount pending contractor selection). The improvements to the Fishermen's Storage facility are to be completed before the end of the FY20-21 Fiscal Year and were approved by the Board at its July 1, 2020 meeting in the 5-Year Capital Improvements Budget.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

STANDARD AGENDA ITEM 4

APPROVAL OF FINANCIAL
STATEMENTS AND CHECKS FOR JULY
THROUGH SEPTEMBER 2020

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 4
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Gloria Adkins, Accounting Manager
SUBJECT: Approval of Financial Statements and Checks for July through September 2020

RECOMMENDATION:

That the Board of Port Commissioners adopts Resolution No. 3403 to:

- a) Accept the financial statements for the Quarter ending September 30, 2020; and,
- b) Review the payroll and regular checks for July through September 2020.

SUMMARY:

Attached for the Board's review are the financial statements for the quarter ended September 30, 2020 and the check registers for July through September 2020. The attachments reflect the Enterprise Fund and the VSE Aquaculture Grant Fund.

LONG-TERM GOALS:

- Goal 6: Public Service
 - Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and more efficient, effective and public focused organization.

5-YEAR OBJECTIVES:

- Objective E: Public and Civic Engagement Plan
 - Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders
 - 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

BACKGROUND:

The financial statements for the quarter ending September 30, 2020, shown as Attachment 2, consist of Statement of Income and Expenses, Supplementary Notes, Balance Sheet, Cash Flow Statement (includes Grant and Dock Project accounts), Distribution of Cash (includes Grant and Dock Project accounts), Comparison of Lease Rents, and a Three-Year Comparative Statement of Revenue and Expenses.

The Ventura Shellfish Enterprise (VSE) Aquaculture Grant Fund Statement of Income and Expenses and the Balance Sheet are included here as Attachment 3. The 2018 VSE aquaculture project expenditure recap report through 9/30/20 is also included in this attachment. The 2018 VSE grant was approved for a one-year time extension to 8/31/2021. This time extension did not change the award value of the original grant.

Operational Disbursements

The accounts payable check registers for July through September are located after all the financial statement documents as Attachment 4. The registers include a brief description of the purpose for each check.

Staff has explained some of the major accounts payable check expenditures below. (Regular payments such as monthly service contracts, utilities, legal services, etc. are not shown below as they are recurring each month):

July 2020 -

- Dudek was paid \$21,891 on 7/10/20 for services pertaining to the VSE aquaculture project.

August 2020 -

- California JPIA (Joint Powers Insurance Association) was paid \$32,844 on 8/7/20 for the premium on the annual all risk property insurance.
- COWI North America, Inc was paid \$16,010 and \$32,020 on 8/7/20 and 8/12/20, respectively, for work pertaining to a professional services agreement for an aquaculture navigation risk assessment study relating to VSE

September 2020 -

- Bellingham Marine was paid \$99,219.93 on 9/18/20 from the Project Fund Account for the final payment on the Village Marina dock replacement project.

Details reflecting purchases made through the District's Wells Fargo Bank credit cards for July through September 2020 are included as Attachment 5.

The Quarterly Treasurer's Report for the period ending September 30, 2020 has been included as Attachment 6.

Payroll Disbursements

The District has 26 bi-weekly pay periods per year; ten months of the year will have two regular payroll periods and two months will have three regular pay periods. This quarter, there were three paychecks in the month of July, with August and September both having two periods. The quarterly accrued compensation hours pay-off run was paid out in September.

FISCAL IMPACT:

The Statement of Income and Expenses reflects a negative 'Change in Net Position' of \$232,414 for the period ended September 30, 2020. This is normal for the first quarter of the fiscal year. Over \$1.1 million in annual debt service payments along with the CalPERS Annual Unfunded Liability payment of \$238,000 for the fiscal year are paid out in July each year. This large outlay of cash in the month of July is normally replenished from normal operations during the remainder of the year.

ATTACHMENTS:

Attachment 1 – Resolution No. 3403

Attachment 2 – Statement of Income Expenses – Quarter Ended September 30, 2020

Attachment 3 – Aquaculture Fisheries Grant Fund Financial Statements September 30, 2020

Attachment 4 – Accounts Payable Check Registers – July - September 2020

Attachment 5 – Wells Fargo Bank Credit Card Charges July - September 2020

Attachment 6 – Quarterly Treasurers Report – September 2020



RESOLUTION NO. 3403

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE
VENTURA PORT DISTRICT CONSENTING TO THE ACCEPTANCE OF THE
FINANCIAL STATEMENT AND APPROVAL OF CHECKS**

BE IT RESOLVED by the Board of Port Commissioners of the Ventura Port District, that:

- A. Accept the Financial Statements for the Quarter ended September 30, 2020;
- B. The following Checks are hereby reviewed:
 - 1) Payroll Checks #10210-10254 and direct deposits inclusive in the amounts of \$217,617 for July 2020 salaries, \$144,422 for August 2020 salaries, and \$172,816 for September 2020 salaries.
 - 2) Regular Checks #51978-52349, #1098-1100, and #1051-1056 inclusive in the amounts of \$289,870 for July 2020 expenditures, \$378,901 for August 2020 expenditures, and \$351,082 for September 2020 expenditures.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on December 16, 2020, Resolution No. 3403 was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Chris Stephens, Chairman

Jackie Gardina, Secretary

ATTACHMENT 2

Ventura Port District Statement of Income and Expenses For the Period Ended September 30, 2020

	< ----- Quarter (3 mos) ----- >			< ----- Year-to-Date ----- >		
	Budget	Activity	Variance	Budget	Activity	Variance
OPERATING REVENUES						
Parcel Lease Income	\$ 811,800	\$ 972,176	\$ 160,376	\$ 811,800	\$ 972,176	\$ 160,376
Dry Storage Income	21,000	20,894	(106)	21,000	20,894	(106)
Fisherman's Storage	20,325	20,325	0	20,325	20,325	0
Parking Income	16,500	24,010	7,510	16,500	24,010	7,510
Miscellaneous Income/Rentals	48,000	50,535	2,535	48,000	50,535	2,535
Village Income						
Harbor Village Lease Income	559,600	735,681	176,081	559,600	735,681	176,081
Commercial Fishing	48,900	50,358	1,458	48,900	50,358	1,458
Miscellaneous Income	850	5,107	4,257	850	5,107	4,257
Harbor Event Fees	4,150	3,106	(1,044)	4,150	3,106	(1,044)
Merchants Promo Fund	4,800	15,842	11,042	4,800	15,842	11,042
Slip Rentals	180,000	192,732	12,732	180,000	192,732	12,732
Dock Electrical Income	2,490	3,408	918	2,490	3,408	918
C A M Income	57,000	67,369	10,369	57,000	67,369	10,369
Total Oper. Revenues	\$ 1,775,415	\$ 2,161,543	\$ 386,128	\$ 1,775,415	\$ 2,161,543	\$ 386,128
OPERATING EXPENSES						
Personnel Expenses						
Salaries & Wages						
Regular Salaries	\$ 677,933	\$ 659,285	\$ 18,648	\$ 677,933	\$ 659,285	\$ 18,648
Part-time Help	31,225	24,819	6,406	31,225	24,819	6,406
Overtime Pay	26,875	14,746	12,129	26,875	14,746	12,129
Holiday Pay	11,250	7,859	3,391	11,250	7,859	3,391
Total Salaries & Wages	\$ 747,283	\$ 706,709	\$ 40,574	\$ 747,283	\$ 706,709	\$ 40,574
Other personnel expenses						
Retirement Contributions/Exp	\$ 122,532	\$ 124,443	\$ (1,911)	\$ 122,532	\$ 124,443	\$ (1,911)
Payroll Taxes	12,147	12,652	(505)	12,147	12,652	(505)
Worker's Comp Ins.	38,745	38,748	(3)	38,745	38,748	(3)
OPEB Liability	2,625	2,502	123	2,625	2,502	123
Medical & Life Ins.	78,999	68,335	10,664	78,999	68,335	10,664
Optional Benefit Plan	67,998	68,769	(771)	67,998	68,769	(771)
Uniforms & Tool Allowances	8,835	6,941	1,894	8,835	6,941	1,894
Total - Other Personnel Expenses	\$ 331,881	\$ 322,390	\$ 9,491	\$ 331,881	\$ 322,390	\$ 9,491
Total Personnel Expenses	\$ 1,079,164	\$ 1,029,099	\$ 50,065	\$ 1,079,164	\$ 1,029,099	\$ 50,065

ATTACHMENT 2

Ventura Port District Statement of Income and Expenses For the Period Ended September 30, 2020

	< ----- Quarter (3 mos) ----- >			< ----- Year-to-Date ----- >		
	Budget	Activity	Variance	Budget	Activity	Variance
General Expenses						
Advertising	\$ 3,120	\$ 574	\$ 2,546	\$ 3,120	\$ 574	\$ 2,546
Leasing & Real Estate	5,250	3,706	1,544	5,250	3,706	1,544
Auto Mileage & Allowance	2,950	2,585	365	2,950	2,585	365
Auto/Boat Equip & Maint	57,920	49,501	8,419	57,920	49,501	8,419
Bad Debt	500	0	500	500	0	500
Bank Fees & Other Misc	2,845	2,697	148	2,845	2,697	148
Building Maintenance	48,210	37,171	11,039	48,210	37,171	11,039
Bldg Maint-Tenant Improvments	40,650	10,013	30,637	40,650	10,013	30,637
Communications	10,000	10,173	(173)	10,000	10,173	(173)
Conferences & Training	9,345	2,134	7,211	9,345	2,134	7,211
Dock Maint. & Repair	13,320	5,165	8,155	13,320	5,165	8,155
Village Enhancements	0	126	(126)	0	126	(126)
Equipment Rental	5,876	2,862	3,014	5,876	2,862	3,014
General Insurance	69,240	69,195	45	69,240	69,195	45
Grounds Maintenance	46,985	44,058	2,927	46,985	44,058	2,927
General Harbor Maintenance	999	0	999	999	0	999
Janitorial Supplies	19,780	26,055	(6,275)	19,780	26,055	(6,275)
Land/Building Rental Expense	20,325	20,325	0	20,325	20,325	0
Marketing & Promotions	48,235	25,858	22,377	48,235	25,858	22,377
Memberships & Subscriptions	9,934	8,760	1,174	9,934	8,760	1,174
Office Supplies & Equipment	6,625	4,118	2,507	6,625	4,118	2,507
Computer Equip & Supplies	6,000	659	5,341	6,000	659	5,341
Operating Supplies	21,174	18,186	2,988	21,174	18,186	2,988
Other Equipment & Repairs	17,925	15,122	2,803	17,925	15,122	2,803
Professional Services - Legal	112,500	100,229	12,271	112,500	100,229	12,271
Professional/Outside Services	201,131	192,821	8,310	201,131	192,821	8,310
Prof. Serv.-VSE Aquaculture	78,600	93,880	(15,280)	78,600	93,880	(15,280)
Utilities	96,497	99,793	(3,296)	96,497	99,793	(3,296)
Dredging Related Expenses	40,235	39,700	535	40,235	39,700	535
Total General Expenses	\$ 996,171	\$ 885,466	\$ 110,705	\$ 996,171	\$ 885,466	\$ 110,705
Total Operating Expenses	\$ 2,075,335	\$ 1,914,565	\$ 160,770	\$ 2,075,335	\$ 1,914,565	\$ 160,770
Oper. Income(Loss) Before Deprec.	\$ (299,920)	\$ 246,978	\$ 546,898	\$ (299,920)	\$ 246,978	\$ 546,898
Depreciation	\$ 262,500	\$ 259,555	\$ 2,945	\$ 262,500	\$ 259,555	\$ 2,945
Operating Income (Loss)	\$ (562,420)	\$ (12,577)	\$ 549,843	\$ (562,420)	\$ (12,577)	\$ 549,843

ATTACHMENT 2

Ventura Port District Statement of Income and Expenses For the Period Ended September 30, 2020

	< ----- Quarter (3 mos) ----- >			< ----- Year-to-Date ----- >		
	Budget	Activity	Variance	Budget	Activity	Variance
NON-OPERATING REVENUES						
General						
Investment Income (Loss)	\$ 44,700	\$ 22,871	\$ (21,829)	\$ 44,700	\$ 22,871	\$ (21,829)
Tax Income	<u>40,000</u>	<u>41,369</u>	<u>1,369</u>	<u>40,000</u>	<u>41,369</u>	<u>1,369</u>
Total General Non-Oper. Income	\$ 84,700	\$ 64,240	\$ (20,460)	\$ 84,700	\$ 64,240	\$ (20,460)
Special Funding						
DBAW Grants-Misc	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
DBAW Grant-Equipment	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Special Funding	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
TOTAL NON-OPER. REVENUES	<u>\$ 84,700</u>	<u>\$ 64,240</u>	<u>\$ (20,460)</u>	<u>\$ 84,700</u>	<u>\$ 64,240</u>	<u>\$ (20,460)</u>
NON-OPERATING EXPENSES						
Interest Expense	\$ 284,900	\$ 284,077	\$ 823	\$ 284,900	\$ 284,077	\$ 823
Total Non-Oper. Expenses	\$ 284,900	\$ 284,077	\$ 823	\$ 284,900	\$ 284,077	\$ 823
Non-Operationing Income (Loss)	<u>\$ (200,200)</u>	<u>\$ (219,837)</u>	<u>\$ (19,637)</u>	<u>\$ (200,200)</u>	<u>\$ (219,837)</u>	<u>\$ (19,637)</u>
CHANGES IN NET POSITION	<u><u>\$ (762,620)</u></u>	<u><u>\$ (232,414)</u></u>	<u><u>\$ 530,206</u></u>	<u><u>\$ (762,620)</u></u>	<u><u>\$ (232,414)</u></u>	<u><u>\$ 530,206</u></u>

Supplementary Notes to Statement of Income and Expenses Continued for the quarter ending September 30, 2020 – Budget to Actual Analysis

Department Managers and Accounting Staff makes an attempt to use projected timelines for expenditures as well as to follow seasonal patterns when distributing the annually budgeted operating income and expenses by month whenever it is feasibly possible. Many line items are divided equally through the year and can be a challenge to pinpoint causes of variances by quarter or individual events. It is also difficult to pinpoint direct causes of the majority of the budget variances this early in the year. COVID-19 had a definite affect on revenue and expenses for this quarter and is anticipated to have ongoing impacts on staff projections.

The COVID-19 pandemic changed the way staff would normally conduct business in the harbor. As with the previous quarter, resources were directed as deemed necessary to maintain a safe and secure environment in the harbor for essential employees, tenants, and the public. The revenues in the first quarter of the fiscal year 2020-2021 budget are a conservative attempt to reflect reduced revenues due to the projected continuation of COVID-19 pandemic.

Operating Income:

Parcel Lease Income – (exceeds budget \$160,376) This category reflects the cumulative balance for master tenant's rents. The Hotels and Ventura Harbor Marine Association were projected at minimum rent for the first quarter of the fiscal year based on discussions directly with them and taking into account their public serving uses. Sales for these tenants were better than anticipated, although their sales were significantly less than the same period last year.

Harbor Village Lease Income – (exceeds budget \$176,081) This category reflects retail, restaurants, offices, and charters. The office category came in right at budget. The first quarter revenue budget for retail, restaurants and charters was very conservative given the uncertainty regarding the operational restrictions that would be imposed upon various businesses. The sales for these tenants were a little better than anticipated although their sales were less than the same period last year.

Merchant Promo Fund and CAM Income – (exceeds budget \$11,042 and \$10,369, respectively) The District budgeted for the possibility of extending the rental abatement program for those tenants that qualified during this quarter. Some tenant's sales had improved enough during the quarter that they no longer qualified for the abatement thereby increasing the actual income a small amount.

Operating Expenses:

Personnel Expenses – (under budget \$50,065) This variance is the net effect of salaries and wages being under budget \$40,574 and other personnel expenses being under budget \$9,491.

- Salaries and wages are under budget by \$40,574. Approximately \$25,000 of this variance reflects the Harbor Patrol department. The budget for the first quarter is always higher in Patrol's part-time and overtime wage categories due to the need for additional staffing during the summer months. The actual costs were lower this year given the reduced activity in the harbor due to the pandemic.
- Other personnel expenses are under budget by \$9,491. This variance is primarily in the medical & life insurance category. It is not really possible to determine a specific cause of this variance this early in the year. It may just be a matter of the budget distribution.

Building Maintenance-Tenant Improvement – (under budget \$30,637) This budget line was divided by 12 and spread evenly thru the year. The timing of tenant improvements is subject to variability based principally on timing of new lease execution.

Marketing and Promotions – (under budget \$22,377) Our Marketing Manager attempts to distribute their budget based on scheduled events and advertising promotions. This variance is primarily in the advertising and

Supplementary Notes to Statement of Income and Expenses Continued for the quarter ending September 30, 2020 – Budget to Actual Analysis

promotional materials categories. The timing of advertising expenses will remain uncertain with the ups and downs of the COVID-19 crisis.

Professional Services – VSE Aquaculture – (exceeds budget \$15,280) In this category, items that can be readily identified as to when they will be expensed are placed in their appropriate budget months. The professional service agreement with COWI for the aquaculture navigation risk assessment study was anticipated to be completed by 6/30/20 at the time the budget was being prepared and therefore expenses for this service were not carried forward into the current budget. The service was completed in July thereby showing expenditures in the current year.

Non-operating Revenue:

Investment Income (under budget \$21,829) This category was under budget for this quarter due the rapid investment rate reductions affected by the COVID-19 pandemic on the economy. This category will be re-evaluated during the mid-year budget review process.

Non-operating Expenses:

Nothing major to report on during this first quarter of the fiscal year.

ATTACHMENT 2

Ventura Port District Balance Sheet For the Period Ended September 30, 2020

CURRENT ASSETS		CURRENT LIABILITIES	
Cash in Banks	4,347,118	Accounts Payable	772,667
Accounts Receivable	569,851	Accrued Interest Payable	230,180
Intercompany Receivable-Grant Fund	205,400	Current Portion of Long Term Debt	1,062,296
Taxes Receivable	67,895	Accrued Liabilities	89,455
Interest Receivable	22,050	Current Portion of Compensated Absences	218,162
Prepaid Expenses	322,267		
Inventory of supplies	81,062		
TOTAL CURRENT ASSETS	<u>\$5,615,643</u>	TOTAL CURRENT LIABILITIES	<u>\$2,372,760</u>
RESTRICTED ASSETS		LONG TERM DEBT	
Cash - Dredging	3,011,201	ltd - Notes Payable	12,960,836
Cash - Improvement	3,041,679	TOTAL LONG TERM DEBT	<u>\$12,960,836</u>
Cash - Fisheries Complex	180,946		
Cash - Project Fund-Village Marina	61,332		
TOTAL RESTRICTED ASSETS	<u>\$6,295,158</u>	OTHER LIABILITIES	
FIXED ASSETS		OPEB Liability-Long Term	1,116,897
Land	2,342,629	Compensated Absences-Long Term	73,683
Harbor Improvements	43,893,013	Net Pension Liability	3,729,068
Equipment	1,767,903	Unearned Revenue	219,588
	48,003,545	Security Deposits	280,075
Accumulated depreciation	(18,317,047)	TOTAL OTHER LIABILITIES	<u>\$5,419,311</u>
NET FIXED ASSETS	<u>\$29,686,498</u>	TOTAL LIABILITIES	<u>\$20,752,907</u>
		EQUITY	
		Contributed Capital	4,632,128
		Retained Earnings-Reserved	645,536
		Retained Earnings- Unreserved	16,800,892
		Current Year Retained Earnings	(232,414)
		TOTAL EQUITY	<u>\$21,846,142</u>
TOTAL ASSETS	<u>\$41,597,299</u>	DEFERRED INFLOW OF RESOURCES	
		Deferred amount on OPEB	124,480
DEFERRED OUTFLOWS OF RESOURCES		Deferred amount from pension plan	162,095
Deferred amount on refundings	181,718	TOTAL DEFERRED INFLOW OF RESOURCES	<u>\$286,575</u>
Deferred amount on OPEB	34,555		
Deferred amount on pension plan	1,072,052		
TOTAL DEFERRED OUTFLOWS OF RESOURCES	<u>\$1,288,325</u>		
		TOTAL LIABILITIES, EQUITY, AND	
TOTAL ASSETS AND DEFERRED		DEFERRED INFLOW OF RESOURCES	
OUTFLOWS OF RESOURCES	<u>\$42,885,624</u>		<u>\$42,885,624</u>

Monthly Report
(Draft Unaudited)

ATTACHMENT 2

Ventura Port District Cashflow Statement As of September 30, 2020

Enterprise Fund (Includes Grant & Project Fund)

Operating Income	2,161,543
Non-Operating Income	81,951
Total Income	<u>\$ 2,243,494</u>
Operating Expenses	1,932,276
Non-Operating Expenses	543,632
Total Expenses	<u>\$ 2,475,908</u>
Change in Net Position-Accrual Basis	\$ (232,414)

Cashflows for Capital and Financing Activities:

Principle paid on debt	(885,685)
Deferred amount on refundings	6,642
Acquisitions/Retirements of Capital Assets	<u>(419,777)</u>
Net Cash provided (used) by Capital & Financing	\$ (1,298,820)

Operating Income Adjustments:

Depreciation/Impairment of assets	259,555
(Increase)decrease in receivables	(33,669)
(Increase)decrease in prepaid Items	(103,789)
Increase(decrease) in payables	299,896
Increase(decrease) in unearned revenue	(95,047)
Increase (decrease) in tenant deposits	<u>1,527</u>
Net Cash provided by Operating Activities	\$ 328,473

NET Increase (Decrease) in Cash \$ (1,202,761)

Add: Beginning Cash 7/1/20 \$ 12,013,163

Ending Cash at 9/30/20 \$ 10,810,402

ATTACHMENT 2

Ventura Port District Distribution of Cash as of September 30, 2020

<u>Enterprise Fund</u>	Current Balance
<u>Cash</u>	
Cash on Hand (undeposited)	1,514
Cash in Checking (Wells Fargo Bank)	357,540
Cash in County Treasury	18,541
Total Cash Available for Normal Operations	<u>\$ 377,595</u>
 <u>Investments Unrestricted Reserves</u>	
Local Agency Investment Fund (LAIF)	3,923,520
Total Investments Unrestricted Reserves	<u>\$ 3,923,520</u>
 <u>Dredging Reserves</u>	
Local Agency Investment Fund (LAIF)	3,011,201
Total Dredging Reserves	<u>\$ 3,011,201</u>
 <u>Capital Improvement Reserves</u>	
Local Agency Investment Fund (LAIF)	3,041,678
Total Capital Improvement Reserves	<u>\$ 3,041,678</u>
 <u>Fisheries Complex Reserves</u>	
Local Agency Investment Fund (LAIF)	180,946
Total Fisheries Complex Reserves	<u>\$ 180,946</u>
 <u>Aquaculture Grant Funds</u>	
Cash in Checking (Wells Fargo Bank)	160,345
Total Aquaculture Grant Funds	<u>\$ 160,345</u>
 <u>Project Fund - Village Marina</u>	
Cash in Checking (Wells Fargo Bank)	53,785
Local Agency Investment Fund (LAIF)	61,332
Total Project Fund Village Marina	<u>\$ 115,117</u>
 TOTAL CASH AND INVESTMENTS	<u><u>\$ 10,810,402</u></u>

ATTACHMENT 2

Ventura Port District Comparison of Lease Rent

	Year to Date Ended <u>9/30/2020</u>	Year to Date Ended <u>9/30/2019</u>	Increase (Decrease)	
Parcel Leases				
Ventura Harbor Marine Assoc	74,856	79,330	(4,474)	-6%
Sheraton 4 Points-Harbortown	142,123	184,052	(41,929)	-23%
Harbortown Point	1,809	2,751	(942)	-34%
Oceans West Marina	88,663	90,445	(1,782)	-2%
Ventura Isle Marina	234,890	215,169	19,721	9%
Ventura Marina Mobile Park	133,425	129,961	3,464	3%
Ventura West Marina	143,459	146,705	(3,246)	-2%
Ventura Yacht Club	33,460	32,392	1,068	3%
Vta Harbor Boatyard	44,491	42,253	2,238	5%
Portside Partners Ventura Harbor	75,000	75,000	0	0%
Total Parcel Lease	<u>972,176</u>	<u>998,058</u>	<u>(25,882)</u>	-3%
Appreciation rent & Option Fee	<u>-</u>	<u>-</u>	<u>0</u>	
Total Parcel Leases	972,176	998,058	(25,882)	-3%
Ventura Harbor Village				
Retail Rents	156,855	140,472	16,383	12%
Restaurant Rents	320,385	335,369	(14,984)	-4%
Office Rents	171,512	178,028	(6,516)	-4%
Charters	86,929	145,029	(58,100)	-40%
Total Village	<u>735,681</u>	<u>798,898</u>	<u>(63,217)</u>	-8%
Commercial Fishing	50,358	43,731	6,627	15%
TOTAL	1,758,215	1,840,687	(82,472)	-4%

Monthly Report
(Unaudited)

ATTACHMENT 2

Ventura Port District Three Year Comparative For the Current Quarter and Year to Date

	Quarter Ending September 30th			Year-To-Date September 30th			% change FY19-20 to Current Yr
	2018-19	2019-20	Current	2018-19	2019-20	Current	
<u>Operating Income</u>							
Parcel Leases	918,882	998,058	972,176	918,882	998,058	972,176	-3%
Assignment/Option Fee							
Dry Storage	450	450	20,894	450	450	20,894	4543%
Other Operating	48,059	86,630	94,870	48,059	86,630	94,870	10%
Harbor Village Leases	807,052	798,898	735,681	807,052	798,898	735,681	-8%
Commercial Fishing	69,665	43,731	50,358	69,665	43,731	50,358	15%
Slips	208,970	95,158	192,732	208,970	95,158	192,732	103%
CAM	88,170	83,975	67,369	88,170	83,975	67,369	-20%
Marketing	27,061	26,804	15,842	27,061	26,804	15,842	-41%
Electrical Slips	1,532	1,040	3,408	1,532	1,040	3,408	228%
Other Operating	15,723	12,918	8,213	15,723	12,918	8,213	-36%
Total Operating Income	2,185,564	2,147,662	2,161,543	2,185,564	2,147,662	2,161,543	1%
<u>Operating Expenses</u>							
Harbor Patrol	411,017	458,496	420,474	411,017	458,496	420,474	-8%
Maintenance	291,302	338,329	318,355	291,302	338,329	318,355	-6%
Administration	567,846	617,972	645,344	567,846	617,972	645,344	4%
Marina	166,163	177,802	195,437	166,163	177,802	195,437	10%
C A M	197,534	216,513	205,460	197,534	216,513	205,460	-5%
Marketing	112,372	127,844	89,795	112,372	127,844	89,795	-30%
Dredging	55,827	47,303	39,700	55,827	47,303	39,700	-16%
Total Operating Expenses	1,802,061	1,984,259	1,914,565	1,802,061	1,984,259	1,914,565	-4%
NET OPERATING INCOME	383,503	163,403	246,978	383,503	163,403	246,978	51%
<u>Non-operating Income</u>							
Interest	60,243	80,022	22,871	60,243	80,022	22,871	-71%
Taxes	33,301	36,030	41,369	33,301	36,030	41,369	15%
Other	-	-	-	-	-	-	0%
Total Non-operating Income	93,544	116,052	64,240	93,544	116,052	64,240	-45%
<u>Non-Operating Expenses</u>							
Depreciation	231,010	231,044	259,555	231,010	231,044	259,555	12%
Debt Service	258,184	301,837	284,077	258,184	301,837	284,077	-6%
Other	4,592	-	-	4,592	-	-	0%
Total Non-operating Expenses	493,786	532,881	543,632	493,786	532,881	543,632	2%
NET NON-OPER. INCOME	(400,242)	(416,829)	(479,392)	(400,242)	(416,829)	(479,392)	15%
NET CHANGE IN POSITION	(16,739)	(253,426)	(232,414)	(16,739)	(253,426)	(232,414)	-8%

ATTACHMENT 3

Ventura Port District
Aquaculture Fisheries Study Grant Fund
Statement of Income, Expense and Change in Net Position
For the Period Ended September 30, 2020

INCOME	
VSE Grant Reimbursement	17,711
TOTAL INCOME	<u>\$17,711</u>
 EXPENSES	
Legal-VSE Grant	0
Professional Services	0
Regulatory Requirements	17,711
Miscellaneous Expenses	0
TOTAL EXPENSES	<u>\$17,711</u>
 CHANGE IN NET POSITION	 (0)

Monthly Report
(Unaudited)

ATTACHMENT 3

**Ventura Port District
Aquaculture Fisheries Study Grant Fund
Balance Sheet
For the Period Ended September 30, 2020**

CURRENT ASSETS

Cash in Banks	160,345
Accounts Receivable-Grant	44,690
TOTAL CURRENT ASSETS	<u>\$205,035</u>

CURRENT LIABILITIES

Accounts Payable	0
Intercompany Payable-Enterprise Fund	205,400
TOTAL CURRENT LIABILITIES	<u>\$205,400</u>

LONG TERM ASSETS

Long Term Assets	0
TOTAL LONG TERM ASSETS	<u>\$0</u>

EQUITY

Retained Earnings	(365)
Current Year Retained Earnings	0
TOTAL EQUITY	<u>(\$365)</u>

TOTAL ASSETS

\$205,035

TOTAL LIABILITIES AND EQUITY

\$205,035

Monthly Report
(Unaudited)

ATTACHMENT 3

Ventura Port District
Ventura Shellfish Enterprise
2018 Sea Grant - Year 1 & 2
Grant period 9/1/2018 - 8/31/2021

Grant Funding

	<u>Grant</u>	<u>Billed</u>	<u>Remaining</u>	<u>Comments</u>
Plauche Carr-Legal - Task 4	60,000.00	60,000.00	-	
Dudek - Task 5 - Environmental Review	119,410.00	119,410.00	-	
Coastal Marine Biolabs - Task 6	39,000.00	38,631.31	368.69	
Scott Lindell - Task 7	20,500.00	16,742.74	3,757.26	Grower/Producer Compliance Training
Blake Stok - Task 7	24,750.00	10,725.00	14,025.00	
CAPS Media - Task 7	3,000.00	-	3,000.00	
Recap through 9/30/2020	<u>\$ 266,660.00</u>	<u>\$ 245,509.05</u>	<u>\$ 21,150.95</u>	

Direct costs to District

	<u>Contract/Budget</u>	<u>Billed</u>	<u>Remaining</u>	<u>Comments</u>
Plauche & Carr	47,993.83	47,965.14	28.69	Contract terminated - Robert Smith
K & L Gates	110,000.00	73,495.87	36,504.13	New contract - Robert Smith
Dudek - Task 5, 9% & Project Management Support	220,000.00	173,434.65	46,565.35	
Maine Marine Composites - Engineering Serv	15,150.00	15,150.00	-	Evaluate the performance of mussel longline system under specific conditions
COWI No. America Inc	64,040.00	64,040.00	-	Navigation Risk Assessment
Illuminas Consulting	10,000.00	9,711.00	289.00	Fiscal & economic impact assessment
Misc - Engineering Services	1,750.00	1,638.00	112.00	
Braitman & Associates	2,400.00	1,360.00	1,040.00	
Conferences/Travel/Meetings/Supplies/Misc	18,500.00	3,446.86	15,053.14	
Recap through 9/30/2020	<u>\$ 489,833.83</u>	<u>\$ 390,241.52</u>	<u>\$ 63,059.49</u>	

Combined In-Kind Contributions and Cost Share Contributions

In-Kind Contributions/Value of Volunteered Time

	<u>Grant Requirement</u>	<u>Reported</u>	<u>Remaining</u>	<u>Comments</u>
Ashworth, Ev & Brooke	97,800.00	98,069.86	(269.86)	Volunteered time
Bush, Doug	54,720.00	11,590.00	43,130.00	Volunteered time
Imondi, Ralph	25,600.00	29,150.00	(3,550.00)	Volunteered time
Parsons, Richard	20,000.00	7,800.00	12,200.00	Paid only as stipulated in Dredging/Project Manager Professional Service Agreement
Pendleton, Brian	48,490.00	72,187.24	(23,697.24)	Paid regular salary only
Santschi, Linda	25,600.00	27,350.00	(1,750.00)	Volunteered time
In-Kind Contribution/Volunteered Time thru 9/30/2020	<u>\$ 272,210.00</u>	<u>\$ 246,147.10</u>	<u>\$ 26,062.90</u>	

Cost Share Contributions - Grant Year 1

	<u>Grant Requirement</u>	<u>Paid</u>	<u>Remaining</u>	<u>Comments</u>
Dudek - 9% & Project Management Support	-	16,055.39	(16,055.39)	Paid by District - Qualifies as cost share
Maine Marine Composites	-	15,150.00	(15,150.00)	Paid by District - Qualifies as cost share
Braitman & Associates	-	1,360.00	(1,360.00)	Paid by District - Qualifies as cost share
Noble Engineering	-	1,638.00	(1,638.00)	Paid by District - Qualifies as cost share
Cost Share Contributions thru 6/30/2019	<u>\$ -</u>	<u>\$ 34,203.39</u>	<u>\$ (34,203.39)</u>	
Total in-Kind and Cost Share Contributions	<u>\$ 272,210.00</u>	<u>\$ 280,350.49</u>	<u>\$ (8,140.49)</u>	

ATTACHMENT 4

Accounts Payable Check Register - July 2020

12/4/2020

Ventura Port District
Wells Fargo Enterprise Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
51978	07/01/20	8251	** Voided **	Check stub used to list invoices		0.00
51979	07/01/20	8251	Ventura Water	Utilities	21,481.81	
51980	07/10/20	1045	ADT Security Services	NPS alarm service	179.85	
51981	07/10/20	1049	Adams Printing & Graphic	Brochures/event cards	890.63	
51982	07/10/20	1060	AFLAC	Salary reduction benefit	1,718.56	
51983	07/10/20	1378	BC Tree Service Inc	Launch ramp tree trimming	4,700.00	
51984	07/10/20	1679	Carpi & Clay	Washington Lobbyist	5,000.00	
51985	07/10/20	1725	C E D (California Electrical Distributors) - COVID stock supplies		539.70	
51986	07/10/20	1764	California J P I A	Annual premium -Pollution lab	1,383.00	
51987	07/10/20	1892	Chemsearch	VHV stock	221.80	
51988	07/10/20	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	1,003.47	
51989	07/10/20	1925	City Of S. Buenaventura	Trash service	100.00	
51990	07/10/20	2031	County Of Ventura	Hazardous waste permit	1,091.51	
51991	07/10/20	2093	Cumulus Broadcasting Inc.	Marketing-Advertising	980.00	
51992	07/10/20	2100	CyberCopy Inc.	Advertising-entertainment	565.69	
51993	07/10/20	2174	Dan Harding	Marketing-Advertising	250.00	
51994	07/10/20	2331	Dial Security Inc	Courtesy Patrol coverage	3,300.00	
51995	07/10/20	2537	Dunn Edwards	Paint for repairs, stock	994.93	
51996	07/10/20	2604	E.J. Harrison & Sons Inc.	Trash service	890.69	
51997	07/10/20	2751	Empire Cleaning Supply	Janitorial supplies	1,517.32	
51998	07/10/20	2935	Farmer Bros. Co	Coffee supplies	263.94	
51999	07/10/20	2936	Fast Signs	COVID-advertising	228.14	
52000	07/10/20	3050	All That's Fit to Print	Marketing-Ad production	1,200.00	
52001	07/10/20	3454	Gold Coast Broadcasting	Marketing-Advertising	800.00	
52002	07/10/20	3490	Grainger Inc.	VPD shop light sensors	23.57	
52003	07/10/20	3655	Herald Printing, Ltd.	COVID-flyers	323.84	
52004	07/10/20	4247	Jani-King of CA Inc.	Janitorial service - Harbor Village and District office	5,525.79	
52005	07/10/20	4293	Jennifer Talt-Lundin	Reimburse -Web site maintenance	212.00	
52006	07/10/20	4295	Jensen Design & Survey Inc.	Fisherman's storage project	5,040.00	
52007	07/10/20	4832	LAFCO	Membership	6,380.00	
52008	07/10/20	4943	Liebert Cassidy Whitmore	HR manual review/annual membership	3,780.00	
52009	07/10/20	5190	Matilija Water	Reverse osmosis water system	46.00	
52010	07/10/20	5210	McCormix Corp.	Maintenance vehicle fuel	208.88	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52011	07/10/20	5213	McMaster-Carr	COVID signage, VPD shop supplies	731.67	
52012	07/10/20	5632	MJP Technologies, Inc	IT services for SPAM filtering	112.00	
52013	07/10/20	5995	Ojai Valley News Inc.	Marketing-Advertising	475.00	
52014	07/10/20	6865	Rasmussen & Associates Inc	VHV -ADA/trash enclosure projects	7,558.34	
52015	07/10/20	7572	Standard Insurance Company	Group Term Life/Long-term Disability	2,865.97	
52016	07/10/20	7762	The Home Depot Pro	VHV lighting stock	54.87	
52017	07/10/20	7768	ThyssenKrupp Elevator Corp	VPD/VHV quarterly elevator svc	4,402.96	
52018	07/10/20	7862	Time To Shine	Village and District window washing service	2,755.00	
52019	07/10/20	8233	Venco Power Sweeping, Inc	Monthly Village parking lot/fish pier sweeping	545.38	
52020	07/10/20	8241	Ventura County Star	Marketing-Advertising	754.11	
52021	07/10/20	11415	Alertline Communications	Elevator phone service - quarterly	648.00	
52022	07/10/20	11434	Alexis Camille Artwork	Marketing-Advertising	300.00	
52023	07/10/20	13950	Bartel Associates, LLC	PERS actuarial consulting	4,220.00	
52024	07/10/20	20200	CoStar Realty Information, Inc	Leasing marketing data software	1,040.41	
52025	07/10/20	25351	Dudek	VSE project management	21,891.48	
52026	07/10/20	27405	Ellis & Makus LLP	Human resources/consulting	16,996.50	
52027	07/10/20	27512	Empire SCBA & Supplies Inc	Harbor Patrol fire gear	2,040.00	
52028	07/10/20	39705	Illuminas Consulting	VSE economic impact	6,045.00	
52029	07/10/20	42471	JaniTek Cleaning Solutions	Custodial services for Marketing/Marina offices	187.12	
52030	07/10/20	45401	K & L Gates LLP	VSE project	14,800.50	
52031	07/10/20	46141	Kozwel Boatworks	B17 exhaust repair	1,412.91	
52032	07/10/20	50071	LoopNet	Internet leasing advertising	194.95	
52033	07/10/20	54455	Mr. Painting, Inc.	Painting-1591 Spinnaker #115, 1583 Spinnaker # 210	10,350.00	
52034	07/10/20	61954	Pacific Marine Repair	B17-Transmission repair, risers, gaskets	2,304.92	
52035	07/10/20	61991	P & R Paper Supply Co.	Janitorial supplies	988.31	
52036	07/10/20	76014	Sun Life Financial	Dental insurance premiums	745.15	
52037	07/10/20	76015	Sunridge Landscape Maint., Inc	Contracted landscaping	2,300.00	
52038	07/10/20	76018	The Home Depot Pro Institution	VHV toilet flushers	316.61	
52039	07/10/20	76311	Sign-A-Rama	VPD-COVID acrylic shields	568.92	
52040	07/10/20	76705	Swift Chip, Inc	Laptops	596.00	
52041	07/10/20	77706	The Flag Factory	VHV flags	1,293.00	
52042	07/10/20	78692	TBC Media	Marketing-Advertising	1,200.00	
52043	07/10/20	84570	Vision Service Plan-(CA)	Employee vision plan	726.49	
52044	07/10/20	85123	WEX Bank	Patrol vehicle fuel	1,236.03	
52045	07/10/20	85219	West Marine Pro	Boat fire radios	1,109.85	
52046	07/10/20	85601	Zero Waste USA ** voided**	Operating supplies-mutt mitts		699.78
52047	07/10/20	Deposits	Eric Wise	Dry storage tenant refund	108.00	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52048	07/24/20	1036	Accurate First Aid Services	Replenish first aid stations	358.70	
52049	07/24/20	1676	Carquest Auto Parts	M55-filters	46.98	
52050	07/24/20	1725	C E D (California Electrical Distributors) -	Light switches for 1559 Spinnaker restrooms	414.55	
52051	07/24/20	1826	Central Coast Tourism Council	Membership	200.00	
52052	07/24/20	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	1,047.53	
52053	07/24/20	2099	Custom Embroidery	Uniforms - VPD-sun hats	258.34	
52054	07/24/20	2202	Dave's	Patrol boat fuel	2,302.53	
52055	07/24/20	2331	Dial Security Inc	Courtesy Patrol coverage	3,000.00	
52056	07/24/20	2448	Downtown Ventura Partners	Marketing-Advertising	450.00	
52057	07/24/20	2604	E.J. Harrison & Sons Inc.	Trash service	8,046.76	
52058	07/24/20	2751	Empire Cleaning Supply	Janitorial supplies	1,579.17	
52059	07/24/20	2935	Farmer Bros. Co	Coffee supplies	249.16	
52060	07/24/20	2936	Fast Signs	Tax invoice - COVID stake	3.23	
52061	07/24/20	2980	Fausset Printing, LLC	Parking Pass booklets	285.00	
52062	07/24/20	2986	Ferguson Enterprises Inc.	Repair toilet paper dispenser	80.52	
52063	07/24/20	3050	All That's Fit to Print	Business cards, Advertising/production	1,098.59	
52064	07/24/20	3100	Flooring 101	TI-flooring 1583 Spinnaker #210	890.86	
52065	07/24/20	3490	Grainger Inc.	Light timer at VHV 1583 Spinnaker	131.93	
52066	07/24/20	3752	HLI Systems	Domain renewal	25.00	
52067	07/24/20	4057	Health & Human Resource Center	Employee Assistance Program (EAP)	197.98	
52068	07/24/20	4225	J. W. Enterprises	Harbor Village wash stations-COVID	545.33	
52069	07/24/20	4402	Jim McFaul	Canvas replacement	980.00	
52070	07/24/20	4742	Kratos Construction	TI - buildout 1583 Spinnaker # 209	4,445.00	
52071	07/24/20	5011	Los Angeles Tourism &	Membership	640.00	
52072	07/24/20	5505	Muzicraft Inc.	Ambient music in Village	329.50	
52073	07/24/20	6470	LegalShield	Salary reduction benefit	124.55	
52074	07/24/20	6865	Rasmussen & Associates Inc	ADA restroom @ 1559, VHV trash enclosure project	12,825.96	
52075	07/24/20	7410	Smith Pipe & Supply Inc.	Landscape tool	98.97	
52076	07/24/20	8239	Ventura County Reporter	Marketing-Advertising	150.00	
52077	07/24/20	8244	Ventura Harbor Storage	Fisherman's gear storage	6,775.00	
52078	07/24/20	8246	Ventura Locksmiths	Keys-Harbor Cove restrooms	44.45	
52079	07/24/20	8250	Ventura Visitors & Convention	Marketing-Advertising	250.00	
52080	07/24/20	11415	Alertline Communications	Elevator phone service - quarterly	648.00	
52081	07/24/20	16490	Buell Wetsuits and Surf Inc	Harbor Patrol - wetsuits	2,303.75	
52082	07/24/20	30495	5 Day Tire Store	H1-tire, oil change	112.88	
52083	07/24/20	32750	Garland/DBS, Inc	Village painting project	3,263.00	
52084	07/24/20	39704	IDVILLE INC	ID Card maker, warranty-COVID	4,035.41	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52085	07/24/20	42471	JaniTek Cleaning Solutions	NPS janitorial, COVID	2,969.88	
52086	07/24/20	54350	Molo Inc	Marina software subscription	6,913.50	
52087	07/24/20	54455	Mr. Painting, Inc.	TI - painting 1583 Spinnaker #209	2,725.00	
52088	07/24/20	61991	P & R Paper Supply Co.	Janitorial supplies	1,905.35	
52089	07/24/20	62470	Passport Labs Inc	Parking Ticket fees	500.53	
52090	07/24/20	70075	Ricoh USA, Inc.	VPD Postage lease	741.91	
52091	07/24/20	70281	Ring Central Inc	Phone service	1,197.91	
52092	07/24/20	73020	Servpro of Ventura	Biohazard cleaning	1,610.90	
52093	07/24/20	75801	Steel Cut Productions	Marketing-Advertising	450.00	
52094	07/24/20	76010	Sunrise Music	Entertainment/music	250.00	
52095	07/24/20	76014	Sun Life Financial	Dental insurance premiums	1,518.33	
52096	07/24/20	76705	Swift Chip, Inc	IT services	9,353.00	
52097	07/24/20	85219	West Marine Pro	Boat radio project	600.61	
52098	07/24/20	Deposits	Richard Vasso	Dry storage tenant refund	120.00	
52099	07/30/20	7434	Southern Calif. Edison**	Check stub used to list invoices		0.00
52100	07/30/20	7434	Southern Calif. Edison	Utilities	13,421.12	
Total Enterprise Account Check Register					\$ 287,233.24	\$ 699.78

Wells Fargo Grant Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
1098	7/10/2020	72760	Scott Lindell	VSE task 7	1,250.00	
Total Grant Account Check Register					\$ 1,250.00	\$ -

Wells Fargo Project Fund Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
1051	7/10/2020	5213	McMaster-Carr	VPD gangway project	117.40	
1052	7/15/2020	82391	Ventura County Recorder	Dock - notice of completion	99.00	
1053	7/24/2020	5744	Noble Consultants Inc.	Dock rehab	1,170.00	
Total Project Account Check Register					\$ 1,386.40	\$ -

Total All Check Registers \$ 289,869.64 \$ 699.78

ATTACHMENT 4

Accounts Payable Check Register - August 2020

12/4/2020

Ventura Port District
Wells Fargo Enterprise Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52101	08/03/20	PM OneTime	Hawk Ridge Systems	Village tenant refund	2,355.00	
52102	08/04/20	4943	Liebert Cassidy Whitmore	HR services	6,475.00	
52103	08/04/20	48375	Lagerlof LLP	Legal services	45,263.50	
52104	08/07/20	1060	AFLAC	Salary reduction benefit	1,718.56	
52105	08/07/20	1764	California J P I A	Annual premium for all risk property insurance	32,844.00	
52106	08/07/20	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	431.56	
52107	08/07/20	1925	City Of S. Buenaventura	Trash service	100.00	
52108	08/07/20	2100	CyberCopy Inc.	Bathroom signage, brochures/event cards	258.60	
52109	08/07/20	2331	Dial Security Inc	Courtesy Patrol coverage	1,000.00	
52110	08/07/20	2448	Downtown Ventura Partners	Marketing-Advertising	450.00	
52111	08/07/20	2604	E.J. Harrison & Sons Inc.	Trash service	1,285.05	
52112	08/07/20	2983	Federal Express Corporation	Postage	23.77	
52113	08/07/20	2986	Ferguson Enterprises Inc.	Plumbing fixtures	212.78	
52114	08/07/20	3050	All That's Fit to Print	VPD logo envelopes	280.07	
52115	08/07/20	3490	Grainger Inc.	VPD shop stock	47.30	
52116	08/07/20	3752	HLI Systems	Admin website updates	275.00	
52117	08/07/20	4247	Jani-King of CA Inc.	Janitorial service - Harbor Village and District office	1,650.00	
52118	08/07/20	4295	Jensen Design & Survey Inc.	Fisherman's Storage project, ADA at 1591 Spinnaker	560.00	
52119	08/07/20	4833	Lawrence Hauer Str Engineer	Ice machine project @ 1449 Spinnaker	1,094.25	
52120	08/07/20	5210	McCormix Corp.	Maintenance vehicle fuel	462.32	
52121	08/07/20	5213	McMaster-Carr	Dock maintenance, dock repairs	314.59	
52122	08/07/20	5505	Muzicraft Inc.	Ambient music in Village	163.61	
52123	08/07/20	5625	ReadyRefresh	Bottled water service	535.23	
52124	08/07/20	5744	Noble Consultants Inc.	Fish Pier crane	702.00	
52125	08/07/20	6283	Petty Cash Fund	Rolled coin, refunds	248.41	
52126	08/07/20	7013	Rincon Consultants, Inc.	Sediment assessment	1,458.25	
52127	08/07/20	7294	Service-Pro Fire Protection	Elevator sensors at 1583 Spinnaker	1,071.70	
52128	08/07/20	7410	Smith Pipe & Supply Inc.	VHV irrigation at dock, entry way feature maintenance	1,063.75	
52129	08/07/20	7572	Standard Insurance Company	Group Term Life/Long-term Disability	3,045.07	
52130	08/07/20	7768	ThyssenKrupp Elevator Corp	Elevator service at 1559 Spinnaker	2,832.50	
52131	08/07/20	8228	Ventana Monthly	Marketing-Advertising	625.00	
52132	08/07/20	8233	Venco Power Sweeping, Inc	VHV, Fish Pier parking lot sweeping	545.38	
52133	08/07/20	8241	Ventura County Star	Marketing-Advertising	358.39	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52134	08/07/20	8243	Ventura Harbor Boat Yard	Hoist ladder repair	594.17	
52135	08/07/20	8266	Ventura Harbor Marine Fuel	Fuel-VPD pressure washer	127.49	
52136	08/07/20	12702	Aramco, Inc	Janitorial supplies	1,321.43	
52137	08/07/20	12911	ASCAP (American Society of Composers) -	Live music license	3,208.00	
52138	08/07/20	15785	Blue Tarp Financial Inc.	Membership, hoses	335.20	
52139	08/07/20	20262	COWI No. America Inc	VSE professional services	16,010.00	
52140	08/07/20	27512	Empire SCBA & Supplies Inc	Harbor Patrol - fire gear	7,170.00	
52141	08/07/20	42471	JaniTek Cleaning Solutions	Custodial services for NPS, Marketing/Marina offices	2,546.16	
52142	08/07/20	51890	Matthew Organista Digital	Entertainment/music	80.00	
52143	08/07/20	61991	P & R Paper Supply Co.	Janitorial supplies	2,399.28	
52144	08/07/20	67341	** Voided **			901.23
52145	08/07/20	70075	Ricoh USA, Inc.	Additional copier page usage	178.23	
52146	08/07/20	72973	Sema Connect Inc.	Electric car charge stations	480.00	
52147	08/07/20	76705	Swift Chip, Inc	Server back-up	599.00	
52148	08/07/20	84570	Vision Service Plan-(CA)	Employee vision plan	762.64	
52149	08/07/20	84705	Vortex Industries, Inc	VPD Bay door maintenance	608.88	
52150	08/07/20	85261	West Coast Air Conditioning	VPD/VHV HVAC maintenance	620.00	
52151	08/07/20	85601	Zero Waste USA	Operating supplies-mutt mitts	699.78	
52152	08/07/20	Deposits	Paul Reed	Dry storage tenant refund	72.00	
52153	08/07/20	4862	Peopleready Inc	Temp landscape labor	1,968.48	
52154	08/10/20	2604	E.J. Harrison & Sons Inc.	Trash service	8,457.67	
52155	08/10/20	PM OneTime	Mark Schebert	Dry storage tenant refund	22.00	
52156	08/12/20	20262	COWI No. America Inc	Aquaculture navigation risk assessment	32,020.00	
52157	08/12/20	37821	HP Media, LLC	Marketing-Advertising	2,000.00	
52158	08/17/20	85123	WEX Bank	Patrol vehicle fuel	1,231.00	
52159	08/18/20	48375	Lagerlof LLP	Legal services	37,842.25	
52160	08/19/20	1212	Anderson Custom Boats	B1-Pump, belt repairs	1,908.98	
52161	08/19/20	1676	Carquest Auto Parts	B1-clutch, VPD maintenance truck supplies	194.60	
52162	08/19/20	1679	Carpi & Clay	Washington lobbyist	5,000.00	
52163	08/19/20	1725	C E D (California Electrical Distributors)	Restroom electrical supplies	661.72	
52164	08/19/20	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	926.58	
52165	08/19/20	2100	CyberCopy Inc.	VPD key card print copy	41.75	
52166	08/19/20	2202	Dave's	Patrol boat fuel	1,284.62	
52167	08/19/20	2331	Dial Security Inc	Courtesy Patrol coverage	400.00	
52168	08/19/20	2604	E.J. Harrison & Sons Inc.	Trash service	708.53	
52169	08/19/20	2751	Empire Cleaning-see Aramco	Janitorial supplies	1,406.85	
52170	08/19/20	2924	FMP Uniform Co.	Harbor Patrol - MSO shirts	68.96	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52171	08/19/20	2983	Federal Express Corporation	Postage	15.15	
52172	08/19/20	2986	Ferguson Enterprises Inc.	Water heaters at 1449 Spinnaker restrooms	437.27	
52173	08/19/20	3050	All That's Fit to Print	Advertising/production	200.00	
52174	08/19/20	3490	Grainger Inc.	Safety gloves, rain boots	223.50	
52175	08/19/20	4057	Health & Human Resource Center	Employee Assistance Program (EAP)	197.98	
52176	08/19/20	4225	J. W. Enterprises	Harbor Village wash stations-COVID	545.33	
52177	08/19/20	4247	Jani-King of CA Inc.	Janitorial service - District office	75.00	
52178	08/19/20	4295	Jensen Design & Survey Inc.	Le Petit entry project	1,842.50	
52179	08/19/20	4862	Peopleready Inc	Temp landscape labor	1,093.60	
52180	08/19/20	5190	Matilija Water	Reverse osmosis water system	46.00	
52181	08/19/20	5210	McCormix Corp.	Maintenance vehicle fuel	396.22	
52182	08/19/20	5632	MJP Technologies, Inc	IT services for SPAM filtering	112.00	
52183	08/19/20	5744	Noble Consultants Inc.	Fish Pier hoist	3,601.26	
52184	08/19/20	6470	LegalShield	Salary reduction benefit	124.55	
52185	08/19/20	6900	Red Wing Shoe Store	Annual safety footwear	2,036.27	
52186	08/19/20	7153	Ryan Sutherland	Reimburse EMT renewal	94.00	
52187	08/19/20	7410	Smith Pipe & Supply Inc.	VHV landscape supplies	182.85	
52188	08/19/20	7768	ThyssenKrupp Elevator Corp	Elevator repair at 1559 Spinnaker, VPD elevator repair	1,030.00	
52189	08/19/20	7862	Time To Shine	Window, screen, loading light cleaning	3,470.00	
52190	08/19/20	7965	TUG (Timberline Users Group)	Annual membership - accounting software users group	395.00	
52191	08/19/20	8246	Ventura Locksmiths	Duplicate keys-Cooper	88.89	
52192	08/19/20	8251	Ventura Water ** voided**	Check stub used to list invoices		0.00
52193	08/19/20	8251	Ventura Water	Utilities	39,916.95	
52194	08/19/20	8530	White Nelson Diehl Evans LLP	Fiscal year 19/20 Audit progress billing	1,600.00	
52195	08/19/20	11131	AICPA	Annual membership	285.00	
52196	08/19/20	11457	Alexandria Pico	VHV-mask signage-COVID	55.00	
52197	08/19/20	17805	DATACHECK	Pre-employment & perspective tenant credit checks	123.00	
52198	08/19/20	20200	CoStar Realty Information, Inc	Leasing analytics	1,040.41	
52199	08/19/20	25351	Dudek	VSE project management	8,645.00	
52200	08/19/20	31350	Foothill Communications, LLC	Boat radio installations	3,062.69	
52201	08/19/20	45401	K & L Gates LLP	VSE permitting	11,935.06	
52202	08/19/20	50071	LoopNet	Leasing marketing	194.95	
52203	08/19/20	51458	Macaroni Kid	Marketing-Advertising	200.00	
52204	08/19/20	54455	Mr. Painting, Inc.	TI - 1559 Spinnaker #103	1,915.00	
52205	08/19/20	61991	P & R Paper Supply Co.	Janitorial supplies	1,375.43	
52206	08/19/20	70075	Ricoh USA, Inc.	Additional copier page usage	172.84	
52207	08/19/20	70281	Ring Central Inc	Phone service	959.51	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52208	08/19/20	76014	Sun Life Financial	Dental insurance premiums	1,518.33	
52209	08/19/20	76015	Sunridge Landscape Maint., Inc	Landscape at launch ramp/entry way, Parcel 19	3,690.00	
52210	08/19/20	76705	Swift Chip, Inc	IT services	8,754.00	
52211	08/19/20	82281	Ventek International	Park/pay annual fees	1,795.11	
52212	08/19/20	85219	West Marine Pro	Miscellaneous boat and fender repairs	451.36	
52213	08/19/20	Deposits	Gary Sullivan	Dry storage tenant refund	72.00	
52214	08/19/20	Deposits	George Moll	Dry storage tenant refund	120.00	
52215	08/19/20	Deposits	Morrow Fleet	Dry storage tenant refund	120.00	
52216	08/19/20	PM OneTime	Dave's Marine Fuel Service	Refund tenant overpayment	242.31	
52217	08/19/20	61954	Pacific Marine Repair	B19-New cooler, brackets, dampener	7,800.00	
52218	08/19/20	45401	K & L Gates LLP	VSE May services	11,088.00	
52219	08/25/20	5016	Lowe's	TI and general maintenance supplies	625.72	
52220	08/26/20	7153	Ryan Sutherland	Annual medical reimbursement	811.80	
Total Enterprise Account Check Register					\$ 368,483.73	\$ 901.23

Wells Fargo Grant Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
1099	08/19/20	20020	Coastal Marine Biolabs	VSE - Grant-Task 6	8,678.01	
Total Grant Account Check Register					\$ 8,678.01	\$ -

Wells Fargo Project Fund Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
1054	08/07/20	8243	Ventura Harbor Boat Yard	Harbor Patrol gangway project	1,739.53	
Total Project Account Check Register					\$ 1,739.53	\$ -

Total All Check Registers \$ 378,901.27 \$ 901.23

ATTACHMENT 4

Accounts Payable Check Register - September 2020

12/4/2020

Ventura Port District
Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
52221	09/01/20	7434	Southern Calif. Edison** Voided **	Check stub used to list invoices		
52222	09/18/20	8228	Ventana Monthly ** Voided **	Vendor never received check		495.00
52223	09/04/20	6030	3Digit Media	Marketing-Advertising	2,486.00	
52224	09/18/20	30495	5 Day Tire Store	H-10, oil change, tire rotation	105.12	
52225	09/04/20	1036	Accurate First Aid Services	Replenish first aid stations	395.48	
52226	09/04/20	1060	AFLAC	Salary reduction benefit	1,561.65	
52227	09/04/20	11434	Alexis Camille Artwork	Events production	240.00	
52228	09/04/20	11460	Alfredo Peralta	Entertainment/music	300.00	
52229	09/04/20	3050	All That's Fit to Print	Ad production	50.00	
52230	09/18/20	1212	Anderson Custom Boats	B1- pump repair	918.82	
52231	09/04/20	12702	AramSCO, Inc	Janitorial supplies	2,511.25	
52232	09/18/20	12702	AramSCO, Inc	Janitorial supplies	717.83	
52233	09/04/20	Deposits	Ari Young	Dry storage tenant refund	108.00	
52234	09/18/20	1323	Avenue Welding & Support Service	Trash enclosure welding repair	200.00	
52235	09/04/20	1326	Ayalas Backflow Services	VHV water line@ launch ramp	1,511.76	
52236	09/04/20	14221	Batteries Plus - Ventura	VHV card system battery	47.30	
52237	09/04/20	One time	Best Day Foundation	Application fee refund	75.00	
52238	09/18/20	1663	Burons Preferred Pumping Inc.	Hydro jetting @ 1559	695.00	
52239	09/04/20	1725	C E D (California Electrical Distributors) -	TI-fiber optic box at 1583 Spinnaker #209	193.47	
52240	09/18/20	1725	C E D (California Electrical Distributors) -	LED lamp shop stock	484.88	
52241	09/04/20	1676	Carquest Auto Parts	VPD vehicle supplies	301.34	
52242	09/18/20	1676	Carquest Auto Parts	M46-battery, VPD oil changes	291.66	
52243	09/04/20	1843	Certified Folder Display	Marketing-Advertising	1,150.00	
52244	09/04/20	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	1,328.04	
52245	09/18/20	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	861.04	
52246	09/04/20	1925	City Of S. Buenaventura	Trash service	100.00	
52247	09/10/20	19252	City of Ventura	Permit modification	882.56	
52248	09/18/20	20200	CoStar Realty Information, Inc	Leasing analytics	1,040.41	
52249	09/04/20	2100	CyberCopy Inc.	Floor signage-COVID	51.72	
52250	09/04/20	2174	Dan Harding	Marketing-Advertising	200.00	
52251	09/04/20	21602	Darla Bea Modugno	Entertainment/music	250.00	
52252	09/04/20	2331	Dial Security Inc	Courtesy Patrol coverage	1,412.00	
52253	09/18/20	2331	Dial Security Inc	Courtesy Patrol coverage	1,000.00	
52254	09/18/20	25351	Dudek	VSE permitting-Task 5	16,016.25	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52255	09/04/20	2604	E.J. Harrison & Sons Inc.	Trash service	8,080.21	
52256	09/04/20	2604	E.J. Harrison & Sons Inc.	Trash service	496.35	
52257	09/18/20	2604	E.J. Harrison & Sons Inc.	Trash service	680.68	
52258	09/04/20	2935	Farmer Bros. Co	Coffee supplies	354.01	
52259	09/04/20	2936	Fast Signs	Advertising- COVID	297.71	
52260	09/18/20	2983	Federal Express Corporation	Postage - SCE payment	14.11	
52261	09/17/20	2924	FMP Uniform Co.	Harbor Patrol uniforms	107.73	
52262	09/04/20	3457	Gov't Finance Officers Assoc.	Accounting training	170.00	
52263	09/04/20	3490	Grainger Inc.	VHV restroom signage	115.30	
52264	09/18/20	3490	Grainger Inc.	Launch ramp restroom faucet	377.21	
52265	09/18/20	4057	Health & Human Resource Center	Employee Assistance Program (EAP)	197.98	
52266	09/18/20	3655	Herald Printing, Ltd.	Marina - Advertising-COVID	287.18	
52267	09/04/20	3752	HLI Systems	Email spam filtering	150.00	
52268	09/04/20	39705	Illuminas Consulting	VSE economics	2,886.00	
52269	09/04/20	4061	Industrial Bolt and Supply	Shower repair-Surfers Knoll	151.19	
52270	09/04/20	4225	J. W. Enterprises	Harbor Village wash stations-COVID	545.33	
52271	09/04/20	4247	Jani-King of CA Inc.	VPD cleaning, monthly-COVID	6,125.79	
52272	09/18/20	4247	Jani-King of CA Inc.	Janitorial service - Harbor Village and District office	5,540.79	
52273	09/04/20	42471	JaniTek Cleaning Solutions	NPS janitorial services	59.21	
52274	09/18/20	42471	JaniTek Cleaning Solutions	Custodial services for NPS, Marketing/Marina offices	2,460.53	
52275	09/04/20	4293	Jennifer Talt-Lundin	Web site develop reimburse	153.00	
52276	09/04/20	Deposits	John Wisda	Dry storage tenant refund	108.00	
52277	09/04/20	4742	Kratos Construction	Ceiling light at 1583, lights/detector at 1691 Spinnaker	3,650.00	
52278	09/18/20	48375	Lagerlof LLP	Legal services	44,109.00	
52279	09/04/20	4943	Liebert Cassidy Whitmore	HR manual review/services	5,113.00	
52280	09/10/20	4943	Liebert Cassidy Whitmore	HR manual review/services	6,149.00	
52281	09/18/20	50071	LoopNet	Leasing marketing	194.95	
52282	09/29/20	5016	Lowes	Light for 1567 Spinnaker, VHV landscape supplies	280.79	
52283	09/04/20	50201	Lysa Ashley	Entertainment/music	600.00	
52284	09/04/20	5190	Matilija Water	Reverse osmosis water system	46.00	
52285	09/04/20	5210	McCormix Corp.	Maintenance vehicle fuel	422.00	
52286	09/18/20	5210	McCormix Corp.	Maintenance vehicle fuel	519.23	
52287	09/04/20	5213	McMaster-Carr	VPD signs, Maintenance supplies	218.62	
52288	09/04/20	Deposits	Merwyn Pamarang	Dry storage tenant refund	165.00	
52289	09/18/20	5632	MJP Technologies, Inc	IT services for SPAM filtering	112.00	
52290	09/04/20	5505	Muzicraft Inc.	Ambient music in Village	329.50	
52291	09/18/20	5744	Noble Consultants Inc.	Fish Pier crane, Bid docs	1,638.00	
52292	09/04/20	61991	P & R Paper Supply Co.	Janitorial supplies	3,470.71	
52293	09/18/20	61991	P & R Paper Supply Co.	Janitorial supplies	2,307.60	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52294	09/04/20	61954	Pacific Marine Repair	B1-coolant	52.73	
52295	09/04/20	6194	Pacific Oil Company	Waste oil disposal	65.00	
52296	09/04/20	6194	Pacific Oil Company	Waste oil disposal	801.00	
52297	09/04/20	62470	Passport Labs Inc	Parking Ticket fees	500.00	
52298	09/04/20	6284	Peace Officers Research Assoc.	Membership dues	138.00	
52299	09/04/20	4862	Peopleready Inc	Temp landscape labor	1,968.48	
52300	09/18/20	4862	Peopleready Inc	Temp landscape labor	874.88	
52301	09/04/20	6361	Pitney Bowes	Village office postage lease	154.29	
52302	09/04/20	4897	PORAC Legal Defense Fund	Membership dues	168.00	
52303	09/18/20	6446	PowerHouse Construction Inc.	Ice machine consulting at 1449 Spinnaker	6,040.00	
52304	09/11/20	67341	Quadient Finance USA Inc	Postage	500.00	
52305	09/11/20	67341	Quadient Finance USA Inc	VPD -Lease late fee	46.68	
52306	09/11/20	67341	Quadient Finance USA Inc	VPD postage lease	401.23	
52307	09/18/20	68552	Randall Williams	Entertainment/music	75.00	
52308	09/04/20	6865	Rasmussen & Associates Inc	ADA restrooms at 1559, 1567 Spinnaker	315.00	
52309	09/04/20	5625	ReadyRefresh	Bottled water service	194.36	
52310	09/04/20	70075	Ricoh USA, Inc.	Copier lease	741.91	
52311	09/04/20	70075	Ricoh USA, Inc.	VPD copier lease	157.36	
52312	09/18/20	70075	Ricoh USA, Inc.	Additional copier page usage	776.33	
52313	09/04/20	7013	Rincon Consultants, Inc.	Sediment WQ assessment	7,606.00	
52314	09/18/20	70281	Ring Central Inc	Phone service	1,902.67	
52315	09/18/20	7029	Robert Weinerth	Reimburse - work boots	155.15	
52316	09/04/20	7296	Searle Creative Group	Marketing-Advertising	1,425.00	
52317	09/18/20	1182	SiteOne Landscape Supply,LLC	Irrigation valve @ 1691	199.37	
52318	09/04/20	7410	Smith Pipe & Supply Inc.	VPD landscape supplies	63.07	
52319	09/18/20	7410	Smith Pipe & Supply Inc.	VPD irrigation valve, sprinklers	375.87	
52320	09/01/20	7434	Southern Calif. Edison	Utilities	13,560.53	
52321	09/04/20	7572	Standard Insurance Company	Group Term Life/Long-term Disability	3,045.07	
52322	09/18/20	75905	Stratus Streaming, LLC	Entertainment/music	90.00	
52323	09/29/20	76014	Sun Life Financial	Dental insurance premiums	1,518.33	
52324	09/18/20	76705	Swift Chip, Inc	IT services, Server backup	9,353.00	
52325	09/18/20	77050	TargetSolutions Learning	Harbor Patrol - online training	1,924.78	
52326	09/04/20	77706	The Flag Factory	Holiday décor	8,010.68	
52327	09/04/20	76018	The Home Depot Pro Institution	VHV restroom repairs	316.61	
52328	09/18/20	76018	The Home Depot Pro Institution	VHV restroom urinal	310.02	
52329	09/04/20	7768	ThyssenKrupp Elevator Corp	Elevator repair at 1559 Spinnaker	1,802.50	
52330	09/18/20	7768	ThyssenKrupp Elevator Corp	Quarterly elevator svc	4,402.96	
52331	09/04/20	7862	Time To Shine	Village and District window washing service	8,502.50	
52332	09/04/20	8233	Venco Power Sweeping, Inc	VHV, Fish Pier lot sweeping	545.38	

ATTACHMENT 4

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
52333	09/18/20	8228	Ventana Monthly	Marketing-Advertising	395.00	
52334	09/04/20	82281	Ventek International	Launch ramp park/pay	280.45	
52335	09/18/20	8239	Ventura County Reporter	Marketing-Advertising	100.00	
52336	09/04/20	8267	Ventura Harbor Marina & Yacht	B17, B19 - hull cleaning	331.70	
52337	09/18/20	8267	Ventura Harbor Marina & Yacht	B1 - hull cleaning	165.85	
52338	09/18/20	8266	Ventura Harbor Marine Fuel	Fuel- pressure washer	41.21	
52339	09/04/20	8244	Ventura Harbor Storage	Fisherman's gear storage	6,775.00	
52340	09/04/20	8244	Ventura Harbor Storage	Fisherman's gear storage	6,775.00	
52341	09/18/20	8250	Ventura Visitors & Convention	Marketing-Advertising	375.00	
52342	09/04/20	8251	Ventura Water	Utilities	611.92	
52343	09/04/20	84570	Vision Service Plan-(CA)	Employee vision plan	762.64	
52344	09/29/20	84570	Vision Service Plan-(CA)	Employee vision plan	762.64	
52345	09/04/20	85261	West Coast Air Conditioning	HVAC service at 1691 and 1431 Spinnaker	2,789.00	
52346	09/04/20	85219	West Marine Pro	Boat cleaning supplies	94.78	
52347	09/18/20	85219	West Marine Pro	Boat parts	96.87	
52348	09/11/20	85123	WEX Bank	Patrol vehicle fuel	1,249.20	
52349	09/18/20	85601	Zero Waste USA	Operating supplies-mutt mitts	699.78	
Total Enterprise Account Check Register					\$ 237,556.07	\$ 495.00

Wells Fargo Grant Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
1100	9/18/2020	20020	Coastal Marine Biolabs	VSE - Grant - task 6	9,033.46	
Total Grant Check Register					\$ 9,033.46	\$ -

Wells Fargo Project Fund Account

<u>Check</u>	<u>Date</u>	<u>Payee</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>	<u>Voided Amount</u>
1055	9/4/2020	2985	Fence Factory	Harbor Patrol gangway project	5,272.54	
1056	9/18/2020	1445	Bellingham Marine Ind. Inc.	Dock rehab	99,219.93	
Total Project Fund Account					\$ 104,492.47	\$ -

Total All Check Registers \$ 351,082.00 \$ 495.00

ATTACHMENT 5

Ventura Port District Wells Fargo Business Credit Card Charges July 2020

Chase Credit Card holders

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Administrative Assistant/Clerk
Gloria Adkins, Accounting Manager
Robin Baer, Property Manager
Joe Gonzalez, Facilities Manager
Sergio Gonzalez, Maintenance Supervisor
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster

<u>Type</u>	<u>Trans Date</u>	<u>Vendor</u>	<u>Category</u>	<u>Detailed Descriptions</u>	<u>Amount</u>
Brian Pendleton	no activity				-
Total General Manager's Expenses					-
Todd Mitchell	no activity				-
Total Business Operations Manager's Expenses					-
Jessica Rauch	7/28/2020	Zoom Video Communications	Meetings	Virtual meeting communications	129.98
Jessica Rauch	7/2/2020	CA Assoc. for Local Economic Development	Memberships	Pendleton annual membership for CA Assoc. for Local Economic Dev.	819.56
Jessica Rauch	7/1/2020	Harbor Village Gallery	Miscellaneous	Employee appreciation card-Parsons	12.93
Jessica Rauch	7/8/2020	Sq Storerite Inc	Professional services	Annual document shredding	125.00
Jessica Rauch	7/22/2020	Paypal Liebert Cassidy Whitmore	Training	Business Operations Manager - Supervisor Harassment Training	25.00
Total Administrative Assistant's Expenses					1,112.47
Gloria Adkins	7/22/2020	Sq Ventura Port District	Operating supplies	Square charge posted in error during training. Square will refund.	180.00
Gloria Adkins	7/2/2020	California Society of Municipal Finance Officers	Training	Accountant I-Intro to Government Accounting webinar	75.00
Total Accounting Manager's Expenses					255.00
Robin Baer	No activity				-
Total Property Manager's Expenses					-
Joe Gonzalez	No activity				-
Total Facilities Manager's Expenses					-
Sergio Gonzalez	7/24/2020	Digi Key Corp	Building maintenance	Safety sensors for the maintenance bay door in VPD headquarters	362.72
Sergio Gonzalez	7/2/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	0.99
Total Maintenance Supervisor's Expenses					363.71

ATTACHMENT 5

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	7/9/2020	Paypal	E-Advertising	Ipcamlive	18.00
Jennifer Talt-Lundin	7/9/2020	Cross Border Trans Fee	E-Advertising	Live harbor webcam	0.18
Jennifer Talt-Lundin	7/21/2020	Mailchimp	E-Advertising	International transaction purchase fee	104.00
Jennifer Talt-Lundin	7/20/2020	Sprout Social, Inc	E-Advertising	Monthly Enewsletter platform	99.00
Jennifer Talt-Lundin	7/20/2020	Sq Anja's Boutique	E-Advertising	Social media tracking/analytics	100.00
Jennifer Talt-Lundin	7/31/2020	Sticker Mule	E-Advertising	Prize for Social Media Contest	422.38
Jennifer Talt-Lundin	7/1/2020	Facebook	E-Advertising	VHV Stickers retail promo/giveaway	240.51
Jennifer Talt-Lundin	7/1/2020	Facebook	E-Advertising	Paid social media ads	49.07
Jennifer Talt-Lundin	7/21/2020	Amazon Marketplace	Event Production	Paid social media ads	289.61
Jennifer Talt-Lundin	7/20/2020	Amazon Marketplace	Event Production	Line Stantios for live music	121.20
Jennifer Talt-Lundin	7/20/2020	Bln Monday.Com	Operating supplies	White cones for events/weddings	49.00
Jennifer Talt-Lundin	7/31/2020	Sq Ventura Port District	Training	Scheduling tool platform renewal monthly	1.00
Jennifer Talt-Lundin	7/31/2020	Sq Ventura Port District	Training	Employee training on Square credit card usage - demo fee	1.00
Total Marketing Manager's Expenses					1,494.95
Dave Werneburg	7/20/2020	Office Depot #931	Operating supplies	Office supplies for Courtesy Patrol	46.59
Total Marina Manager's Expenses					46.59
John Higgins	7/28/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	2.99
John Higgins	7/22/2020	Sq Ring Usa	Operating supplies	Ring doorbell system for office deliveries at VPD headquarters	327.52
John Higgins	7/3/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	4.99
John Higgins	7/24/2020	ID Enhancements, Inc.	Operating supplies	Key fob supplies for the electronic entry key system throughout the harbor	465.24
John Higgins	7/15/2020	Sq Ventura Port District	Training	Employee training on Square credit card usage - demo fee	1.00
John Higgins	7/15/2020	Sq Ventura Port District	Training	Employee training on Square credit card usage - demo fee	1.00
John Higgins	7/3/2020	Ventura County EMS	Training	EMT license renewal - Patrol staff	95.00
John Higgins	7/3/2020	Ventura County EMS	Training	EMT license renewal - Patrol staff	135.00
John Higgins	7/3/2020	Ventura County EMS	Training	EMT license renewal - Patrol staff	(95.00)
John Higgins	7/20/2020	5.11, Inc.	Uniforms	Uniform pants	107.73
John Higgins	7/14/2020	Paramount Sales Group,	Uniforms	Neck Gators PPE COVID-19 - reimbursable	259.00
John Higgins	7/7/2020	Paramount Sales Group,	Uniforms	Neck Gators PPE COVID-19 - reimbursable	388.50
Total Harbormaster's Expenses					1,692.97
Total Wells Fargo Credit Card Expenses					<u>\$ 4,965.69</u>

ATTACHMENT 5

Ventura Port District Wells Fargo Business Credit Card Charges August 2020

Chase Credit Card holders

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Administrative Assistant/Clerk
Gloria Adkins, Accounting Manager
Robin Baer, Property Manager
Joe Gonzalez, Facilities Manager
Sergio Gonzalez, Maintenance Supervisor
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster

<u>Type</u>	<u>Trans Date</u>	<u>Vendor</u>	<u>Category</u>	<u>Detailed Descriptions</u>	<u>Amount</u>
Brian Pendleton	no activity				-
Total General Manager's Expenses					-
Todd Mitchell	8/4/2020	Newegg Inc	Computer supplies	Windows upgrade for Marketing Assistants computer	99.99
Total Business Operations Manager's Expenses					99.99
Jessica Rauch	8/6/2020	Dmi Dell Small Business	Computer supplies	Docking Stations for 17 laptops for remote office working	773.34
Jessica Rauch	8/28/2020	Zoom Video Communications	Meetings	Virtual meeting communications	134.48
Jessica Rauch	8/20/2020	Florida State University - Institute of Government	Training	Clerks certification webinars	300.00
Total Administrative Assistant's Expenses					1,207.82
Gloria Adkins	8/10/2020	Sq Ventura Port District	Operating supplies	Square charge reversed	(180.00)
Gloria Adkins	8/13/2020	Government Finance Officers Association	Training	GFOA Training - Annual Government Accounting Standards review	135.00
Total Accounting Manager's Expenses					(45.00)
Robin Baer	No activity				-
Total Property Manager's Expenses					-
Joe Gonzalez	No activity				-
Total Facilities Manager's Expenses					-
Sergio Gonzalez	8/27/2020	Costco.com	Operating supplies	Costco membership renewal-Reimbursed back to VPD	120.00
Sergio Gonzalez	8/3/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	0.99
Total Maintenance Supervisor's Expenses					120.99

ATTACHMENT 5

<u>Type</u>	<u>Trans Date</u>	<u>Vendor</u>	<u>Category</u>	<u>Detailed Descriptions</u>	<u>Amount</u>
Jennifer Talt-Lundin	8/31/2020	Facebook	E-Advertising	Paid social media ads	125.00
Jennifer Talt-Lundin	8/21/2020	Mailchimp	E-Advertising	Monthly Enewsletter platform	104.00
Jennifer Talt-Lundin	8/18/2020	Sprout Social, Inc	E-Advertising	Social media tracking/analytics	99.00
Jennifer Talt-Lundin	8/10/2020	Facebook	E-Advertising	Paid social media ads	125.00
Jennifer Talt-Lundin	8/5/2020	Paddle.Net Market Ltd	E-Advertising	Social analytics	351.00
Jennifer Talt-Lundin	8/3/2020	Facebook	E-Advertising	Paid social media ads	95.93
Jennifer Talt-Lundin	8/10/2020	Paypal Ipcamlivekf	E-Advertising	Live harbor webcam	18.00
Jennifer Talt-Lundin	8/10/2020	Cross Border Trans Fee	E-Advertising	International transaction purchase fee	0.18
Jennifer Talt-Lundin	8/3/2020	Facebook	E-Advertising	Paid social media ads	783.00
Jennifer Talt-Lundin	8/19/2020	BlnMonday.com	Office supplies	Scheduling tool platform renewal monthly	49.00
Total Marketing Manager's Expenses					1,750.11
Dave Werneburg	8/19/2020	Fast Signs Of Ventura	Dock maintenance	Identification decals for new dock power pedestals	826.95
Dave Werneburg	8/10/2020	Bed Bath & Beyond #821	Operating supplies	Replace damaged kitchen toaster	17.24
Dave Werneburg	8/20/2020	Paypal Corporate Bridge Consultancy	Training	Online Excel Course for Courtesy Patrol	199.00
Dave Werneburg	8/20/2020	Cross Border Trans Fee	Training	Transaction bank fee - Excel course	1.99
Total Marina Manager's Expenses					1,045.18
John Higgins	8/28/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	2.99
John Higgins	8/24/2020	Ring Multicam Yearly	Operating supplies	Video doorbell online storage	100.00
John Higgins	8/3/2020	Costco Wholesale #0420	Operating supplies	Medical masks-COVID-19	92.61
John Higgins	8/28/2020	Dtv Directv Service	Operating supplies	Communications/news and information	134.86
John Higgins	8/10/2020	Secorp Industries	Training	Self Contained Breathing Apparatus training-Patrol	1,448.89
Total Harbormaster's Expenses					1,779.35
Total Wells Fargo Credit Card Expenses					<u>\$ 5,958.44</u>

ATTACHMENT 5

Ventura Port District Wells Fargo Business Credit Card Charges September 2020

Chase Credit Card holders

Brian Pendleton, General Manager
 Todd Mitchell, Business Operations Manager
 Jessica Rauch, Administrative Assistant/Clerk
 Gloria Adkins, Accounting Manager
 Robin Baer, Property Manager
 Joe Gonzalez, Facilities Manager
 Sergio Gonzalez, Maintenance Supervisor
 Jennifer Talt-Lundin, Marketing Manager
 Dave Werneburg, Marina Manager
 John Higgins, Harbormaster

<u>Type</u>	<u>Trans Date</u>	<u>Vendor</u>	<u>Category</u>	<u>Detailed Descriptions</u>	<u>Amount</u>
Brian Pendleton	no activity				-
Total General Manager's Expenses					-
Todd Mitchell	no activity				-
Total Business Operations Manager's Expenses					-
Jessica Rauch	9/7/2020	Dmi Dell Small Business	Computer equipment	Reimbursement for return of docking stations	(900.36)
Jessica Rauch	9/28/2020	Zoom Video Communications	Operating supplies	Virtual meeting communications	129.98
Jessica Rauch	9/4/2020	International Institute Municipal Clerks	Training	Clerks certification class	50.00
Jessica Rauch	9/3/2020	California Special District Assoc.	Training	CSDA Clerks conference	475.00
Total Administrative Assistant's Expenses					(245.38)
Gloria Adkins	no activity				-
Total Accounting Manager's Expenses					-
Robin Baer	No activity				-
Total Property Manager's Expenses					-
Joe Gonzalez	No activity				-
Total Facilities Manager's Expenses					-
Sergio Gonzalez	9/2/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	0.99
Total Maintenance Supervisor's Expenses					0.99

ATTACHMENT 5

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	9/7/2020	Coastal Cone And The Parlor	Advertising production	Video shoot props	7.95
Jennifer Talt-Lundin	9/7/2020	Fratelli'S Pizza & Brew	Advertising production	Video shoot props	7.41
Jennifer Talt-Lundin	9/7/2020	Andria'S Seafood	Advertising production	Video shoot props	25.91
Jennifer Talt-Lundin	9/7/2020	Paypal Ipcamlive	E-Advertising	Live harbor webcam	18.00
Jennifer Talt-Lundin	9/7/2020	Cross Border Trans Fee	E-Advertising	International transaction purchase fee	0.18
Jennifer Talt-Lundin	9/21/2020	Mailchimp	E-Advertising	Monthly Enewsletter platform	104.00
Jennifer Talt-Lundin	9/18/2020	Sprout Social, Inc	E-Advertising	Social media tracking/analytics	99.00
Jennifer Talt-Lundin	9/1/2020	Facebook	E-Advertising	Paid social media ads	60.51
Jennifer Talt-Lundin	9/1/2020	Facebook	E-Advertising	Paid social media ads	501.49
Jennifer Talt-Lundin	9/21/2020	Bln Monday.Com	Operating supplies	Scheduling tool platform renewal monthly	49.00
Total Marketing Manager's Expenses					873.45
Dave Werneburg	No activity				
Total Marina Manager's Expenses					-
John Higgins	9/14/2020	Campworld/Gander/Overtons	Boat supplies	Personal floating devices - loaners for rescues	276.32
John Higgins	9/28/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	2.99
John Higgins	9/17/2020	Wal-Mart #3650	Operating supplies	Return office commercial Printer/Scanner/Copier equipment	(969.74)
John Higgins	9/11/2020	Amazon Marketplace	Operating supplies	Warranty on commercial Printer/Scanner/Copier equipment	76.99
John Higgins	9/14/2020	Amazon.Com	Operating supplies	Office commercial Printer/Scanner/Copier equipment	969.74
John Higgins	9/14/2020	Blt Scientific Sales, Inc	Operating supplies	Weather Station wireless transmitter	187.51
John Higgins	9/11/2020	Walmart.Com	Operating supplies	Office commercial Printer/Scanner/Copier equipment	969.74
John Higgins	9/15/2020	Dtv Directv Service	Operating supplies	Communications/news and information	140.62
John Higgins	9/2/2020	Ventura County Ems	Training	EMT license renewal - Patrol staff	95.00
Total Harbormaster's Expenses					1,749.17
Total Wells Fargo Credit Card Expenses					\$ 2,378.23

ATTACHMENT 5

Ventura Port District Wells Fargo Business Credit Card Charges July 2020

Chase Credit Card holders

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Administrative Assistant/Clerk
Gloria Adkins, Accounting Manager
Robin Baer, Property Manager
Joe Gonzalez, Facilities Manager
Sergio Gonzalez, Maintenance Supervisor
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster

<u>Type</u>	<u>Trans Date</u>	<u>Vendor</u>	<u>Category</u>	<u>Detailed Descriptions</u>	<u>Amount</u>
Brian Pendleton	no activity				-
Total General Manager's Expenses					-
Todd Mitchell	no activity				-
Total Business Operations Manager's Expenses					-
Jessica Rauch	7/28/2020	Zoom Video Communications	Meetings	Virtual meeting communications	129.98
Jessica Rauch	7/2/2020	CA Assoc. for Local Economic Development	Memberships	Pendleton annual membership for CA Assoc. for Local Economic Dev.	819.56
Jessica Rauch	7/1/2020	Harbor Village Gallery	Miscellaneous	Employee appreciation card-Parsons	12.93
Jessica Rauch	7/8/2020	Sq Storerite Inc	Professional services	Annual document shredding	125.00
Jessica Rauch	7/22/2020	Paypal Liebert Cassidy Whitmore	Training	Business Operations Manager - Supervisor Harassment Training	25.00
Total Administrative Assistant's Expenses					1,112.47
Gloria Adkins	7/22/2020	Sq Ventura Port District	Operating supplies	Square charge posted in error during training. Square will refund.	180.00
Gloria Adkins	7/2/2020	California Society of Municipal Finance Officers	Training	Accountant I-Intro to Government Accounting webinar	75.00
Total Accounting Manager's Expenses					255.00
Robin Baer	No activity				-
Total Property Manager's Expenses					-
Joe Gonzalez	No activity				-
Total Facilities Manager's Expenses					-
Sergio Gonzalez	7/24/2020	Digi Key Corp	Building maintenance	Safety sensors for the maintenance bay door in VPD headquarters	362.72
Sergio Gonzalez	7/2/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	0.99
Total Maintenance Supervisor's Expenses					363.71

ATTACHMENT 5

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	7/9/2020	Paypal	E-Advertising	Ipcamlive	18.00
Jennifer Talt-Lundin	7/9/2020	Cross Border Trans Fee	E-Advertising	Live harbor webcam	0.18
Jennifer Talt-Lundin	7/21/2020	Mailchimp	E-Advertising	International transaction purchase fee	104.00
Jennifer Talt-Lundin	7/20/2020	Sprout Social, Inc	E-Advertising	Monthly Enewsletter platform	99.00
Jennifer Talt-Lundin	7/20/2020	Sq Anja's Boutique	E-Advertising	Social media tracking/analytics	100.00
Jennifer Talt-Lundin	7/31/2020	Sticker Mule	E-Advertising	Prize for Social Media Contest	422.38
Jennifer Talt-Lundin	7/1/2020	Facebook	E-Advertising	VHV Stickers retail promo/giveaway	240.51
Jennifer Talt-Lundin	7/1/2020	Facebook	E-Advertising	Paid social media ads	49.07
Jennifer Talt-Lundin	7/21/2020	Amazon Marketplace	Event Production	Paid social media ads	289.61
Jennifer Talt-Lundin	7/20/2020	Amazon Marketplace	Event Production	Line Stantios for live music	121.20
Jennifer Talt-Lundin	7/20/2020	Bln Monday.Com	Operating supplies	White cones for events/weddings	49.00
Jennifer Talt-Lundin	7/31/2020	Sq Ventura Port District	Training	Scheduling tool platform renewal monthly	1.00
Jennifer Talt-Lundin	7/31/2020	Sq Ventura Port District	Training	Employee training on Square credit card usage - demo fee	1.00
Total Marketing Manager's Expenses					1,494.95
Dave Werneburg	7/20/2020	Office Depot #931	Operating supplies	Office supplies for Courtesy Patrol	46.59
Total Marina Manager's Expenses					46.59
John Higgins	7/28/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	2.99
John Higgins	7/22/2020	Sq Ring Usa	Operating supplies	Ring doorbell system for office deliveries at VPD headquarters	327.52
John Higgins	7/3/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	4.99
John Higgins	7/24/2020	ID Enhancements, Inc.	Operating supplies	Key fob supplies for the electronic entry key system throughout the harbor	465.24
John Higgins	7/15/2020	Sq Ventura Port District	Training	Employee training on Square credit card usage - demo fee	1.00
John Higgins	7/15/2020	Sq Ventura Port District	Training	Employee training on Square credit card usage - demo fee	1.00
John Higgins	7/3/2020	Ventura County EMS	Training	EMT license renewal - Patrol staff	95.00
John Higgins	7/3/2020	Ventura County EMS	Training	EMT license renewal - Patrol staff	135.00
John Higgins	7/3/2020	Ventura County EMS	Training	EMT license renewal - Patrol staff	(95.00)
John Higgins	7/20/2020	5.11, Inc.	Uniforms	Uniform pants	107.73
John Higgins	7/14/2020	Paramount Sales Group,	Uniforms	Neck Gators PPE COVID-19 - reimbursable	259.00
John Higgins	7/7/2020	Paramount Sales Group,	Uniforms	Neck Gators PPE COVID-19 - reimbursable	388.50
Total Harbormaster's Expenses					1,692.97
Total Wells Fargo Credit Card Expenses					<u>\$ 4,965.69</u>

ATTACHMENT 5

Ventura Port District Wells Fargo Business Credit Card Charges August 2020

Chase Credit Card holders

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Jessica Rauch, Administrative Assistant/Clerk
Gloria Adkins, Accounting Manager
Robin Baer, Property Manager
Joe Gonzalez, Facilities Manager
Sergio Gonzalez, Maintenance Supervisor
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster

<u>Type</u>	<u>Trans Date</u>	<u>Vendor</u>	<u>Category</u>	<u>Detailed Descriptions</u>	<u>Amount</u>
Brian Pendleton	no activity				-
Total General Manager's Expenses					-
Todd Mitchell	8/4/2020	Newegg Inc	Computer supplies	Windows upgrade for Marketing Assistants computer	99.99
Total Business Operations Manager's Expenses					99.99
Jessica Rauch	8/6/2020	Dmi Dell Small Business	Computer supplies	Docking Stations for 17 laptops for remote office working	773.34
Jessica Rauch	8/28/2020	Zoom Video Communications	Meetings	Virtual meeting communications	134.48
Jessica Rauch	8/20/2020	Florida State University - Institute of Government	Training	Clerks certification webinars	300.00
Total Administrative Assistant's Expenses					1,207.82
Gloria Adkins	8/10/2020	Sq Ventura Port District	Operating supplies	Square charge reversed	(180.00)
Gloria Adkins	8/13/2020	Government Finance Officers Association	Training	GFOA Training - Annual Government Accounting Standards review	135.00
Total Accounting Manager's Expenses					(45.00)
Robin Baer	No activity				-
Total Property Manager's Expenses					-
Joe Gonzalez	No activity				-
Total Facilities Manager's Expenses					-
Sergio Gonzalez	8/27/2020	Costco.com	Operating supplies	Costco membership renewal-Reimbursed back to VPD	120.00
Sergio Gonzalez	8/3/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	0.99
Total Maintenance Supervisor's Expenses					120.99

ATTACHMENT 5

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	8/31/2020	Facebook	E-Advertising	Paid social media ads	125.00
Jennifer Talt-Lundin	8/21/2020	Mailchimp	E-Advertising	Monthly Enewsletter platform	104.00
Jennifer Talt-Lundin	8/18/2020	Sprout Social, Inc	E-Advertising	Social media tracking/analytics	99.00
Jennifer Talt-Lundin	8/10/2020	Facebook	E-Advertising	Paid social media ads	125.00
Jennifer Talt-Lundin	8/5/2020	Paddle.Net Market Ltd	E-Advertising	Social analytics	351.00
Jennifer Talt-Lundin	8/3/2020	Facebook	E-Advertising	Paid social media ads	95.93
Jennifer Talt-Lundin	8/10/2020	Paypal Ipcamlivekf	E-Advertising	Live harbor webcam	18.00
Jennifer Talt-Lundin	8/10/2020	Cross Border Trans Fee	E-Advertising	International transaction purchase fee	0.18
Jennifer Talt-Lundin	8/3/2020	Facebook	E-Advertising	Paid social media ads	783.00
Jennifer Talt-Lundin	8/19/2020	BlnMonday.com	Office supplies	Scheduling tool platform renewal monthly	49.00
Total Marketing Manager's Expenses					1,750.11
Dave Werneburg	8/19/2020	Fast Signs Of Ventura	Dock maintenance	Identification decals for new dock power pedestals	826.95
Dave Werneburg	8/10/2020	Bed Bath & Beyond #821	Operating supplies	Replace damaged kitchen toaster	17.24
Dave Werneburg	8/20/2020	Paypal Corporate Bridge Consultancy	Training	Online Excel Course for Courtesy Patrol	199.00
Dave Werneburg	8/20/2020	Cross Border Trans Fee	Training	Transaction bank fee - Excel course	1.99
Total Marina Manager's Expenses					1,045.18
John Higgins	8/28/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	2.99
John Higgins	8/24/2020	Ring Multicam Yearly	Operating supplies	Video doorbell online storage	100.00
John Higgins	8/3/2020	Costco Wholesale #0420	Operating supplies	Medical masks-COVID-19	92.61
John Higgins	8/28/2020	Dtv Directv Service	Operating supplies	Communications/news and information	134.86
John Higgins	8/10/2020	Secorp Industries	Training	Self Contained Breathing Apparatus training-Patrol	1,448.89
Total Harbormaster's Expenses					1,779.35
Total Wells Fargo Credit Card Expenses					<u>\$ 5,958.44</u>

ATTACHMENT 5

Ventura Port District Wells Fargo Business Credit Card Charges September 2020

Chase Credit Card holders

Brian Pendleton, General Manager
 Todd Mitchell, Business Operations Manager
 Jessica Rauch, Administrative Assistant/Clerk
 Gloria Adkins, Accounting Manager
 Robin Baer, Property Manager
 Joe Gonzalez, Facilities Manager
 Sergio Gonzalez, Maintenance Supervisor
 Jennifer Talt-Lundin, Marketing Manager
 Dave Werneburg, Marina Manager
 John Higgins, Harbormaster

<u>Type</u>	<u>Trans Date</u>	<u>Vendor</u>	<u>Category</u>	<u>Detailed Descriptions</u>	<u>Amount</u>
Brian Pendleton	no activity				-
Total General Manager's Expenses					-
Todd Mitchell	no activity				-
Total Business Operations Manager's Expenses					-
Jessica Rauch	9/7/2020	Dmi Dell Small Business	Computer equipment	Reimbursement for return of docking stations	(900.36)
Jessica Rauch	9/28/2020	Zoom Video Communications	Operating supplies	Virtual meeting communications	129.98
Jessica Rauch	9/4/2020	International Institute Municipal Clerks	Training	Clerks certification class	50.00
Jessica Rauch	9/3/2020	California Special District Assoc.	Training	CSDA Clerks conference	475.00
Total Administrative Assistant's Expenses					(245.38)
Gloria Adkins	no activity				-
Total Accounting Manager's Expenses					-
Robin Baer	No activity				-
Total Property Manager's Expenses					-
Joe Gonzalez	No activity				-
Total Facilities Manager's Expenses					-
Sergio Gonzalez	9/2/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	0.99
Total Maintenance Supervisor's Expenses					0.99

ATTACHMENT 5

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	9/7/2020	Coastal Cone And The Parlor	Advertising production	Video shoot props	7.95
Jennifer Talt-Lundin	9/7/2020	Fratelli'S Pizza & Brew	Advertising production	Video shoot props	7.41
Jennifer Talt-Lundin	9/7/2020	Andria'S Seafood	Advertising production	Video shoot props	25.91
Jennifer Talt-Lundin	9/7/2020	Paypal Ipcamlive	E-Advertising	Live harbor webcam	18.00
Jennifer Talt-Lundin	9/7/2020	Cross Border Trans Fee	E-Advertising	International transaction purchase fee	0.18
Jennifer Talt-Lundin	9/21/2020	Mailchimp	E-Advertising	Monthly Enewsletter platform	104.00
Jennifer Talt-Lundin	9/18/2020	Sprout Social, Inc	E-Advertising	Social media tracking/analytics	99.00
Jennifer Talt-Lundin	9/1/2020	Facebook	E-Advertising	Paid social media ads	60.51
Jennifer Talt-Lundin	9/1/2020	Facebook	E-Advertising	Paid social media ads	501.49
Jennifer Talt-Lundin	9/21/2020	Bln Monday.Com	Operating supplies	Scheduling tool platform renewal monthly	49.00
Total Marketing Manager's Expenses					873.45
Dave Werneburg	No activity				
Total Marina Manager's Expenses					-
John Higgins	9/14/2020	Campworld/Gander/Overtons	Boat supplies	Personal floating devices - loaners for rescues	276.32
John Higgins	9/28/2020	Apple.Com/Bill	Operating supplies	Apple iCloud cell phone back up/storage	2.99
John Higgins	9/17/2020	Wal-Mart #3650	Operating supplies	Return office commercial Printer/Scanner/Copier equipment	(969.74)
John Higgins	9/11/2020	Amazon Marketplace	Operating supplies	Warranty on commercial Printer/Scanner/Copier equipment	76.99
John Higgins	9/14/2020	Amazon.Com	Operating supplies	Office commercial Printer/Scanner/Copier equipment	969.74
John Higgins	9/14/2020	Blt Scientific Sales, Inc	Operating supplies	Weather Station wireless transmitter	187.51
John Higgins	9/11/2020	Walmart.Com	Operating supplies	Office commercial Printer/Scanner/Copier equipment	969.74
John Higgins	9/15/2020	Dtv Directv Service	Operating supplies	Communications/news and information	140.62
John Higgins	9/2/2020	Ventura County Ems	Training	EMT license renewal - Patrol staff	95.00
Total Harbormaster's Expenses					1,749.17
Total Wells Fargo Credit Card Expenses					\$ 2,378.23

VENTURA PORT DISTRICT**DEPARTMENTAL STAFF REPORT**

Meeting Date: December 16, 2020

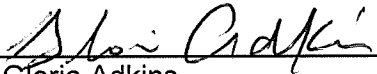
TO: Board of Port Commissioners
 CC: Brian D. Pendleton, General Manager
 FROM: Gloria Adkins, Accounting Manager
 SUBJECT: Quarterly Treasurers Report

As of September 30, 2020, the District held cash and investments with a market value of \$10,810,402. Funds held in investments represent those not needed for general operating activities.

Local Agency Investment Fund (LAIF) holds 94% of the September 30, 2020 fund balance:

Enterprise (Operating) Fund	\$3,923,520
Dredging Reserve Fund	3,011,201
Capital Improvement Fund	3,041,678
Capital Improvement –Fisheries Fund	180,946
Project Fund-Village Marina	<u>61,332</u>
Total Funds	\$10,162,620

The Investment Portfolio Report for September 30, 2020 attached herewith includes all of the District's Funds.

Submitted by:  Date: December 10, 2020
 Gloria Adkins
 Accounting Manager

ATTACHMENTS:

Attachment 1 – Investment Portfolio Report for September 30, 2020

Attachment 2 – LAIF Performance Report for September 30, 2020

ATTACHMENT 6

ATTACHMENT 1

**Ventura Port District
Investment Portfolio Report
Quarter Ending 9/30/2020**

<u>Security Type</u>	<u>Issuer</u>	<u>CUSIP Number</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Par Value</u>	<u>Book Value</u>	<u>Percent of Portfolio</u>	<u>Market Value</u>	<u>Market Value Source</u>
<u>Cash Investments</u>									
State Pool (LAIF)	LAIF-State Treasury		On Demand	0.84%	10,162,620	10,162,620	94%	10,218,677	LAIF
Total Cash Investments LAIF						\$ 10,162,620	94%	\$ 10,218,677	
<u>Cash Deposits</u>									
Demand Deposits-									
Main checking	Wells Fargo		On Demand	N/A	N/A	357,540	3%	357,540	Wells Fargo
Grant Fund checking	Wells Fargo		On Demand	N/A	N/A	160,345	1.5%	160,345	Wells Fargo
Project Fund checking	Wells Fargo		On Demand	N/A	N/A	53,785	0.5%	53,785	Wells Fargo
Petty Cash	Ventura Port District		On Demand	N/A	N/A	1,514	0.01%	1,514	Ventura Port District
Total Cash Deposits						\$ 573,184	5%	\$ 573,184	
<u>Cash in County Treasurer's Pooled Investment Program</u>									
County Treasurer's Pool	Ventura County Treasury		On Demand	1.01%	18,439	18,541	0.2%	18,541	Ventura County Treasury
Total Cash in County Treasury				Estimated*		\$ 18,541	0.2%	\$ 18,541	
TOTAL ALL FUNDS						\$ 10,754,345	100%	\$ 10,810,402	

Notes:

I certify that this report accurately reflects all of the Districts investments, and is in conformance with the adopted District Investment Policy. Furthermore, I certify to the best of my knowledge, sufficient investment liquidity and anticipated revenues are available to the meet the District's budgeted expenditure requirements for the next six months.

12/10/2020

Submitted by: 



PMIA/LAIF Performance Report as of 10/14/20



PMIA Average Monthly Effective Yields⁽¹⁾

Sep	0.685
Aug	0.784
Jul	0.920

Quarterly Performance Quarter Ended 09/30/20

LAIF Apportionment Rate ⁽²⁾ :	0.84
LAIF Earnings Ratio ⁽²⁾ :	0.00002309407394024
LAIF Fair Value Factor ⁽¹⁾ :	1.004114534
PMIA Daily ⁽¹⁾ :	0.65%
PMIA Quarter to Date ⁽¹⁾ :	0.80%
PMIA Average Life ⁽¹⁾ :	169

Pooled Money Investment Account Monthly Portfolio Composition ⁽¹⁾ 09/30/20 \$109.2 billion

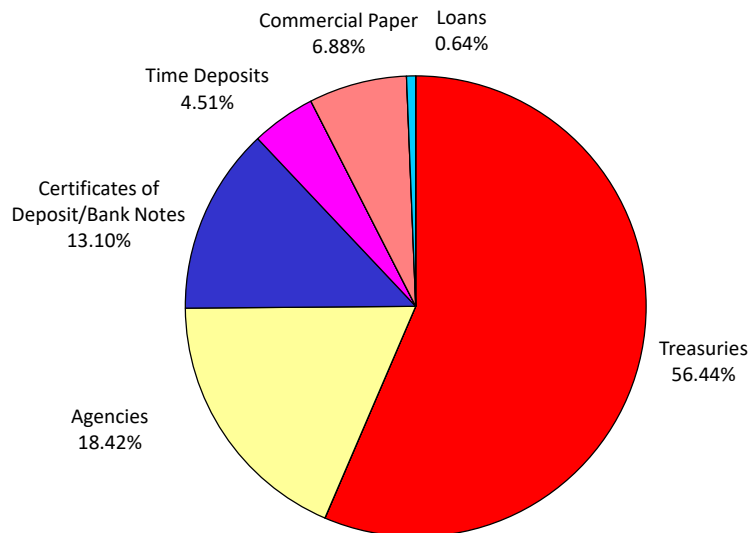


Chart does not include 0.01% of mortgages. Percentages may not total 100% due to rounding.

Daily rates are now available here. [View PMIA Daily Rates](#)

Notes: The apportionment rate includes interest earned on the CalPERS Supplemental Pension Payment pursuant to Government Code 20825 (c)(1) and interest earned on the Wildfire Fund loan pursuant to Public Utility Code 3288 (a).

Source:

⁽¹⁾ State of California, Office of the Treasurer

⁽²⁾ State of California, Office of the Controller



BOARD OF PORT COMMISSIONERS

DECEMBER 16, 2020

STANDARD AGENDA ITEM 5

ANNUAL INVESTMENT POLICY REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 5
Meeting Date: December 16, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Gloria Adkins, Accounting Manager
Andrew D. Turner, Legal Counsel, Lagerlof, LLP
SUBJECT: Annual Investment Policy Review

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3404 approving the Ventura Port District Investment Policy and rescinding Resolution No. 3345.

SUMMARY:

The last time the Reserve Policy was brought before the Board for review was December 18, 2019. Legal Counsel has made changes to keep the policy consistent with applicable law. Other changes have been made to add certain investment vehicles and to give more flexibility in how the District's investment strategy is implemented.

LONG-TERM GOALS:

- Goal 6: Public Service
 - Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective and public focused organization.

5-YEAR OBJECTIVES:

- Objective E: Public and Civic Engagement Plan
 - Strengthen communication and further develop close working relationships with stakeholders, business partners, and civic leaders.
 - 1: Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

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. Legal Counsel has made changes to keep the policy consistent with applicable law. Other changes have been made to add certain investment vehicles and to give more flexibility in how the District's investment strategy is implemented.

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). On 12/09/20, the LAIF daily yield was around 0.56%.

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment 1 – Resolution No. 3345 Redlined
Attachment 2 – Resolution No. 3404

RESOLUTION NO. ~~3345~~3404

**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; and,

WHEREAS, the Board finds it desirable and in the best interest of the District to rescind the existing Investment Policy, Resolution No. 3345, dated January 10, 2018 and adopt a revised Investment Policy in the manner set forth herein.

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) 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.

The District may engage the services of one or more external investment managers to assist in the management of the District's investment portfolio in a manner consistent with the District's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

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.

Selection of broker/dealers used by an external investment adviser retained by the District will be at the sole discretion of the investment adviser.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The District's investments are governed by California Government Code, Sections 53600 et seq. Within the investments permitted by the Code, the District seeks to further restrict eligible investments to the guidelines listed below. In the event a discrepancy is found between this policy

and the Code, the more restrictive parameters will take precedence. Percentage holding limits and credit rating requirements listed in this section apply at the time the security is purchased.

Any investment currently held at the time the policy is adopted which does not meet the new policy guidelines can be held until maturity and shall be exempt from the current policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current policy.

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.
- 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. LAIF is an approved pooled investment account.
- 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.

- 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, subject to the limitations of Government Code Sections 53601(i) and 53638. 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), including that Repurchase Agreements are limited to a maturity of one year and Reverse Repurchase Agreements are limited to a maximum maturity of 92 days.
- k. Placement service deposits, including certificates of deposit, at a commercial bank, savings bank, savings and loan association or credit union that uses a private sector entity that assists in the placement of such deposits shall not in total exceed 50 percent of the District's money, subject to the limitations and requirements of Government Code Section 53638 and 53601.8.
- l. 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.

ml. 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, except in the case of money market mutual funds.

nm. 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 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.

oa. 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.

pe. 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.

gp. 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).

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

sf. 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.

ts. 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 a monthly transaction report to the Board of Port Commissioners within 30 days of the end of the reporting period in accordance with California Government Code Section 53607. In addition, the General Manager shall submit an investment report to the Board of Port Commissioners at least quarterly, which shall be submitted within 30 days following the end of the reporting period covered by the report, and . ~~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. 33~~4526~~ on January 10, 2018~~December 7, 2016~~.

PASSED, APPROVED AND ADOPTED this ~~10th~~ 16th day of December 2020~~January, 2018~~.

~~Everard Ashworth~~ Chris Stevens, Chairman

ATTEST:

~~Jim Friedman~~ Jackie Gardina, Secretary

ATTACHMENT 1

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

I, ~~Jim Friedman~~ Jackie Gardina, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. ~~3404~~ 3345 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the ~~10th~~ 16th day of ~~January~~ December 2020, ~~2018~~, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this ~~10th~~ 16th day of ~~January~~ December 2018 2020.

Jackie Gardina, Secretary



RESOLUTION NO. 3404

**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; and

WHEREAS, the Board finds it desirable and in the best interest of the District to rescind the existing Investment Policy, Resolution No. 3345, dated January 10, 2018 and adopt a revised Investment Policy in the manner set forth herein.

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) 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.

The District may engage the services of one or more external investment managers to assist in the management of the District's investment portfolio in a manner consistent with the District's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

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.

Selection of broker/dealers used by an external investment adviser retained by the District will be at the sole discretion of the investment adviser.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The District's investments are governed by California Government Code, Sections 53600 et seq. Within the investments permitted by the Code, the District seeks to further restrict eligible investments to the guidelines listed below. In the event a discrepancy is found between this policy

and the Code, the more restrictive parameters will take precedence. Percentage holding limits and credit rating requirements listed in this section apply at the time the security is purchased.

Any investment currently held at the time the policy is adopted which does not meet the new policy guidelines can be held until maturity and shall be exempt from the current policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current policy.

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.
- 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. LAIF is an approved pooled investment account.
- 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.

- 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, subject to the limitations of Government Code Sections 53601(i) and 53638. 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), including that Repurchase Agreements are limited to a maturity of one year and Reverse Repurchase Agreements are limited to a maximum maturity of 92 days.
- k. Placement service deposits, including certificates of deposit, at a commercial bank, savings bank, savings and loan association or credit union that uses a private sector entity that assists in the placement of such deposits shall not in total exceed 50 percent of the District's money, subject to the limitations and requirements of Government Code Section 53638 and 53601.8.
- l. 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.

- m. 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, except in the case of money market mutual funds.
- n. 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 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.
- o. 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.
- p. 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.
- q. 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).

- r. 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 recognized statistical rating organization and cannot exceed 30% of the District's moneys that may be invested pursuant to Section 53601.
- s. 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.
- t. 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 a monthly transaction report to the Board of Port Commissioners within 30 days of the end of the reporting period in accordance with California Government Code Section 53607. In addition, the General Manager shall submit an investment report to the Board of Port Commissioners at least quarterly, which shall be submitted within 30 days following the end of the reporting period covered by the report, and 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. 3345 on January 10, 2018.

PASSED, APPROVED AND ADOPTED this 16th day of December 2020.

Chris Stephens, Chairman

ATTEST:

Jackie Gardina, Secretary

ATTACHMENT 2

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

I, Jackie Gardina, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3404 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 16th day of December 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 16th day of December 2020.

Jackie, Gardina Secretary