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
DECEMBER 18, 2019
VENTURA PORT DISTRICT OFFICE
1603 ANCHORS WAY DRIVE
VENTURA, CA 93001

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 on the Closed Session Agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

CLOSED SESSION – 5:35PM

CLOSED SESSION AGENDA (1 hour 25 minutes)
See Attachment to Agenda-Closed Session Conference with Legal Counsel.

RECONVENE IN 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. Each item on the agenda shall be deemed to include action by an appropriate motion, resolution or ordinance to take action on any item.

APPROVAL OF MINUTES (3 minutes)
The Minutes of the November 20, 2019 Regular Meeting will be considered for approval.

PUBLIC COMMUNICATIONS (3 minutes)
The Public Communications period is set aside to allow public testimony on items not on today's agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

CLOSED SESSION REPORT (3 minutes)
Closed Sessions are not open to the public pursuant to the Brown Act. Any reportable actions taken by the Commission during Closed Session will be announced at this time.

BOARD COMMUNICATIONS (5 minutes)
Port Commissioner's may present brief reports on port issues, 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.

DEPARTMENTAL AND GENERAL MANAGERS REPORTS (5 minutes)
Ventura Port District Staff and General Manager will give the Commission reports on their Department and items of general interest to the Port Commission and members of the public.

LEGAL COUNSEL REPORT (5 minutes)
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) Approval of Out of Town Travel Requests
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve the following out of town travel requests for:

A) Business Operations Manager, Todd Mitchell to attend the CMANC Winter Meeting in San Pedro, CA;

B) Consultant, Richard Parsons to attend the CMANC Winter Meeting in San Pedro, CA; and

C) Commissioner Brian Brennan to attend the CMANC Winter Meeting in San Pedro, CA;

B) Annual Reserve Policy Review
Recommended Action: Voice Vote.
That the Board of Port Commissioners accept the current Ventura Port District Reserve Policy, Resolution No. 3225, dated August 28, 2013.

C) Annual Investment Policy Review
Recommended Action: Voice Vote.
That the Board of Port Commissioners accept the current Ventura Port District Investment Policy, Resolution No. 3345, dated January 10, 2018.

D) Approval of 2016 Approved Minutes Revisions
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve the revisions to the September 14, 2016 regular meeting minutes, October 5, 2019 special meeting closed session and open session minutes, October 12, 2016 regular meeting minutes and November 9, 2016 regular meeting minutes.

E) Approval of New Retail Lease Agreement for Just 4 Dreamers, Inc.
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Just 4 Dreamers, Inc. for a five-year lease with three-year option.

F) Approval of New Office Lease Agreement for Bryan McGarry dba Anacapa Consulting
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Bryan McGarry dba Anacapa Consulting for the premises located at 1559 Spinnaker Drive #207 consisting of a total of 455 square feet for a one (1) year term with a one year option.

G) Rescheduling of January 2020 Regular Port Commission Meeting
Recommended Action: Voice Vote.
That the Board of Port Commissioners cancel the January 15, 2020 regular meeting and reschedule it for January 22, 2020.

STANDARD AGENDA:

1) Adoption of Resolution No. 3381 Updating the Ventura Port District Human Resources Manual (30 minutes)
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners:
a) Adopt Resolution No. 3381 updating the Ventura Port District Human Resources Manual;
b) Direct the General Manager to retain professional consultant services to evaluate the District's human resources procedures and administration and provide recommendations as appropriate.

2) Approval of Financial Statements and Checks for July through September 2019 (5 minutes)
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners adopts Resolution No. 3382 to:
a) Accept the draft financial statements for the Quarter ended September 30, 2019, with the understanding that the accounting for June 30, 2019 year-end GASB 68 and 75 journal entries are still pending; and,
b) Review the payroll and regular checks for July through September 2019.

3) Adoption of Resolution No. 3383 for the Creation of a Project Manager Position and Rescind Resolution No. 3375 (10 minutes)
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners adopt Resolution No. 3383 for the creation of a Project Manager position in the non-represented salary schedule and to rescind Resolution No. 3375 approved on June 19, 2019.

4) Ventura Port District Five Year Goals and Objectives (30 minutes)
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve the Ventura Port District Five Year Goals and Objectives.

ADJOURNMENT

This agenda was posted on Friday, December 13, 2019 by 5:00 p.m. at the Port District Office and online at www.venturaharbor.com - Port District Business - Meetings and Agendas.

◆

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

ATTACHMENT TO PORT COMMISSION AGENDA
CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL

WEDNESDAY, DECEMBER 18, 2019

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

a) Property: **Federal Authorized Sea Bottom**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Army Corps of Engineers
Under Negotiation: **Sea Bottom Aquaculture Master Permit** (Verbal Report)

b) Property: **1575 Spinnaker Drive #105B**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Just 4 Dreamers, Inc.
Under Negotiation: **New Retail Lease Agreement** (Verbal Report)

c) Property: **1559 Spinnaker Drive #207**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Bryan McGarry dba Anacapa Consulting
Under Negotiation: New Office Lease Agreement (Verbal Report)

2. Conference with Legal Counsel - Potential Litigation per Government Code Section 54956.9(d)(2): Three (3) Cases. (Verbal Report)

3. Conference with Legal Counsel - Potential Litigation per Government Code Section 54956.9(d)(4): One (1) Case. (Verbal Report)

4. Conference per Government Code Section 54957(b)(1): Two (2) matters. (Verbal Reports)
a) Consideration of process for the 360 evaluation of General Manager
b) Consideration of evaluation of status of independent contractor, Richard W. Parsons

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

APPROVAL OF MINUTES

NOVEMBER 20, 2019

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS
MINUTES OF NOVEMBER 20, 2019

CLOSED SESSION

CALL TO ORDER:
The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 5:33PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

ROLL CALL:

Commissioners Present:
Chris Stephens, Chairman
Brian Brennan, Vice Chairman (arrived at 5:37PM)
Jackie Gardina, Secretary
Everard Ashworth
Michael Blumenberg

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
Elsa Sham

PUBLIC COMMUNICATIONS: Vikki Brock requested that her comments from the October 16th meeting be attached to the minutes and commented on items 4a and 4b. She also requested today's written comments be attached to the minutes, see attachment 1. Sam Sadove commented on item 4a, stating that he understands that the public will not see the results of the General Manager 360 Review, but would like a summary to be made available.

CONVENED TO CLOSED SESSION AT 5:40PM.

ADJOURNMENT: Closed Session was adjourned at 7:08PM.

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 7:10PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

PLEDGE OF ALLEGIANCE: By Commissioner Ashworth.

ROLL CALL:

Commissioners Present:
Chris Stephens, Chairman
Brian Brennan, Vice Chairman
Jackie Gardina, Secretary
Everard Ashworth
Michael Blumenberg

Commissioners Absent:
None

Port District Staff:
Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Gloria Adkins, Accounting Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster
Joe Gonzalez, Facilities Manager
Robin Baer, Property Manager
Jennifer Talt-Lundin, Marketing Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:
Andy Turner
Elsa Sham

ADOPTION OF AGENDA

ACTON: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to adopt the November 20, 2019 agenda.

APPROVAL OF MINUTES
The Minutes of the October 16, 2019 Regular Meeting were considered as follows:

Public Comment: Vikki Brock requested her written comments from the October 16th meeting be attached to the minutes.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 4-0-1 (Blumenberg abstained) to approve the October 16, 2019 Regular Meeting Minutes, attaching Ms. Brock's written comments.

PUBLIC COMMUNICATIONS: Vikki Brock commented on the dredging consultant position, Shellfish pledge, thanked Ms. Baer for the new Ventura Harbor Village occupancy levels report, which are now clear, asked that the new leasing policy come back to the Commission for approval, the amount of and need for a reduction in District litigation, and asked that her written comments be attached to the minutes (see attachment 2). Lynn Mikelatos thanked staff for being responsive to the different requests' from tenants.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed Real Property Items 1a – 1e on the closed session agenda. In addition, the Board discussed Item 3 and one case under Item 2. Staff was given instructions on how to proceed as appropriate on these matters and there was no action taken that is reportable under The Brown Act. Mr. Turner reported that the Commission will reconvene in closed session after the open session to complete the remaining items.

BOARD COMMUNICATIONS: Commissioner Ashworth reported on the Pacific Marine Fisheries Council (PMFC) meeting him and Mr. Pendleton attended in Costa Mesa. Commissioner Blumenberg met with Sharon Wagner from Congresswoman Brownley's Office in Washington DC to discuss dredging concerns. Also, him and his wife went to the Boatyard Pub over the weekend.

DEPARTMENTAL AND GENERAL MANAGERS REPORTS: Mr. Pendleton reported on the NOAA Sea Grant Site Review he attended this morning in San Diego. Ms. Talt-Lundin reported on the holiday activities and events occurring in Harbor Village.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

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

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Power & Process Engineers for the premises located at 1559 Spinnaker Drive #201 consisting of a total of 350 square feet for a one (1) year term.

B) Approval of 2020 Port Commission Meeting Schedule
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve the 2020 Port Commission meeting schedule.

Public Comment: Vikki Brock suggested there be a second meeting in January (see attachment 2).

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to approve the 2020 Port Commission meeting schedule.

C) Consideration of Claim by Lawrence S. Schwartz
Recommended Action: Voice Vote.
That the Board of Port Commissioners reject a claim filed against the Ventura Port District on October 30, 2019 by Lawrence S. Schwartz and authorize the General Manager to execute and mail a Notice of Rejection.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to reject a claim filed against the Ventura Port District on October 30, 2019 by Lawrence S. Schwartz and authorize the General Manager to execute and mail a Notice of Rejection.

STANDARD AGENDA:

1) Ventura Port District Goal Setting Workshop
Recommended Action: Voice Vote.
That the Board of Port Commissioners:

a) Receive and file the report from Management Partners for the Goal Setting Workshop held on September 14, 2019;
b) Provide direction to staff regarding two to five-year goals and improving communications between the Board, staff and stakeholders; and
c) Approve the minutes of the September 14, 2019 Special Goal Setting Workshop.

Public Comment: Vikki Brock asked how the Commission and staff plan to meet the District goals 5 and 6 (see attachment 2). Sam Sadove clarified his public comment on the September 14th minutes.

Presentation by John Bramble, Special Advisor, Management Partners.

ACTION: Commissioner Brennan moved, seconded by Commissioner Gardina and carried by a vote of 5-0 to receive and file the report from Management Partners for the Goal Setting Workshop held on September 14, 2019; approve the minutes of the September 14, 2019 Special Goal Setting Workshop; and the board directed staff to return at the December meeting with two to five-year goals for the District and Harbor Village.

2) Approval of a Request for Proposals to Lease a Multi-Use Waterfront Opportunity for Visitor Serving Uses at 1567 Spinnaker Drive #100
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve a Request for Proposals (RFP) to lease 1567 Spinnaker Drive #100 for visitor serving uses.

Public Comment: Tristan Thames presented the Commission with a petition to keep the carousel and stated he would like the opportunity to meet with staff and have an open discussion regarding his business and the role it can play in Harbor Village. Sam Sadove stated that the money allocated for this space would be better used on the vacant Blackbeard's space and staff should be speaking with the existing tenant. Anette Cortez asked the Commission what the needs are for the space.

Presentation by Todd Mitchell, Business Operations Manager.

ACTION: Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to approve a Request for Proposals (RFP) to lease 1567 Spinnaker Drive #100 for visitor serving uses.

3) Acceptance of $96,800 CA Sea Grant Subaward Grant for Year 2
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners authorize the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for $96,800*,* which reflects the terms and conditions of the CA Sea Grant Subaward for Year 2.

Report by Brian Pendleton, General Manager.

Public Comment: Vikki Brock asked why the Commission is not deferring acceptance of the NOAA grant (see attachment 2).

ACTION: Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to authorize the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for $96,800*,* which reflects the terms and conditions of the CA Sea Grant Subaward for Year 2.

RECONVENED TO CLOSED SESSION AT 8:48PM.

RECONVENED TO OPEN SESSION AT 9:51PM.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session and was briefed by counsel on the 2 remaining litigation matters under item 2 on the closed session agenda, and the personnel matters under items 4a and 4b on the agenda. As to those matters, staff and counsel were given instructions on how to proceed as appropriate and there was no reportable action taken under the Brown Act.

ADJOURNMENT: The meeting was adjourned at 9:54PM.

The next meeting is Wednesday, December 18, 2019.

_____
Jackie Gardina, Secretary

PORT COMMISSION AGENDA - REGULAR MEETING – NOVEMBER 20, 2019
I request these be included in meeting minutes for closed and regular sessions

CLOSED SESSION AGENDA - PUBLIC COMMUNICATIONS

Include public comments from closed session in October 16, 2019 meeting minutes (Appendix B). I would first like to thank Jessica for clarifying that the Clerk of the Board needs a verbal request from the speaker to add written comments to the meeting minutes. I am requesting that my public comments from the October 16, 2019 closed session be included in the minutes to be approved during the regular session this evening. They are attached as Appendix B to this document that I will give to Jessica when I have finished speaking. I further request that my comments this evening on Item 4.a) and 4.b) be included in the meeting minutes for the November 20, 2019 closed session.

Item 4.a) Consideration of process for the 360 Evaluation of General Manager – As I stated during the October 16, 2016 closed session public comment,

> It's important for the perceived legitimacy of the 360 as a meaningful exercise that it be a transparent and inclusive process. The goal here is to improve the working relationship with the new GM.

The 360 evaluation took place, though the Commissioners restricted participation to tenants so involved residents, like myself, were excluded. How will stakeholders be informed of the process for the 360 evaluation results and involved in the development process?

Item 4.b) Consideration of evaluation of status of independent contractor, Richard W. Parsons - With the Governor's signature of AB 5, which becomes effective January 1, 2020, I request notification of the District's decision regarding Richard Parsons employment status. As I stated during the October 16, 2019 closed session public comment when I handed out pages 8 and 10 (Appendix A) of the 2009-2010 Grand Jury Report that apply to Richard Parsons,

> "I hope the District has developed a written transition plan for work that now must be done by employees. The District must be aware that anyone not meeting the new statutory requirements of an independent contractor, could not be compensated for work after 2019 unless hired as an employee. .... I know the Commissioners want to ensure they comply with existing laws and not invite additional litigation."

On Friday December 13th the last agenda will be released before AB 5 takes effect. As he no longer meets the criteria to be an independent contractor, this is the last opportunity to include a position for Richard Parsons for 2020.

Appendix A Ventura County 2009 – 2010 Grand Jury Final Report (select pages)

F-39. The relationship of the District's Dredging Program Manager and that individual's other duties as the District's Project Manager (collectively, Project Manager) is documented by the District's Board agreement signed on September 28, 2005 and as amended on June 26, 2008 (Agreement).

F-40. The Agreement provides that the Project Manager is not an employee, partner, agent, or principal of the District, but is an independent contractor.

F-41. The Agreement provides that the Project Manager will serve as the District's Project Manager within the Harbor as directed by the District's General Manager.

F-42. The Agreement provides that the Project Manager will arrange such meetings needed to conduct the duties of the position at the offices of the District. The Agreement also provides the Project Manager with access to District files and permission to retain working copies of files, as well as providing the Project Manager with business cards, District stationery, secretarial support, and office space at the District's offices.

Conclusions

C-01. The District's adoption of a policy prohibiting serial or cumulative structuring of transactions to avoid monetary limits is commendable. Other jurisdictions, such as counties, have this policy explicitly articulated in PCC §20123.5 for counties. [Ref-08]

C-02. No single procurement action for the Refurbish Restrooms or the Dock Improvement works exceeded the General Manager's authority, that is, the $10,000 or the $25,000 authority to approve a contract or purchase, respectively. However, no records were found for either project to show whether the District received two proposals for contracts under $10,000, or three proposals where feasible for purchases under $25,000 as required by Board Policy. (F-20, F-26, F-27)

C-03. Two work files that were reviewed (Refurbish Restroom and Dock Improvements) contain work that falls within the guidelines for competitive bidding, based on District policy and the PCC, but were not competitively bid. (F-19, F-25)

C-04. The Refurbish Restroom and Dock Improvement work contained elements of work which could and should have been done at the same time to provide for efficient and economical execution of work in a competitive bidding environment. (F-20, F-21, F-26, F-27)

C-05. Both the Refurbish Restroom and Dock Improvement work show execution of work through individual procurement actions. (F-21, F-27)

C-06. The Refurbish Restroom and Dock Improvement work give the appearance of being performed in a manner to avoid the District's policy and PCC requirement to competitively bid certain types of work above a specified cost threshold. (F-20, F-26)

C-17. The Agreement for the District's Project Manager appears to be defective. The Agreement provides that the District's Project Manager is an independent contractor for the District. The Agreement also contains elements of services and authority normally associated with an employee of the District, which may be in conflict with the Internal Revenue Service Publication 15-A of January 2006 criteria for differentiating between independent contractors and employees. (F-39 through F-42)

Recommendations

R-01. The District should significantly revise its administrative procedures for contracting and purchasing to provide adequate detail on the various types of procurement actions and limitations, clear documentation on the authority being used in procurement actions, checks and balances of procurement functions, and adequate oversight of staff. (C-02 through C-10, C-15)

R-02. The District should require ongoing training of staff regarding the basic requirements of the PCC, as well as on the recommended revised District Administrative policies. (C-09, C-10, C-16)

R-03. The Board should require an annual audit of major project expenditures to ensure compliance with the Board and PCC requirements. (C-02, C-09, C-13, C-16)

R-04. The Board should cause a review of all major projects completed over the last several years to evaluate the scope of apparent contracting irregularities noted in this review of three projects. (C-08, C-09, C-11, C-12, C-14)

R-05. The District Board should review the provisions of the Agreement regarding the District's Project Manager to ensure it meets the requirements of an independent contractor and the criteria specified by IRS Publication 15-A of January 2006. (C-17)

Responses

Responses Required From:

Board of Commissioners, Ventura Port District (R-01 through R-05)

References

Ref-01. California Public Contract Code §20750-20753
http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pcc&group=20001-21000&file=20750-20753

Ref-02. District Adopted budget of FY06-07(CIP page 5 of 5) approved on May 10, 2006 (Agenda item number 5)
http://www.venturaharbor.com/files/6.pdf

Appendix B Public Comments for October 16, 2019

PORT COMMISSION AGENDA - REGULAR MEETING - OCTOBER 16, 2019
Request these be included in meeting minutes for closed and regular sessions

CLOSED SESSION AGENDA - PUBLIC COMMUNICATIONS

Item 4.a) 360 Assessment Review for GM – There are only 15 days left to complete this and be in compliance with the contingency for hiring the current GM. According to the minutes of the April 18, 2019 meeting the offer to Brian Pendleton for the General Manager position was contingent on "a 360 leadership evaluation be completed by an outside consultant in the first 6 months of the General Manager's employment." When will the 360 assessment take place and what stakeholders will participate? Because of all the problems the Lessees have had in the last five months, it would help if individuals from the tenant community participate in the process, including Master Tenants, harbor businesses, and some residents. There are a number of us who are willing to participate if requested. It's important for the perceived legitimacy of the 360 as a meaningful exercise that it be a transparent and inclusive process. The goal here is to improve the working relationship with the new GM.

Item 4.b) Independent Contractor Review Richard Parsons - With the Governor's signature of AB 5, which becomes effective January 1, 2020, I hope the District has developed a transition plan for work that now must be done by employees. The District must be aware that anyone not meeting the new statutory requirements of an independent contractor, could not be compensated for work after 2019 unless hired as an employee. The 2009-2010 Grand Jury Report (handout) suggested that Parsons did not qualify as an independent contractor. See F-39 through F-42, C-17, and R-05 regarding Parsons. The District filed no response with the Grand Jury to justify or explain Parsons' status as an independent contractor. Parsons ended his tenure as GM the Port District in 1996. With the hiring of Todd Mitchell, the dredging work can be handled by an employee. And according to AB 5, Parsons does not have the professional credentials or licensing to qualify as an independent contractor for capital projects management. I know the Commissioners want to ensure they comply with existing laws and not invite additional litigation.

Item 1.

d) Property:	**1567 Spinnaker Drive #100**
Negotiating Parties:	Brian Pendleton, Todd Mitchell, Timothy Gosney
Under Negotiation:	Tristian and Sharon Thames dba Ventura Village Carousel, Inc.
	Month to Month Lease (Verbal Report)

Ventura Village Carousel is a top family attraction in Ventura – and the Port District still wants to remove it after it has been here since 1970. Suggest money and time would be better spent working with the existing tenant to innovate and create concepts that would serve Ventura families and children. Where else in the harbor can children do something alone.

PORT COMMISSION AGENDA - REGULAR MEETING – NOVEMBER 20, 2019
I request these be included in meeting minutes for the regular session

Approval of October 16th Meeting Minutes – I would first like to thank Jessica for clarifying that the Clerk of the Board needs a verbal request from the speaker to add written comments to the meeting minutes. I request that my public comments from the October 16, 2019 closed and regular sessions be included in the approved October 16, 2019 meeting minutes. They are attached as Appendix B to my closed session Public Comments (which I have provided to the Clerk of the Board) and to Appendix A of this document that I will give to Jessica when I have finished speaking.

The minutes under public communications read: "Vikki Brock commented on the Shellfish pledge and business plan, the Ventura Harbor Village occupancy levels report, the amount of and need for a reduction in District litigation, and Parcel 5 & 8." This does not accurately reflect what I said or provided to the Clerk of the Board in paper form following my public comments (Appendix A) on October 16, 2019.

REGUALR SESSION AGENDA - PUBLIC COMMUNICATIONS

RWP Dredging Management – Page 12 of the agenda packet states "The Dredging Program Manager's activities…", and is submitted by Richard W Parsons, who is the "Dredging and Special Projects Consultant" and not a 'program manager', which would be an employee position.

Shellfish Pledge and Business Plan for District – Who has signed the Shellfish Pledge? Apparent conflict of interest continues to apply. The District has already been warned about gift of public funds. This is why a business plan is indispensable. Without signing the Shellfish Pledge (presented Sept 4th, Sept 14th, Oct 2nd, and Oct 16th, as stated in handout Appendix B Shellfish Pledge Chronology and Timeline) the case for a gift of public funds is strengthened.

The workshop consensus was that shellfish could no longer be the **top** priority. I'm hopeful that a full accounting will be available before staff returns with a proposed fiscal budget for 2020. At the Oct 2nd meeting Commissioner Mike requested having an agenda item regarding a business plan for the shellfish, and it has still not appeared on the agenda.

Occupancy Levels – Thanks to Robin Baer for providing occupancy numbers and a legend that are very understandable and complete. I emailed her and in less that 48 hours she provided the requested information that appears in the staff report for this meeting. This is an example of the transparency and responsiveness to a stakeholder request.

New leasing policy for Harbor Village – We request at least a 60-day notice, which was first requested on March 20, 2019, of when Commission will vote on a new leasing policy for the Harbor Village so tenants are able to review it. Appendix C contains staff report and Commissioner comments on this item from the March 20, 2019 meeting minutes of the March 20, 2019.

Future approach by Commission and staff to reduce potential of unnecessary litigation – I see that there are more cases for the closed session. What is the approach and how will it be implemented?

I request the actual verbage of these comments be included in the minutes for the November 20, 2019 meeting.

STANDARD AGENDA:

Consent Agenda Item B – Approval of 2020 Port Commission Meeting Schedule
Page 44 of the agenda packet states that "Regular Meetings are held the first and third Wednesday of every month (excluding August) at 7:00PM, with Closed Session before. Regular Meetings are for approval of Consent and Standard Agenda Items." I see that the first Wednesday of January falls on New Year's day so there is only one January meeting on the third Wednesday. There are five Wednesdays in the month of January. Surely there is enough regular business to make an exception to the first and third Wednesday rule, especially when November and December have only one meeting per month. I suggest that the meeting schedule for January be revised to meet on the second and fourth Wednesdays for 2020.

Standard Agenda Item 1 - Ventura Port District Goal Setting Workshop:
As I looked over the Goal Setting workshop materials, on page 51 of the agenda packet I saw the list of Ventura Port District goals. Given the amount of ongoing litigation, tenant concerns and employee morale, how do the Commission and staff plan to meet goals 5 and 6:

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

6) 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.

Standard Agenda Item 3 - Acceptance of $96,800 CA Sea Grant Subaward Grant for Year 2
On page 120 of the agenda packet, the Fiscal Impact states: "The grant requires a cost-share in the amount of $136,105 for Year 2. The cost-share is achieved through a combination of volunteer contributions of time and District expenditures for the VSE project."

With the existing real property vacancies, backlog in lease execution, three significant exposures to litigation, the new General Manager's prior major and detail-specific role in the shellfish project and his failure to delegate his prior role to his staff successor, and the new requirements of AB 5, why isn't the Commission deferring acceptance of the NOAA grant? This is not the time for the Commission to be devoting staff resources to such a project. Moreover, until two issues are decided in the District's favor, it would be irresponsible to accept it:

1) Until special legislation is enacted to allow the project to be sited in Federal waters the project could not be implemented. Even if special legislation is enacted, it couldn't take effect until 2021; and
2) Until the US Army Corps of Engineers approves sub-leasing by the District to future shellfish farmers, the proposed project could not be implemented.

These issues should be resolved before the Commission diverts more resources that are currently needed to get the District up to speed in work that has been put aside to work on shellfish. Does the District have any information that would respond to these two issues?

Use of the name "Ventura Shellfish Enterprise" requires written consent from California Shellfish Enterprise C4013266. Without this specific written consent, the District should not be using the VSE name. See letter from the Secretary of State (Appendix D) regarding this issue.

Appendix A Public Comments for October 16, 2019

PORT COMMISSION AGENDA - REGULAR MEETING - OCTOBER 16, 2019
Request these be included in meeting minutes

PUBLIC COMMUNICATIONS

Shellfish Pledge and Business Plan for District - the workshop consensus was that shellfish could no longer be the **top** priority. Will there be a work plan for the transition and / or deferral of timelines; along with an accounting of all staff and resource expenses to date? I'm hopeful that it will be scheduled before staff returns with a proposed budget for fiscal 2020. District has been warned about gift of public funds and without a business plan that justifies the investment it is not an investment it is just an appropriation of funds. There is evidence that – this is why a business plan is indispensable as it protects the District and that commissioners sign the pledge. Without signing the Shellfish Pledge (presented Sept 4th and Sept 14th) the case for a gift of public funds is strengthened. Last meeting Commissioner Mike requested having an agenda item this meeting regarding a business plan for the Shellfish, and it is not on the agenda. There is no license approved or offered by VSE, so why are you continuing to use the name (VSE-Flyer-Info-1).

Occupancy Levels – appreciate the info for June – September 2019, however it is still not detailed enough – please include space leased and not open for business in the figures as this will accurately represent the occupancy of the Harbor Village.

Future approach by Commission and staff to reduce potential of unnecessary litigation – see that there are more cases for the closed session. What is the approach and how will it be implemented?

Parcel 5 – grassy lawn area represents only area designated for people who can't afford or have a lot of money to spend. It is a day use property – families, dogs, people sitting on blankets/benches – that are a high priority for the Coastal Commission.

Parcel 8 – given projection on sea level rise and storm surge, this parcel may be subject to damage and until the District has determined the cost of capital maintenance and whether the District has determined funding to handle this, there should be no development on that property until the District can determine what the risks of sea level rise and storm surge will be on that property.

STANDARD AGENDA:

2) New Concept Design for 1567 Spinnaker Drive #100 for Visitor Serving Uses (20 minutes)
Ventura Village Carousel has been here since 1970 and is an iconic family attraction in Ventura – and the Port District still wants to remove it. Suggest money and time would be better spent working with the existing tenant to innovate and create concepts that would serve Ventura families and children.

Appendix B Shellfish Pledge Chronology and Timeline

Shellfish Pledge Timeline and Chronology

On the following dates and venues I presented and requested that Ventura Port District Commissioners sign the Shellfish Pledge.

Vikki Brock 11/6/2019

September 4, 2019 Port District Commission Meeting

- During public communications period of the Port District meeting provided each Commissioner and General Manager with a copy of the shellfish pledge request and asked that they each sign it (Attachment A).

September 5, 2019

- Emailed copy of signed pledge letter to Mayor LaVere and City Council Members.
- Sent pdf version of shellfish pledge request and public communications to Jessica Rauch, Clerk of the Board, for inclusion in meeting minutes.

September 6, 2019

- Emailed Andy Turner (Port District Counsel) and asked which Commissioners had signed the pledge. Did not receive a response.

September 14, 2019 Port District Goal Setting Workshop

- Opening comments during the Port District goal setting asked for Commissioners to sign the pledge (comments attached Attachment B).

October 2, 2019 Port District Commission Meeting

- During public communications period of the Port District meeting asked which Commissioners signed the Shellfish Pledge that was distributed at the September 4th meeting and the September 14th goal setting workshop.

October 16, 2019 Port District Commission Meeting

- During public communications period of the Port District meeting asked for Shellfish Pledge to be signed, as well as work plan for the transition and / or deferral of timelines; along with an accounting of all staff and resource expenses to date (see Attachment C).

Attachment A

September 4, 2019

Personally Delivered
and
Sent Electronically

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

SUBJECT: VENTURA PORT DISTRICT SHELLFISH PROJECT: ISSUES AND REQUEST FOR PLEDGE FROM COMMISSIONERS TO AVOID CONFLICT-OF-INTEREST

During the past several years, Ventura Harbor business owners and commercial fishermen have expressed concerns about several issues related to the District's shellfish project. This letter describes three issues and includes a request for transparency and right action.

- Multi-Million Dollar Expenditures to Be Covered by District Lease Revenue
  The current District budget increased appropriations of District funding to the shellfish project to about half a million dollars. The funding to cover these expenditures comes primarily from lease payments made by harbor tenants. The only other source of dependable revenue is Possessory Use Tax, all of which is used to support the Harbor Patrol.
  No financial planning has been done to determine if the shellfish project is feasible for the District. There has been no accounting or forecast of the funding required for District employee costs, services and supplies, or capital costs during pre-construction, construction, or post-construction. This includes both cash expenditures and the "in-kind" labor contribution that has diverted District staff from other work. This information should be provided. Commissioner Ashworth stated in the February, 2019 edition of *The Log* that "the District would spend $2-3 million to put the permits in place." Has the Commission already committed to spending that amount?

- Cost to Other District Programs
  As a result of the funding being allocated to the shellfish program and District staff time diverted from other activities, essential functions are being "pushed onto the back burner". The most obvious impact of the extraordinary focus on shellfish has been the failure of management to develop and manage its assets in an effective manner. This includes:

  - Failure to develop Parcels 5 and 8 and the visitor-serving attractions and revenue that would have been produced by the two projects.

  - Failure to develop the former Blackbeard's Restaurant that has been empty for more than two years. In addition, this mismanagement likely produced a significant settlement to the developer who was interested in renovating the property.

- Loss of the Coffee Dock and Post in Harbor Village. This litigation also resulted in settlement.

- Long-term vacancies in Harbor Village that have executed leases but have not opened for business, and other properties that are simply vacant.

- Conflict-of-Interest by Official Action That Would Produce Reasonably Foreseeable Gain or Advantage

  The Port Commission has been voting to allocate District funding and staff time to the shellfish project. The project would develop shellfish permitting regulations, which once approved by the U.S. Army Corps of Engineers (USACE), would apply to projects in Federal Waters. As a result, anyone with working knowledge of the regulations being developed would enjoy an advantage over others. Others would have to become familiar with the new regulations to develop a "level playing field". That being the case, it would be appropriate for each Commissioner to choose one of the following to provide transparency and to avoid conflict-of-interest:

  1) Sign a pledge to not enter the shellfish business in any capacity for at least twelve months following USACE approval of the shellfish permitting regulations being developed by the Port District's shellfish project; or,

  2) Refrain from voting on any Commission agenda item that has any relation to the shellfish project, including the District's annual budget and any budget amendments associated with the shellfish project. In addition, no Commissioner could participate in the District's shellfish project if he / she plans to enter the shellfish business within twelve months of USACE approval of the referenced shellfish permitting regulations.

  By choosing one or the other, Commissioners would provide transparency and assure the City Council and harbor business owners that their official actions would not promote personal financial gain or unfair advantage.

Sincerely,

cc: Mayor LeVere
City Council Members
B. Pendleton, Ventura Port District

Attachment B

Public Comments for Ventura Port District Goal-Setting Workshop September 14, 2019

Good afternoon Commissioners, Counsel, Staff, Council Members Heitmann and Brown, ladies and gentlemen. I am Vikki Brock, a harbor resident for the past 11 years. For those of you planning to take notes, there are handouts on the back table that track and provide detail of the comments I plan to present this afternoon. My comments will focus on a requested pledge by Commissioners and three issues that I think must be addressed to ensure the viability and vitality of the District.

- *First, the Pledge Letter that Sam Sadove and I presented to Commissioners on September 4, 2019 noted that* the Commission has been using harbor business' leasehold revenue to fund the shellfish project. It also explained that the shellfish permitting regulations being developed by the Port District's shellfish project are to be approved by the U.S. Army Corps of Engineers, the Lead Agency for certain development projects in Federal Waters; and that once approved, the regulations would govern the permitting of all shellfish projects in Federal Waters.

  As a result, I am restating our request that any Ventura Port Commissioner planning to enter the shellfish business in any capacity sign a pledge not to enter the shellfish business for at least one year after the permitting regulations are approved - to demonstrate transparency and avoid any inference of conflict-of-interest or unfair advantage. As to potential breach of any signed pledge, I suggest that payment be required to the District for all shellfish-related income earned during breach. Please see the September 4 letter for additional details.

  - *The three issues linked to this Pledge Letter that a second handout describes are:*

- Port Commission governance requires Commissioners to set and communicate policy rather than becoming involved in staff work; develop an annual strategic plan with objectives and milestones; and ensure transparent, accurate and complete reporting of information to stakeholders.

- Port District staff must implement Board policy while complying with applicable legal requirements; manage the development of business/financial plans and accounting of current and future programs; administer leases in an equitable and mutually productive manner, ensure respectful and consistent treatment of staff members, all while working effectively with other public and private entities.

- A cooperative working relationship between the District and harbor lessees must be strengthened to maximize productivity of the harbor, decrease the significant amount of litigation against the District and increase the financial stability of the District.

Overarching these issues is a fundamental question: "What are the District's measures of success, and what values are expressed in its metrics?"
I will close with a question to the Commissioners: "What values will your goals reflect and what actions are you prepared to take to address these significant issues?"

Please include these handouts in the workshop minutes. Thank you.

Vikki Brock 805-676-4200

September 14, 2019 Ventura Port District Goal Setting Workshop

Attachment C

Public Communications October 16, 2019 Port District Meeting (asked to be included in meeting minutes).

Shellfish Pledge and Business Plan for district - the workshop consensus was that shellfish could no longer be the **top** priority. Will there be a work plan for the transition and / or deferral of timelines; along with an accounting of all staff and resource expenses to date? I'm hopeful that it will be scheduled before staff returns with a proposed budget for fiscal 2020. District has been warned about gift of public funds and without a business plan that justifies the investment it is not an investment it is just an appropriation of funds. There is evidence that – this is why a business plan is indispensable as it protects the district and that commissioners sign the pledge. Without signing the Shellfish Pledge (presented Sept 4th and Sept 14th) the case for a gift of public funds is strengthened. Last meeting Commissioner Mike requested having an agenda item this meeting regarding a business plan for the Shellfish, and it is not on the agenda. There is no license approved or offered by VSE, so why are you continuing to use the name (VSE-Flyer-Info-1).

Appendix C Leasing Policy

VENTURA PORT DISTRICT
BOARD COMMUNICATION

STANDARD AGENDA ITEM 4
Meeting Date: March 20, 2019

TO: Board of Port Commissioners
FROM: Oscar Peña, General Manager
Brian Pendleton, Deputy General Manager
SUBJECT: Proposed Lease Management Policy for Ventura Harbor Village

RECOMMENDATION:
That the Board of Port Commissioners receive an informational report concerning a proposed Lease Management Policy for Ventura Harbor Village.

SUMMARY:
This is a new idea being brought forth at this time as an "Information Only" item, and staff requests guidance and direction from the Board as to whether or not this is a policy concept that the Board could endorse. If so, staff could return at a subsequent meeting with the recommended policy for Board consideration.

BACKGROUND:
In an effort to assist District staff in its lease negotiations with master lessees in the harbor, the Board of Port Commissioners adopted a "Master Lease/Option Negotiation and Administration Policy" in 2003. That Policy outlines the procedures for obtaining, amending and administering the ground leases in the harbor, which constitute the "backbone" of the District's revenue flow. The existence of that policy, along with the specification of lease terms the Board requires to be in its ground leases, has provided meaningful guidance to staff in its master lease operations and, at the same time, lets prospective master lessees know what to expect when they "come knocking on the District's door."

In recent months, District Legal Counsel and staff have worked on, updated and revised the three basic lease forms utilized in Ventura Harbor Village ("VHV"). Since that project was recently completed, it occurred to staff that adoption of a lease management policy for the short term leases, those with an initial term of 5 years or less, in VHV might make some sense for the same reasons as the Master Lease policy described above.

Several years ago District Legal Counsel recommended such a policy and a draft policy was prepared. However, since the VHV lease forms were recently updated, both staff and legal counsel felt that now might be an opportune time to present the idea of a VHV leasing policy to the Board of Port Commissioners and to seek the Board's guidance as to whether or not this is a concept the Commissioners could endorse.

Under this policy, the Board would be granting the General Manager leasing authority for prospective VHV leases so long as the lease terms negotiated do not deviate materially from the standard lease forms in use in the Village and the District is spending no more than $25,000. This dollar threshold is consistent with the General Manager's approval authority for other District contracts. If a VHV lease requires material modifications to the standard lease form, or more than $25,000 in District funds will be expended, the policy as contemplated would require Board of Port Commissioners' approval and authorization. Otherwise, under the policy the General Manager is given broad leasing authority for the short term VHV leases, which means the lease would be up for renewal or renegotiation on a regular and recurring basis, giving the District the opportunity to update the lease and bring the rental rates to market. In

addition, a summary of the lease terms the Board requires in all VHV leases is will be summarized in the policy.

It is also staff's belief that adoption of this policy would expedite Board deliberations on leasing matters so as to lessen the need for Closed Session discussion of most VHV leases. The General Manager could report on VHV leasing decisions during his/her report in the Public Session.

Further, as with the Master Lease policy, this concept would provide the General Manager, and his or her staff, with guidance as to what has to be in the leases and at the same time would provide prospective tenants advance notice of the lease terms the District will require in any VHV lease.

FISCAL IMPACT:
None.

ATTACHMENTS:
None.

Commissioner comments from March 20, 2019 approved meeting minutes:

- Commissioner Getchell – Asked how can we equably deal with an entity like Coastal Marine Biolabs, who is a non-profit and provides public education, in contrast to a profitable organization and keep them here?
- Commissioner Ashworth – Sees a lot of efficiencies with a standardized lease; thinks the thresholds make perfect sense and staff should move forward with what they are suggesting, however, reviewing leases in closed session and on the consent agenda is a useful tool.
- Commissioner Brennan – He concurs with Commissioner Ashworth's comments.
- Commissioner Gardina – Sees the efficiencies behind it, but wonders when granting discretion to the General Manager if it's being exercised within a broader strategic plan and priorities set by the Board. Has the Board set forth a larger leasing strategy and leasing priorities so that that discretion is being exercised within that context?
- Commissioner Stephens – Consider an appeal process from a tenant if they feel the lease negotiation or lease offer was not appropriate. Also, doesn't think the Board needs to approve tenant equipment replacements that are over the $25,000 threshold.
- Public Comment: Sam Sadove said you need to be cognizant of the financial requirements for the tenants themselves in terms of your terms of lease. Mr. Cooper asked if the District will be governing leasing at the Portside development. We request at least 60-day notice of when Commission will vote on it so are able to review it.

Appendix D Secretary of State letter regarding Ventura Shellfish Enterprise

Secretary of State
Business Programs Division

1500 11th Street, 3rd Floor
Sacramento, CA 95814

Business Entities
(916) 657-5448

October 28, 2019

[redacted]

This is in response to your request for a name availability search or reservation.

RE: VENTURA SHELLFISH ENTERPRISE

The name appears to be available for reservation. Although the name is available for reservation, use of the name in a filing with the Secretary of State will require written consent from CALIFORNIA SHELLFISH ENTERPRISE C4013266.

General Information

Limited Liability Companies - The name of a limited liability company must end with the words "limited liability company" or the abbreviation "LLC" or "L.L.C." The words "limited" and "company" may be abbreviated to "Ltd." and "Co.," respectively. In addition, the name of a limited liability company cannot contain the words "bank," "trust," "trustee," "incorporated," "inc.," "corporation," or "corp.," and shall not contain the words "insurer" or "insurance company" or any other words suggesting that it is in the business of issuing policies of insurance and assuming insurance risks.

Limited Partnerships - The name of a limited partnership must end with "Limited Partnership" or the abbreviation "LP" or "L.P." A foreign limited liability limited partnership (LLLP) name must contain "limited liability limited partnership" or the abbreviation "LLLP" or "L.L.L.P." and may not contain the abbreviation "LP" or "L.P." In addition, the name of a limited partnership cannot contain the words "bank," "insurance," "trust," "trustee," "incorporated," "inc.," "corporation" or "corp."

Your payment, if any, is enclosed. If you have any questions or need additional information, please contact this office at (916) 657-5448.

Name Availability Unit
Business Programs Division

NA REJ (EST 01/2009)
RKS

BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2019

DEPARTMENTAL STAFF REPORTS

DREDGING

FEDERAL

FACILITIES

HARBOR PATROL

MARINA

MARKETING

PROPERTY

TREASURER

RWP DREDGING MANAGEMENT

Richard W. Parsons
2271 Los Encinos Road
Ojai, California 93023
Phone/Fax (805) 649-9759

December 18, 2019

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

Subject: November/December 2019 Dredging Activities and Special Projects Report

The Dredging Program Manager's activities for the November/December 2019 period included the following:

FY2020 Federal Dredging Funds

The current Continuing Resolution (CR) that provides the funding authorization for the operations of the federal government will expire on December 20, 2019. It is apparent that the Congress must take some action by that date in order to avoid a government shutdown, but it is unknown what that action will be, i.e. another short term CR, one for the balance of FY2020, or the actual adoption of the FY2020 appropriation bills.

For the dredging of Ventura Harbor, if the final Energy and Water Development Appropriations are in place prior to Christmas, the 60 days that the Corps of Engineers would then have to prepare Work Plan expenditures could support the February/March dredging effort. If the final appropriations are not in place until the January/February timeframe it is most unlikely that Work Plan funds could be made available to support the next dredging effort. In that event the Corps' for Los Angeles District will proceed with the February/March dredging effort with the funds currently on hand; i.e. about $3.9 million. That level of funding would provide for the dredging of about 400,000 cubic yards of material, which is likely to be adequate but less than desirable.

The L.A. District of the Corps of Engineers performed a bathymetric survey of the federal dredging area on December 9, 2019. The results of that survey should be available in January 2020. The L.A. District also expects to exercise in January the option in their contract with Manson Construction for dredging the federal entrance area with work starting in February 2020.

Inner Harbor Dredging

Plans are moving forward for the maintenance dredging of the Stub Channel and the northern portion of the Pierpont Basin in the February/March 2020 timeframe. The City portion of the Stub Channel will also be dredged as part of this effort. Fugro performed a bathymetric and LIDAR survey of the dredge area on December 9, 2019. In January 2020 Noble Consultants will use the survey work to finalize a dredge plan for the work area. Contract discussions are also underway with Manson Construction so that they can accomplish the work while they are in the harbor in February/March as part of their work for the Corps of Engineers.

Ventura Harbor Village Commercial Dock Replacement Project

Bellingham Marine Industries (BMI) is very close to completion on the C, D and G dock replacement project. Total cost is now $4,336,923 which is well within the $4,600,000 in funding secured for the project. There were just three change orders that had a cost of only $18,956.

In light of the cost savings achieved to date on this project, we are in negotiations with BMI to fold into their contract the power pedestal replacement project for docks E and F which is in the current capital improvement budget at $120,000.

California Coastal Conservancy Grant

The District has been advised by the Coastal Conservancy that the Conservancy staff will be recommending to the Conservancy Board that the District receive a $318,000 fisheries grant. It is expected that the grant will be acted upon at a Conservancy meeting in Ventura County on February 6, 2020. The grant funds will be utilized to replace storage containers in the District's Fisherman's Gear Storage Yard and for the purchase and installation of the 2nd one ton for the derrick crane on the fish pier.

Respectfully submitted,

Richard Parsons

Dredging and Special Projects Consultant

CARPI & CLAY

Federal Update

December 2, 2019

A Look Ahead: Three Jam-Packed Weeks in Washington

Members of Congress will be returning to Washington, D.C. this week (after spending the week of Thanksgiving back home) with a full agenda in front of them. Congress will be in session for just three weeks prior to the planned holiday recess at the end of December, and there are some big-ticket items that could be on the docket for Congressional consideration during this time, including:

- **Fiscal Year (FY) 2020 Appropriations bills:** Prior to the Thanksgiving break, Congress passed another Continuing Resolution (CR) to allow the federal government to continue to be funded at current levels until Friday, December 20th (nothing says Happy Holidays like the looming threat of a potential government shutdown). Last week, Members of the House and Senate Appropriations Committee finally reached a bipartisan deal on the top-line funding levels for the twelve appropriations bills. As such, the Appropriations Committees in both the House and the Senate are working to write and finalize their funding bills, in the hopes of passing as many bills as possible prior to the expiration of the current CR. At this point in time, no FY20 bills have been finalized, and all government agencies including the US Army Corps of Engineers (Corps) are operating under a CR.

- **Tax Extenders:** Recently, discussions between the House Ways and Means Committee and the Senate Finance Committee have picked up again about the possibility of an end-of-the-year tax extenders package. Among other items, this package could include several energy and vehicle-related tax credits, as well as technical corrections to the 2017 tax package. Should an agreement be reached on a package, the goal would be to attach it to an appropriations bills package, as has been done in previous years.

- **United States-Mexico-Canada Agreement (USMCA):** There is a possibility that Congress could hold a vote on USMCA prior to the holiday break. A sticking point for Congressional Democrats regarding USMCA continues to be stronger enforcement measures.

- **National Defense Authorization Act (NDAA):** While Members in the House and the Senate have spent several weeks trying to negotiating a final NDAA package,

there continue to be hurdles. One specifically is regarding the inclusion of language to address per- and polyfluoroalkyl substances (PFAS). Both the House and Senate versions of the bill include very different language regarding the issue of PFAS. House Democrats want language included that classifies PFAS as a toxic substance under CERCLA, an idea that Senate Republicans strongly oppose. The Chairman and Ranking Member of the Senate Environment and Public Works Committee have indicated that they are trying to hammer out a deal on PFAS for inclusion in the final NDAA bill.

- **Impeachment:** Prior to the Thanksgiving break, the House Intelligence Committee held a series of public hearings regarding the issue of impeachment. This Wednesday, the House Judiciary Committee will hold its first hearing on the matter of impeachment. The House Judiciary Committee would be the committee responsible for drafting and voting on articles of impeachment, should that occur. If approved by the Committee, it would then be considered by the full House.

Federal Agency Positions/Nominations

In mid-November, the Senate Homeland Security and Governmental Affairs Committee approved the nomination of Peter Gaynor, who has been nominated by the President to serve as the Administrator to the Federal Emergency Management Agency (FEMA). Gaynor has been serving as the Acting Administrator of FEMA since March. His nomination will now be sent to the full Senate for consideration.

On December 4th, the Senate Homeland Security and Governmental Affairs Committee will be holding a nomination hearing for Paul Ray, who has been nominated by the President to serve as the Administrator of the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget. Ray has been the action acting Administrator at OIRA for the past 6 months.

Reclamation and EPA Sign MOU on Water Supply/Water Reuse

The Bureau of Reclamation (Reclamation) and the Environmental Protection Agency (EPA) recently signed a memorandum of understanding (MOU) regarding increased collaboration between the two agencies regarding water supply and water reuse projects. The MOU discusses how the two agencies will work to align funding through EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program and Reclamation's WaterSMART program.

DOT Announces $900 million in BUILD Grant Awards

On November 13th, the Department of Transportation (DOT) announced the award of $900 million in funds through the Better Utilizing Investments to Leverage Development (BUILD) grant program. The BUILD program funds are for surface transportation

infrastructure and are awarded on a competitive basis to projects with a significant impact in their local or regional communities. According to DOT Secretary Elaine Chao, the funding will be used to "repair, rebuild, and revitalize significant infrastructure projects across the country." Below are a few statistics regarding the awards:

- A total of 55 projects located in 35 states were selected to receive funding.
- Half of the funding was awarded to projects located in rural areas.
- 28% of the funding went to states that did not vote for President Trump in 2016.
- Florida and North Carolina were the states that received the most funding.
- Two projects in California were selected for funding: 1) Transit bus expansion project in Lancaster ($8.6 million) and 2) New interchange and grade separation in Fresno ($10.5 million)

Highway Funding Protected

Highway Funding Rescission
Section 1438 of the FAST Act requires a rescission of $7.6 billion in federal-aid Highway Program contract authority on July 1, 2020. The current CR that will keep the government funded through December 20th includes language to repeal the $7.6 billion rescission. This is important as it will prevent California from losing $693 million in federal-aid highway contract authority on July 1, 2020.

House Committee holds WRDA Hearing

The House Transportation and Infrastructure Committee recently held a Water Resources Development Act (WRDA) hearing entitled "Concepts for the Next Water Resources Development Act: Promoting Resiliency of our Nation's Water Resources Infrastructure." In contrast to the WRDA hearing held by the Senate Environment and Public Works Committee in October, the House hearing did not have any witnesses testify from the Administration. Rather, the hearing focused on hearing from groups such as the National Waterways Conference and the Association of State Floodplain Managers. The House Transportation and Infrastructure Committee has indicated that it will begin working on their WRDA bill early in the new year.

Anticipated Corps Regulatory Actions

Prior to Thanksgiving, the Administration released its semi-annual Unified Agenda of Regulatory and Deregulatory Actions. This document, issued twice a year, lays out all of the expected federal agency regulatory actions over the next six months. Below are several of the expected regulatory actions that will be released by the Corps:

- Proposed Rule for the Compensatory Mitigation for Losses of Aquatic Resources-Review and Approval of Mitigation Banks and In-Lieu Fee Programs (February 2020)
- Pending Rule for Natural Disaster Procedures: Preparedness, Response and Recovery Activities of the Corps of Engineers (December 2019)
- Pending Rule for Reissuance and Modification of Nationwide Permits (December 2019)
- Final Rule for the Revised Definition for "Waters of the U.S." (expected in February 2020)
- Final Rule for revisions to the Continuing Authorities Program (expected in February 2020)

VENTURA PORT DISTRICT

DEPARTMENTAL STAFF REPORT Meeting Date: December 18, 2019

TO:	Board of Port Commissioners
FROM:	Joe A. Gonzalez, Facilities Manager
SUBJECT:	November 2019 Facilities Report

VHV PAINTING PROJECT:

Due to recent rains, the starting dates have been pushed back several times for this project. The painting contractor does have all needed painting material on hand and the painting crew started painting December 11th.

We have adjusted the current painting schedule to reflect the delays we have experienced from the recent rains. This new adjusted painting schedule has been created to help minimize the impact on the Ventura Harbor Village businesses and all future marketing events. Additionally, with this new schedule, the painting crew may still choose different options/locations within the two buildings to have the ability for the painting crew to shift back and forth to accommodate our tenant's operating hours and reduce lost working time.

Under the new painting schedule, buildings 1591 (vacant Blackbeard's),1567 (Margarita Villa's tower requires scaffolding on the west patio), and 1583 (Frenchie's prior to opening) have been chosen by staff to be the first three buildings to start this project. This decision was based on several important factors for our tenants. We are pleased that Garland is considerate of our tenants needs and are working together with staff to accommodate our requests to make this a successful project.

EV STATIONS UPDATE:

Existing

New

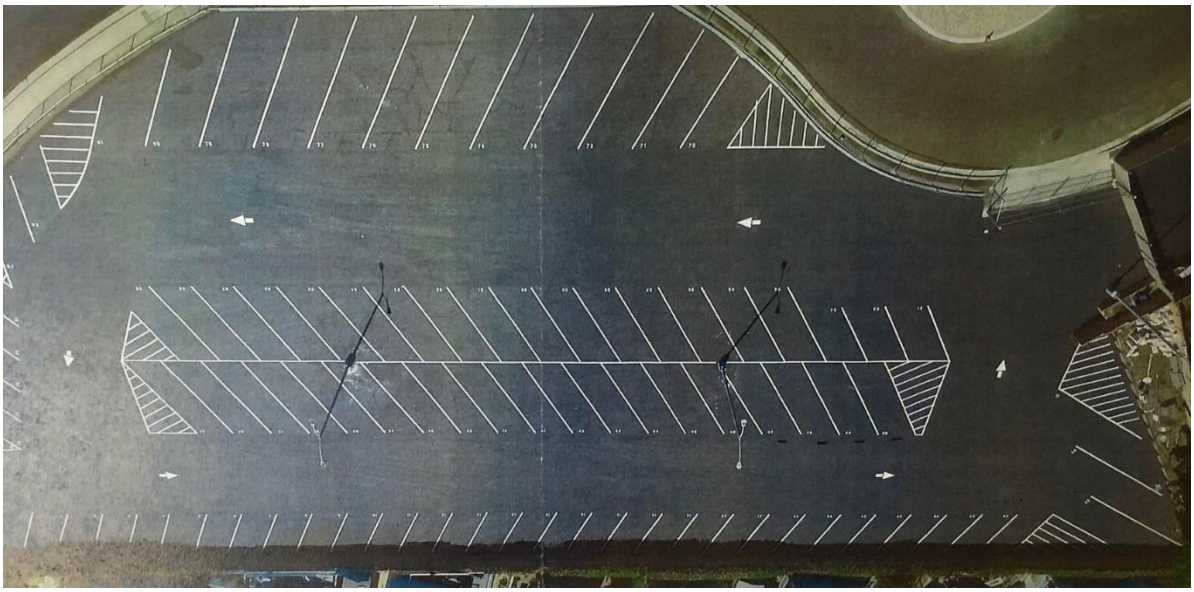
Latest update:

ABM is currently waiting on the installers to provide the installation dates available. ABM has all EV Stations on hand and ready for installation. Staff has met on site with the installers to answer

any questions to help expedite the installation process. We are hoping to hear soon on the installation dates.

DRY STORAGE PROJECT:

The dry storage project is 95% complete with 100% completed on the inside. Staff is waiting on estimates, for the exterior paver's installations, that will be installed adjacent to the City's sidewalk's medians.



STAIRCASES HANDRAILS CAPITAL IMPROVEMENT PROJECT:

Original wooden railing

New ADA compliance railing

One of the capital improvements items for this fiscal year is to replace all original wooden staircase handrails that are within the Ventura Harbor Village complex. Staff has received estimates and has entered into a contract to start this project. Glad to report that this project is underway with an estimated time of completion within two months. The original wooden handrails will be replaced with 316 Marine grade stainless-steel. All new stainless-steel handrails will be ADA compliant. This project is estimated to be under budget. Project is approximately 30% Completed

MAIN LAWN DAMAGE REPAIRS:

Lawn after clean-up and prep

Lawn growth after 2 weeks

Recent

Latest Update:
The re-seeding of the 15,000 square feet of damaged lawn is going great, we will be getting 100% coverage with the new grass. The recent rains have slowed other current projects, but the recent have helped tremendously for the new growth of the grass.

DIVE POOL WALL:

One of the capital improvements items for this fiscal year is to repair the existing dive pool/promenade wall. The Ventura Port District and Ventura Dive & Sport have entered into agreement for the repairs and are currently working in conjunction to complete the project. This project is currently 80% completed, and we anticipate 100% completion by the end of this month (December). Project will be completed under budget.

MARINA:

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

MARKETING:

The Maintenance Department continues to help the Marketing Department for events and scheduled weddings. Maintenance has also coordinated with Marketing in the installation of banners, flags etc. promoting such events.

VENTURA PORT DISTRICT

DEPARTMENTAL STAFF REPORT Meeting Date: December 18, 2019

TO: Board of Port Commissioners
FROM: John Higgins, Harbormaster
SUBJECT: November 2019 Harbormaster/Harbor Patrol Report

PUBLIC SAFETY

Overview:

With the exceptions of a few rainy days, things have been relatively calm. We have seen some higher than normal tides in the past couple of weeks. On one event, the tide stick outside our office read 7.5' with tidal surges that brought it up closer to 8' for brief periods. During this time, the Harbor did not experience any significant issues, and our staff spent some time back in the keys checking on docks, which are now beginning to fail during these types of events.

24 Hour Coverage & 12 Hour Shift Trial:

We have concluded the six-month trial of the new 12-hour shifts and 24-hour coverage. I have reached out to the Harbor Patrol staff personally and via an online survey to solicit feedback. The responses were supportive of the 12-hour shifts and 24-hour coverage. We identified that there could be value in seasonally adjusting the shift start times to 3:00AM and 3:00Pm. I will be working with staff to determine when this seasonal period will start and end.

I was able to communicate with the SEIU in person at the Port District, where I informed him that the trial period was over. On November 25th, I sent an email summarizing my findings and including the 3:00AM/3:00PM seasonal adjustment proposal. I invited a meeting should they have any concerns, but did not receive any response. I believe this reflects an agreement with my findings and overall staff satisfaction.

Emergency Preparedness CERT:

I have reached out to the City of Ventura to see if they would be willing to put on a CERT class here in the Harbor. These programs are typically scheduled at the beginning of the year. I will reach out to them again to see if a local program would be possible. Once they publish their schedule for next year's classes, I will share it with the Harbor community.
Two other options are available. The Port District or Harbor Tenants could finance a private course again here in the Harbor. Another option is to start a program within our Harbor Patrol. My preference is to support the City providing the curriculum and assisting as needed.

MOU Project:
I am working on creating stronger working relationships with the City of Ventura. I believe the key to accomplishing this for the future is by way of working MOU's. These documents will allow for new staff on both sides to understand our relationship and abilities to help each other.

We are currently working on an old MOU with the Fire Department. This original document has paved the way for building stronger relationships and enhanced capabilities on both sides. Assistant Fire Chief Matt Brock and I have begun to communicate on updating the document. Before we meet, I am looking at the County of Ventura's MOU between the Harbor Patrol and Fire Department for ideas to possibly include in the revision.

On December 6th, I met Ventura Police Chief Ken Corney and Assistant Police Chief Darrin Schindler to discuss the creation of a working MOU. Police Chief Ken Corney reported he saw value in the concept and would be reaching out to the City Attorneys office to see what concerns they may have. I would expect that he will be assigning future MOU discussions to a member of his team as he has recently announced his retirement.

While I have started with Public Safety concerns first, I see value in branching out to other areas later.

BEACHES

Harbor Cove:
There have been no significant issues in this area. I anticipate that we will be coordinating the removal of the accessibility mat in January to ensure that there is sufficient access for the future dredge equipment.

South Beach:
High tides and above-average surf have eroded a portion of the South Beach between the Surfers Knoll groin and Surfers Knoll parking lot. The level of erosion is consistent with years past, but due to the beach replenishment efforts, we still have a decent barrier before we get back up to the dunes. I continue to take overhead pictures to help us document the importance of the Harbor dredging and beach replenishment efforts. Below is a comparison between November 13, 2019 and November 28, 2019.

November 13, 2019

November 28, 2019

McGrath (Includes the Santa Clara River Mouth & South Beach):

Just before the first rain, the rivermouth breached. It continues to be open and actively draining. This particular opening did not result in significant debris on our local beach. As time permits, our staff makes it a point to remove large items from the beach and dispose of them in our trash receptacles. We are also always available to pick up large items within our area.

EQUIPMENT

No significant changes from the last report.

TRAINING/MEETINGS/MOU'S

State Fire Marshall Instructor Training: Both Harbor Patrol Officer Jake Findlay, and I will be taking a California State Fire Marshall Instructor course. The week-long course is the first of two courses that will certify us to instruct their courses and issue certificates of completion formally. Having instructors in-house will allow us to provide these courses locally and without high costs. Marine Safety Officer Casey Graham has already taken this course, and his teaching background and credentials will help ensure the success of our programs.

SPECIAL EVENTS

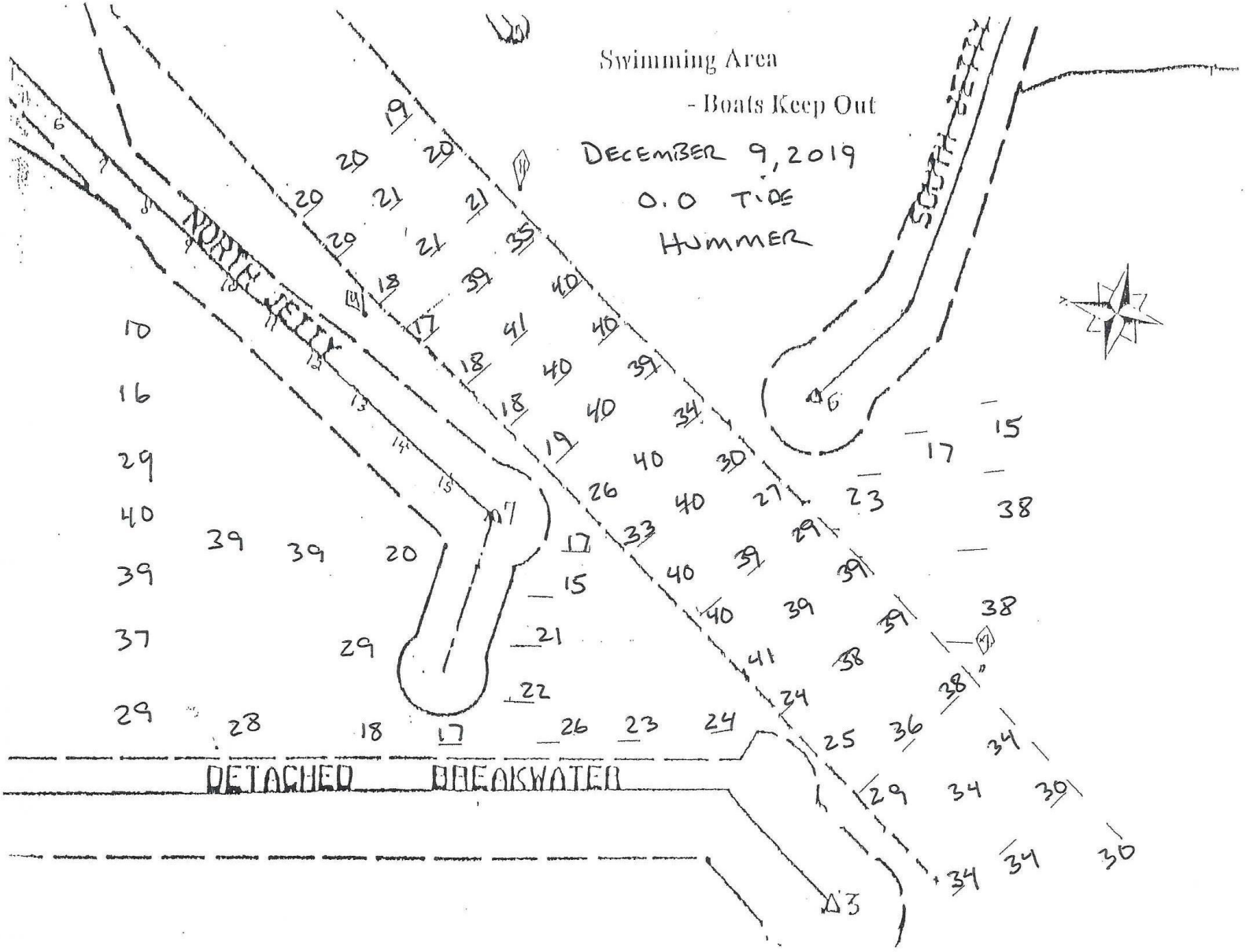
- Provided Harbor Patrol staff for the TV Filming of NCIS
- Provided support for 2nd Annual Ventura Body Surfing Championships

GRANTS

California Surrendered and Abandoned Vessel Exchange (SAVE) California Parks: I have made several follow up calls, and the grant award still has not been announced. I check the online grant status weekly, but it continues to report it is in the program approval stage. I am optimistic that they will make the awards at the beginning of the new year.

HARBOR ENTRANCE & SOUNDINGS:

Richard Parsons reported that there would be Fugro soundings done on the week of the 9th to assess the current changes. Generally speaking, there continue to be decent depths within the Harbor Entrance and Sand Trap. We are hopeful that this continues to be the case as the Winter Storm season arrives.


Swimming Area
- Boats Keep Out
DECEMBER 9, 2019
0.0 TIDE
HUMMER
NORTH JETTY
SOUTH JETTY
DETACHED BREAKWATER

911 CALLS DISPATCHED (31 CALLS 11/14-12/08)

Incident	Case Numbers	Units	Priority	Problem	Agency	Address	City	Response Date
19-0099899		E26, HAM81, HAM82, ME0492, MED882	M7	SICK PERSON NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	11/18/2019 1:23:22 PM
19-0098788		B1, B22, HAM81, ME1, ME2, ME5, U1, WT27, W14	F3	VEGETATION FIRE	Ventura County Fire Department	3750 E HARBOR BL	Ventura	11/18/2019 7:28:23 PM
19-0098837		HAM81, HAM82, ME102, MED471	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1080 Navigator Dr	Ventura	11/19/2019 12:38:02 AM
19-0098885		HAM81, HAM82, ME102, MED471	M5	OVERDOSE/POISONING NON EMD	Ventura County Fire Department	Olivas Park Dr / Spinnaker Dr	Ventura	11/19/2019 6:11:27 AM
19-0097120		E66, HAM81, ME5, ME8, MED474	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1400 Angler Ct	Ventura	11/19/2019 5:06:42 PM
19-0097225		HAM81, ME2, MED474	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	E Harbor Bl / Olivas Park Dr	Ventura	11/20/2019 12:11:42 AM
19-0097371		HAM81, ME7, MED471	M5	FALLS	Ventura County Fire Department	2814 Sailor Ave	Ventura	11/20/2019 2:12:47 PM
19-0097610		HAM81, ME2, MED472	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1050 Schooner Dr	Ventura	11/20/2019 11:36:07 PM
19-0097785		HAM81, ME2, MED492	M3	OVERDOSE/POISONING HIGH	Ventura County Fire Department	1510 Anchors Way	Ventura	11/21/2019 5:23:02 PM
19-0097846		HAM81, HAM82, ME2, MED471	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1050 Schooner Dr	Ventura	11/21/2019 9:44:10 PM
19-0098409		HAM81, HAM82, ME2, MED881	M3	FALLS HIGH	Ventura County Fire Department	1583 Spinnaker Dr	Ventura	11/23/2019 8:33:54 PM
19-0098483		HAM81, ME2, MED471, MED473	M5	STROKE (CVA)	Ventura County Fire Department	1215 Anchors Way	Ventura	11/24/2019 7:09:10 AM
19-0098507		B1, B15, BOAT19, CSTGH01, EMS45, HAM81, LFEG02, ME2, ME5, MED471, MT5, OR1, U5	F5	OCEAN RESCUE LOW	Ventura County Fire Department	1600 Spinnaker Dr	Ventura	11/24/2019 9:28:45 AM
19-0098992		HAM81, HAM82, ME2, MED471	F4	TC	Ventura County Fire Department	1383 Spinnaker Dr	Ventura	11/24/2019 9:37:17 PM
19-0098852		HAM81, ME2, MED473	M5	FALLS	Ventura County Fire Department	1215 Anchors Way	Ventura	11/25/2019 12:08:50 PM
19-0099056		HAM81, ME2, MED471	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1198 Navigator Dr	Ventura	11/26/2019 2:36:22 AM
19-0099133		HAM81, ME2	F7	COMMERCIAL FIRE ALARM	Ventura County Fire Department	1050 Schooner Dr	Ventura	11/26/2019 10:12:05 AM
19-0099173		HAM81, ME2, MED473	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1215 Anchors Way	Ventura	11/26/2019 12:12:40 PM
19-0099859		HAM81, ME5, MED474	M3	UNCONSCIOUS/FAINT HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	11/27/2019 7:40:58 PM
19-0099729		HAM81, ME2, MED471	M5	HEMORRHAGE/LACERATIONS	Ventura County Fire Department	2810 Bayshore Ave	Ventura	11/28/2019 4:37:42 AM
19-0099827		HAM81, ME2, MED471	M1	UNCONSCIOUS/FAINT NON EMD	Ventura County Fire Department	1851 Anchors Way Dr	Ventura	11/28/2019 12:19:29 PM
19-0100048		HAM81, ME2	F7	COMMERCIAL FIRE ALARM	Ventura County Fire Department	1414 Angler Ct	Ventura	11/29/2019 4:01:05 AM
19-0100085		HAM81, ME2, MED471	M5	MEDICAL ALARM	Ventura County Fire Department	2854 Bayshore Ave	Ventura	11/29/2019 6:57:09 AM
19-0100110		HAM81, ME5, MED473	M5	CHEST PAIN NON TRAUMA	Ventura County Fire Department	E Harbor Bl / Spinnaker Dr	Ventura	11/29/2019 11:43:13 AM
19-0100198		B19, B2, CSTGH01, EMS45, HAM81, LFEG02, ME1, ME2, MED883, MT5, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	421 Mariposa Dr	Ventura	11/29/2019 4:53:54 PM
19-0100254		HAM81, ME2, MED492	M3	UNCONSCIOUS/FAINT HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	11/29/2019 7:41:38 PM
19-0100315		HAM81, ME2, MED471	M3	CARDIAC/RESP ARREST/DEATH HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	11/30/2019 2:55:48 AM
19-0100896		HAM81, ME1, ME2, MED472, MED882	M5	ABDOMINAL PAIN	Ventura County Fire Department	1215 Anchors Way	Ventura	12/2/2019 7:57:09 AM
19-0101084		B22, B3, CSTGH01, EMS83, HAM81, LFEG02, ME2, MED474, MT5, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	1-199 Shoreline Dr	Ventura	12/2/2019 5:49:09 PM
19-0102391		HAM81, ME2, MED471	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1050 Schooner Dr	Ventura	12/8/2019 10:41:28 PM
19-0102851		HAM81, ME2	F7	COMMERCIAL FIRE ALARM	Ventura County Fire Department	1080 Navigator Dr	Ventura	12/7/2019 10:06:24 PM

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT Meeting Date: December 18, 2019

TO: Board of Port Commissioners
FROM: Dave Werneburg, Marina Manager / Commercial Fisheries
SUBJECT: November 2019 Marina Report

COMMERCIAL FISHING

California Market Squid Harvest:
November 2019: 125 landings totaling 1,580,979 lbs. / 790 tons.
2019 YTD (Starting April 1, 2019): 184 landings, 2,404,476 lbs. / 1,278 tons.

2018 Ventura Harbor Landings

Squid	14,006,399 lbs. / 7,003 tons
All Other	2,404,476 lbs. / 1,202 tons
Total	16,410,875 lbs. / 8,205 tons

California Squid Season Limit: 118,000 tons.

VENTURA HARBOR DOCK REPLACEMENT PROJECT

☑ **Completed…*On time and under budget.*** Harbor Village Marina is currently at capacity with a growing wait list. Photos courtesy of Harbormaster John Higgins.

Total Slip Count	106 *	100%
Slips Assigned	104	98%
Slips Occupied	104	98%
Slips Available	0	0%

*2 new slips not navigable for commercial vessels at this time; may require dredging.

MARKETING HIGHLIGHTS

DATE RANGE: NOVEMBER 1 - NOVEMBER 30, 2019

Localized Promotions

Ventura Harbor Village has three Big Belly Ads in Downtown Year-Round on California & Main, Harbor & Main, and California & Santa Clara across from Visitors Center! New ads →

PR Highlights

Wrote and revised the following press releases with Somerville Associates: Ventura Harbor Village Holiday Festivities; Todd Mitchell New Appointment; Ventura Harbor New Dry Storage Now Open; Island Packers Holiday Events; Island Packers Open for Business; distributed to over 1,500 press outlets. Editorial placement highlights for November 2019 included: Boaters' Travel Guide to the Ventura Harbor Village in **The Log** newspaper (see image to right); **ABC Channel 7 LA** for Holiday Light Displays; **New York Tech Mommy blog** - Driving LA to SF & Central Coast Stops Not to Miss; **Ventura Breeze** (front page) & **The Log** Dry Boat Storage Now Open; **LA Parent Magazine** Santa Paddle; **The Log** newspaper New Business Operations Manager and over 23 outlets for coverage pieces / mentions / calendar listings for Ventura Harbor Holiday Events.

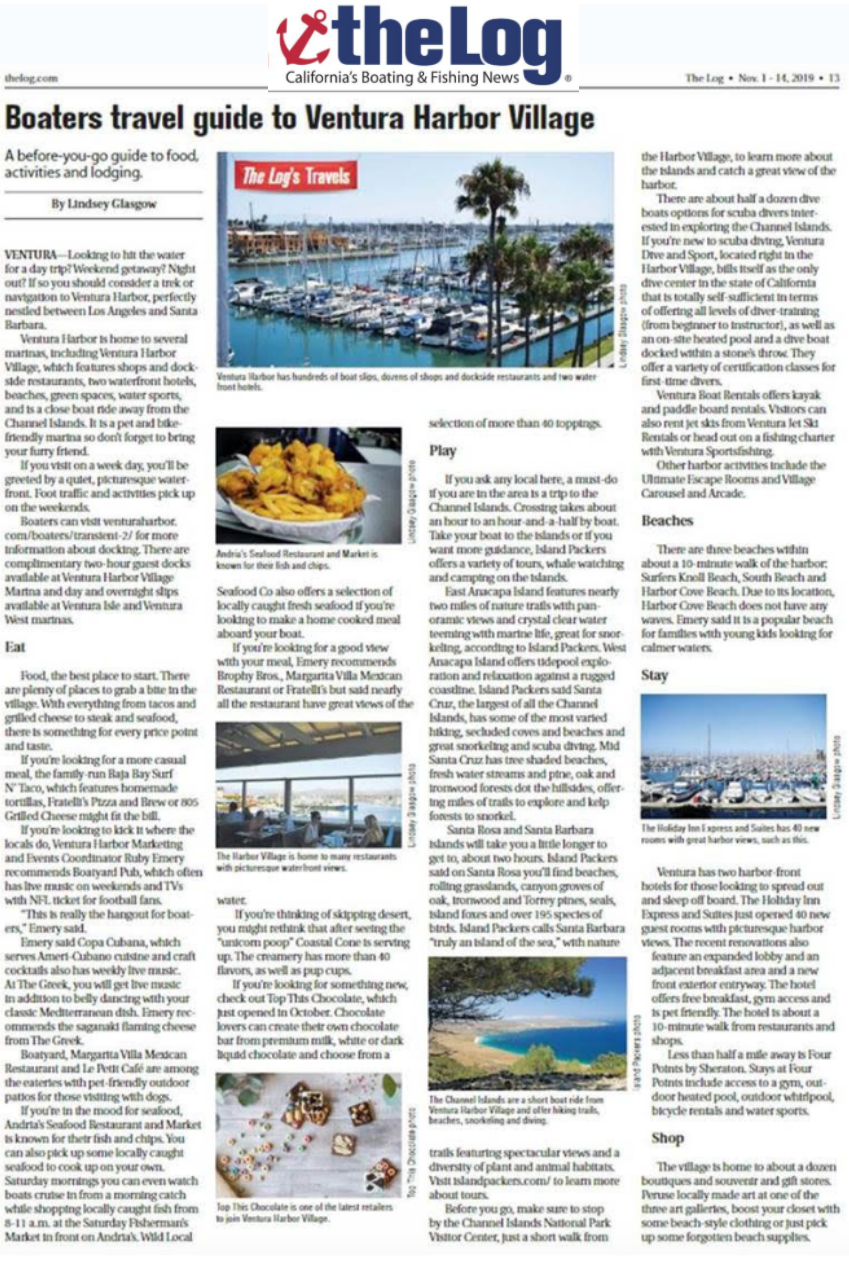
21
Santa Paddle 2019
Ventura Harbor Village
Dec. 21, 11 a.m.
•Grab your kayak or stand up paddle board and come dressed in your Santa attire for this free, family -fun event at Ventura Harbor Village. Participants can bring their own equipment or stop by Ventura Boat Rentals for rental equipment including kayaks, SUPs and pedal boats. Participants can carry in their equipment

VENTURA BREEZE
Your Hometown Paper
City of Ventura announces $8 million settlement
Women of Jewels: The Sisterhood of the Traveling Necklace
Ventura Harbor announces reopening of dry boat storage
Castro Family, Ventura Police & Ventura Police Community Foundation Toy Drive

Ventura Harbor's dry boat storage reopens
Facility with 88 spaces has been resurfaced and will be open year round.

Meetings

Ventura Harbor **Village Creative Tenant Meeting** on November 14 (17 Harbor Village tenants in attendance) Topics: GM Report / Village ReFresh Painting Project Update/ Digital Marketing Strategy / Tenant Input / How This is Made / Tenant Sharing / Update on Holiday Décor / Halloween Activities Report & Tenant Surveys *Marketing Manager attended the **Central Coast Tourism** Workshop & Board Meeting to finalize the It's About Time campaign – focused on taking time to visit*


theLog
California's Boating & Fishing News
thelog.com
The Log • Nov. 1 - 14, 2019 • 13

Boaters travel guide to Ventura Harbor Village

A before-you-go guide to food, activities and lodging.

By Lindsey Glasgow

The Log's Travels

VENTURA—Looking to hit the water for a day trip? Weekend getaway? Night out? If so you should consider a trek or navigation to Ventura Harbor, perfectly nestled between Los Angeles and Santa Barbara.

Ventura Harbor is home to several marinas, including Ventura Harbor Village, which features shops and dockside restaurants, two waterfront hotels, beaches, green spaces, water sports, and is a close boat ride away from the Channel Islands. It is a pet and bike-friendly marina so don't forget to bring your furry friend.

If you visit on a week day, you'll be greeted by a quiet, picturesque waterfront. Foot traffic and activities pick up on the weekends.

Boaters can visit venturaharbor.com/boaters/transient-2/ for more information about docking. There are complimentary two-hour guest docks available at Ventura Harbor Village Marina and day and overnight slips available at Ventura Isle and Ventura West marinas.

Ventura Harbor has hundreds of boat slips, dozens of shops and dockside restaurants and two water front hotels.

Lindsey Glasgow photo

Eat

Food, the best place to start. There are plenty of places to grab a bite in the village. With everything from tacos and grilled cheese to steak and seafood, there is something for every price point and taste.

If you're looking for a more casual meal, the family-run Baja Bay Surf N' Taco, which features homemade tortillas, Fratelli's Pizza and Brew or 805 Grilled Cheese might fit the bill.

If you're looking to kick it where the locals do, Ventura Harbor Marketing and Events Coordinator Ruby Emery recommends Boatyard Pub, which often has live music on weekends and TVs with NFL ticket for football fans.

"This is really the hangout for boaters," Emery said.

Emery said Copa Cubana, which serves Amert-Cubano cuisine and craft cocktails also has weekly live music. At The Greek, you will get live music in addition to belly dancing with your classic Mediterranean dish. Emery recommends the saganaki flaming cheese from The Greek.

Boatyard, Margarita Villa Mexican Restaurant and Le Petit Café are among the eateries with pet-friendly outdoor patios for those visiting with dogs.

If you're in the mood for seafood, Andria's Seafood Restaurant and Market is known for their fish and chips. You can also pick up some locally caught seafood to cook up on your own. Saturday mornings you can even watch boats cruise in from a morning catch while shopping locally caught fish from 8-11 a.m. at the Saturday Fishermen's Market in front on Andria's. Wild Local Seafood Co also offers a selection of locally caught fresh seafood if you're looking to make a home cooked meal aboard your boat.

Andria's Seafood Restaurant and Market is known for their fish and chips.

Lindsey Glasgow photo

If you're looking for a good view with your meal, Emery recommends Brophy Bros., Margarita Villa Mexican Restaurant or Fratelli's but said nearly all the restaurant have great views of the water.

The Harbor Village is home to many restaurants with picturesque waterfront views.

Lindsey Glasgow photo

If you're thinking of skipping desert, you might rethink that after seeing the "unicorn poop" Coastal Cone is serving up. The creamery has more than 40 flavors, as well as pup cups.

If you're looking for something new, check out Top This Chocolate, which just opened in October. Chocolate lovers can create their own chocolate bar from premium milk, white or dark liquid chocolate and choose from a selection of more than 40 toppings.

Top This Chocolate is one of the latest retailers to join Ventura Harbor Village.

Top This Chocolate photo

Play

If you ask any local here, a must-do if you are in the area is a trip to the Channel Islands. Crossing takes about an hour to an hour-and-a-half by boat. Take your boat to the islands or if you want more guidance, Island Packers offers a variety of tours, whale watching and camping on the islands.

East Anacapa Island features nearly two miles of nature trails with panoramic views and crystal clear water teeming with marine life, great for snorkeling, according to Island Packers. West Anacapa Island offers tidepool exploration and relaxation against a rugged coastline. Island Packers said Santa Cruz, the largest of all the Channel Islands, has some of the most varied hiking, secluded coves and beaches and great snorkeling and scuba diving. Mid Santa Cruz has tree shaded beaches, fresh water streams and pine, oak and ironwood forests dot the hillsides, offering miles of trails to explore and kelp forests to snorkel.

Santa Rosa and Santa Barbara Islands will take you a little longer to get to, about two hours. Island Packers said on Santa Rosa you'll find beaches, rolling grasslands, canyon groves of oak, ironwood and Torrey pines, seals, island foxes and over 195 species of birds. Island Packers calls Santa Barbara "truly an island of the sea," with nature trails featuring spectacular views and a diversity of plant and animal habitats. Visit islandpackers.com/ to learn more about tours.

The Channel Islands are a short boat ride from Ventura Harbor Village and offer hiking trails, beaches, snorkeling and diving.

Island Packers photo

Before you go, make sure to stop by the Channel Islands National Park Visitor Center, just a short walk from the Harbor Village, to learn more about the Islands and catch a great view of the harbor.

There are about half a dozen dive boats options for scuba divers interested in exploring the Channel Islands. If you're new to scuba diving, Ventura Dive and Sport, located right in the Harbor Village, bills itself as the only dive center in the state of California that is totally self-sufficient in terms of offering all levels of diver-training (from beginner to instructor), as well as an on-site heated pool and a dive boat docked within a stone's throw. They offer a variety of certification classes for first-time divers.

Ventura Boat Rentals offers kayak and paddle board rentals. Visitors can also rent jet skis from Ventura Jet Ski Rentals or head out on a fishing charter with Ventura Sportsfishing.

Other harbor activities include the Ultimate Escape Rooms and Village Carousel and Arcade.

Beaches

There are three beaches within about a 10-minute walk of the harbor: Surfers Knoll Beach, South Beach and Harbor Cove Beach. Due to its location, Harbor Cove Beach does not have any waves. Emery said it is a popular beach for families with young kids looking for calmer waters.

Stay

The Holiday Inn Express and Suites has 40 new rooms with great harbor views, such as this.

Lindsey Glasgow photo

Ventura has two harbor-front hotels for those looking to spread out and sleep off board. The Holiday Inn Express and Suites just opened 40 new guest rooms with picturesque harbor views. The recent renovations also feature an expanded lobby and an adjacent breakfast area and a new front exterior entryway. The hotel offers free breakfast, gym access and is pet friendly. The hotel is about a 10-minute walk from restaurants and shops.

Less than half a mile away is Four Points by Sheraton. Stays at Four Points include access to a gym, outdoor heated pool, outdoor whirlpool, bicycle rentals and water sports.

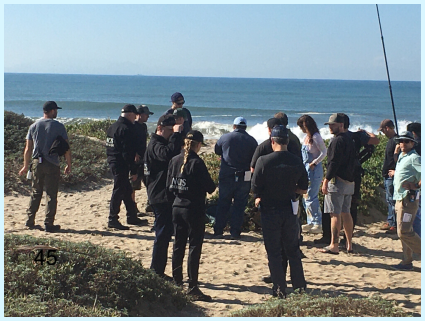
Shop

The village is home to about a dozen boutiques and souvenir and gift stores. Peruse locally made art at one of the three art galleries, boost your closet with some beach-style clothing or just pick up some forgotten beach supplies.

NCIS
NAVAL · CRIMINAL · INVESTIGATIVE · SERVICE

Film Shoot with NCIS: November 25

Secured CBS popular television series NCIS film shoot at Surfers Knoll Beach to film scenes inclusive of the full cast. With a 2-week application lead, the Marketing team worked with Harbor Master to accommodate the crew of 100 plus resulting in $2400 revenue for 6 hour shoot.



HARBOR EVENTS & PROMOTIONS

DATE RANGE: NOVEMBER 1 - NOVEMBER 30, 2019

MARKETING DEPARTMENT BUDGETED OVER 5K+

TOWARD SMALL BUSINESS SATURDAY AND THE LOCAL LOCAL, SHOP LOCAL CAMPAIGN FOR HOLIDAY SHOPPING, INCLUSIVE OF:

- Digital & Print Advertising
- Social Media Advertising & Content Development
- Posters & Tenant Signage
- Coordination of a Photoshoot for Local Owners (optional)
- Development of a Holiday Shopping Passport prorgam

100% RETAIL TENANT PARTICIPATION

1200 HOLIDAY PASSPORTS DISTRIBUTED TO VILLAGE TENANTS

$500 BUDGETED IN PRIZES FOR PASSPORT WINNERS

VC POTTERS' GUILD **BOWL OF THANKS** NOV. 3RD

CONGRATULATIONS TO VENTURA COUNTY POTTERS' GUILD GALLERY ON A SUCCESSFUL EVENT!

BOWL OF THANKS 2019 RAISED OVER 4K FOR LOCAL CHARITIES INCLUDING THE HUMANE SOCIETY OF VENTURA COUNTY AND THE OJAI VALLEY FAMILY SHELTER.

HARBOR MARKETING DEPT. SUPPORT INCLUDED:

DIGITAL PROMO:

- Press Release featured as news story on website
- Banner Ads on website
- Featured calendar listing
- Social posts & dedicated instagram story
- Enewsletter to 8k+

ON-SITE PROMO:

- Bowl of Thanks promotional cards distributed to our community partners and local hotels
- Electronic Sign display on Harbor Blvd.

MARKETING & ADVERTISING

DATE RANGE: NOVEMBER 1 - NOVEMBER 30, 2019

DIGITAL DISLAY ADS

ADVERTISING BUY / CAMPAIGN

- Trial run of 4 months (1 month free) during the Fall/Winter to gauge both brand awareness, local outreach, and visits to the website.
- Rotating ads featuring Harbor activities, promotions, and brand messaging.
- Ad buy includes upwards of 100k impressions.
- November banner ads garnered 409 clicks to the web site: **0.41%** CTR.

VENTURA INSPIRATION GUIDE 2020

Launch Party for Ventura Inspiration Guide 2020 was hosted by The Greek Mediterranean Steak & Seafood & Visit Ventura. See attached images for editorial coverage of the Harbor, Village, beaches, Channel Islands, and harbor businesses inside the new Inspiration Guide. Harbor hotels and the Ventura Harbor ads are featured as the inside cover and the page one of the Inspiration Guide. This is prime placement especially on the digital display platform.

Ventura Inspiration Guide is the printed and digital tool for tourism destination marketing by Visit Ventura. Ventura Harbor Marketing dedicates $5k to the promotion of the harbor in the guide, and assists the Inspiration Guide sales team with outreaching to tenants to help sell and secure two additional co-op pages in the publication.

Tenant Highlights - Alex Hong, of Coastal Cone, was recognized in "Ask a Local" and Top this Chocolate, with owner Shana Elson, received wonderful coverage in the Meet the Makers section. Ventura Boat Rentals, Village Carousel & Arcade, and Island Packers received mentions in the Family Bucket List.

THANK YOU VISIT VENTURA TEAM
FOR GIFTING US A FUN PHOTO BOARD!
FIND IT NEAR VENTURA DIVE & SPORT.

SOCIAL MEDIA PROFILES

DATE RANGE: NOVEMBER 1 - NOVEMBER 30, 2019

INSTAGRAM

Sample Imagery Posted

VENTURA HARBOR INSTAGRAM POSTS ACCUMULATED AN ADDITIONAL 26K IMPRESSIONS DUE TO PAID BOOSTED CONTENT DURING NOVEMBER

Followers	Impressions	Engagements	Key Audience Demographics:
15.9K ↗ 1.67%	137K	5.2K	31% AGES 35-44 28% AGES 25-34 20% AGES 45-54 12% AGES 55-64

FACEBOOK

Sample Imagery Posted

VENTURA HARBOR POSTED 3 HOLIDAY EVENTS TO FACEBOOK. EVENT PAGES HAVE GARNISHED OVER 20K VIEWS THUS FAR.

Followers	Impressions	Engagements	Key Audience Demographics:
24.7K	446K	19K	27% AGES 35-44 24% AGES 45-54 18% AGES 25-34 17% AGES 55-64

TWITTER

Sample topics included:

SAMPLE TWITTER TOPICS: BUSINESS OPERATIONS MANAGER ANNOUNCEMENT, VETERANS DAY RECOGNITION FOR MARINA MANAGER, HARBOR PATROLS U.S. COAST GUARD TRAINING, DOCK IMPROVEMENT PROGRESS.

Followers	Impressions
5,330	16.7K

VENTURA PORT DISTRICT

DEPARTMENTAL STAFF REPORT Meeting Date: December 18, 2019

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: November 2019 Property Report

CURRENT TENANT REPORT

1) *Frenchies Nail Salon* – 1583 Spinnaker Drive #105 –Tenant is on the home stretch of her construction of the space. The electrical, plumbing and HVAC have already been installed. She is very excited that things are moving along quickly and looks forward to City of Ventura inspection. Estimated opening first quarter of 2020.
2) *Le Petit Restaurant* – 1591 Spinnaker Drive #112 – Tenant is continuing to work with an architect to finalize the drawings for the patio cover/trellis. Staff met with City of Ventura on ADA requirements for patio area compliance. Staff will work with tenant to move the process along and tenant will submit drawings to the City for approval.
3) *Margarita Villa* – 1567 Spinnaker Drive #200 –Tenant is working to determine optimal patio covering options and ROI.

CURRENT AVAILABILITY REPORT

1) *Coffee House --- 1575 Spinnaker Drive #105A&B* --- Actively looking for a tenant
    a) The District advertised this space utilizing the outreach programs listed below, along with site visits to like type businesses, email blasts to local realtors and called/emailed to individual requests.
    b) The District received 3 proposals on August 30, 2019. Interviews were conducted on September 23, 2019 with all three candidates. The leasing team consisted of:
        - B. Pendleton/General Manager, T. Mitchell/Business Operations Manager, R. Baer/Property Manager and Invitee: Eric Zackrison/Restaurant Consultant for EDC-VC and SBDC.
    c) An interview report was presented to the Board and one proposal was selected during the closed session of the Board meeting on October 2, 2019.
    d) Staff implemented the application process. During this process, the prospective tenant re-evaluated their current circumstances and informed staff on November 8, 2019 that they have declined to move forward with this venture.
2) *1591 Spinnaker Drive #113 (formerly Island Creations)* -- This space is being advertised on all of our leasing outreach programs listed below. Staff has responded to and sent leasing packages to inquires listed on the prospective tenant database (see attached).
3) *1591 Spinnaker Drive #114 & 115 (formerly BS Taproom)* --- This space is being advertised on all of our leasing outreach programs listed below. Staff has responded to and sent leasing packages to inquires listed on the prospective tenant database (see attached).
4) 1567 Spinnaker Drive #100 – Staff has finalized the drawings with Jim McKeown. The drawings have been submitted to the City of Ventura. The RFP packet was sent out on December 2nd and 3rd and further distribution planning to the public and advertisement outsources is in process. Pre-bid meetings have already been scheduled with some prospective tenants.
5) *iPowerup* – 1567 Spinnaker Drive, #204 – Vacant office. Leasing outreach has been implemented.

LEASING OUTREACH

A) Leasing Outreach – Daily exposure with our ads online via LoopNet/CoStar which covers the following:
- Top three commercial real estate marketplaces:
  - Craigslist advertisements;
  - LoopNet, CityFeet and Showcase and;
  - 150 plus online newspaper websites including Wall Street Journal
  - 24 Million visitors to these sites /200,000 real estate professionals use CoStar

B) Motionloft Vehicle and Pedestrian Monthly Counts – November 2019 Reports (see attached).

C) Prospective Tenant Database – June thru November 2019 (see attached)

OCCUPANCY LEVELS AT HARBOR VILLAGE

DECEMBER 2019

CATEGORY	TOTAL Square Footage	Harbor Vacancy Sq Ft	Harbor Vacancy %	Harbor Available Sq Ft	Harbor Available %	City * Vacancy %	City * Available %
Office	19,828	880	4%	880	4%	33%	41%
Retail	22,518	787	3%	8,272	37%	32%	34%
Restaurant	32,197	3,081	9%	3,081	9%	N/A	N/A

> Harbor Vacancy --- No tenant or lease

Office ----	1567 / Above Treasure Cove #204
Retail ---	1591 / Next to Blackbeards #113
Restaurant ---	1591 / Former BS Tap #114 & #115 and former Coffee Dock #105A&B

> Harbor Available --- Tenant on MTM lease, including Harbor Vacancy numbers

Office ----	1567 / Above Treasure Cove #204
Retail ---	1567 / Carousel #100, 1583 Lemon & Lei #104A, 1559 Anja's Boutique #103
	1591 / Next to Blackbeards #113
Restaurant ---	1591 / Former BS Tap #114 & #115 and former Coffee Dock #105A&B

*** City --- Based on comparable square footage within Ventura 93001 area**

**** Occupancy Levels for Office -- tend to be lower due to shorter lease terms**

SALES REPORTS

The attached summary for October and November provides sales for three categories: restaurants, retail and charters. The reports compare the monthly sales for 2018 and 2019. They also include year-to-date comparisons. The year-to-date overall sales for October were down 0.87% and sales for November were down 1.19% from the same time last year.

ATTACHMENTS

Attachment 1 – Sales Summary – October 2019
Attachment 2 – Motionloft Reports – November 2019
Attachment 3 – Prospective Tenant Database – June – November 2019

Ventura Harbor Village
Tenant Sales Summary

Month of
October-2019

	October-2019	October-2018	% Change
Restaurants	$ 1,229,811	$ 1,162,771	5.77%
Retail	$ 318,116	$ 308,559	3.10%
Charters	$ 518,571	$ 482,239	7.53%
Total	$ 2,066,498	$ 1,953,569	5.78%

Year-to-date through October 2019

	October-2019	October-2018	% Change
Restaurants	$ 14,268,861	$ 14,239,158	0.21%
Retail	$ 3,836,849	$ 3,910,989	-1.90%
Charters	$ 5,559,508	$ 5,631,311	-1.28%
Total	$ 23,665,218	$ 23,781,458	-0.49%

Motionloft

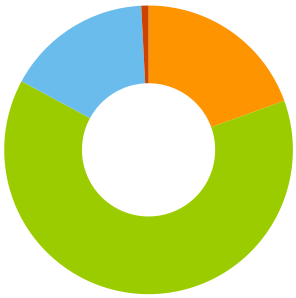
Ventura Port District

Ventura Pedestrian Total - Visitors

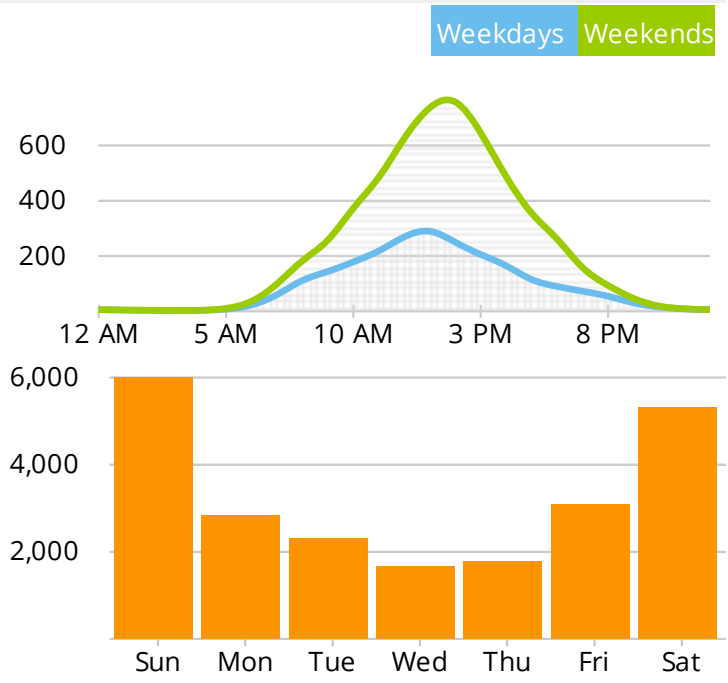
Nov 1, 2019 - Nov 30, 2019

3,342 Typical Day	7,202 Sat, Nov 9 - Busiest Day	6,003 Sunday Average
22,962 Typical Week	26,391 Peak Week Beginning Sun, Nov 10	100,256 Total Visitors

Average Daily Activity

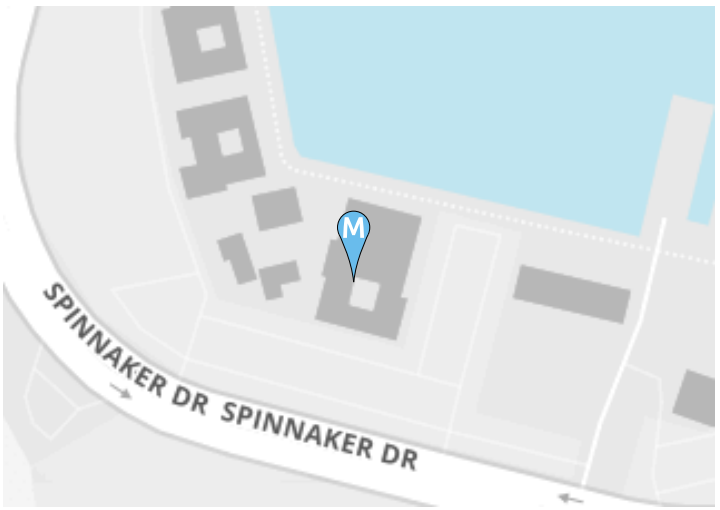


Hours	%	Total
5am - 11am	19%	651
11am - 5pm	63%	2,119
5pm - 11pm	16%	545
11pm - 5am	1%	27



Totals

Week beginning Sun, Oct 27	8,372
Week beginning Sun, Nov 3	24,695
Week beginning Sun, Nov 10	26,391
Week beginning Sun, Nov 17	21,403
Week beginning Sun, Nov 24	19,395



Motionloft

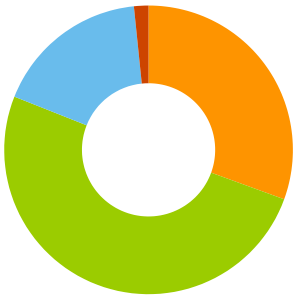
Ventura Port District

Ventura Vehicle Total - Visitors

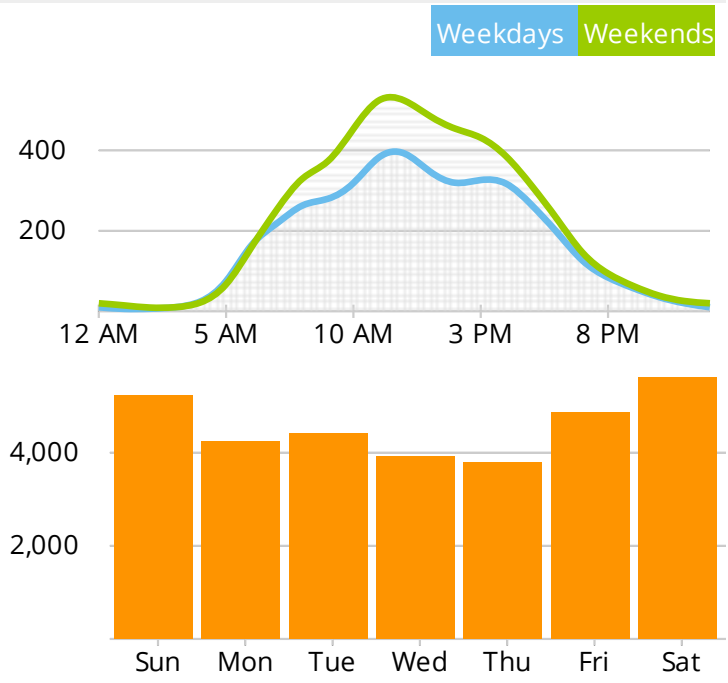
Nov 1, 2019 - Nov 30, 2019

4,624 Typical Day	6,292 Sat, Nov 9 - Busiest Day	5,617 Saturday Average
32,057 Typical Week	33,967 Peak Week Beginning Sun, Nov 10	138,712 Total Visitors

Average Daily Activity



Hours	%	Total
5am - 11am	31%	1,413
11am - 5pm	50%	2,332
5pm - 11pm	17%	803
11pm - 5am	2%	75



Totals

Week beginning Sun, Oct 27	10,076
Week beginning Sun, Nov 3	32,954
Week beginning Sun, Nov 10	33,967
Week beginning Sun, Nov 17	33,315
Week beginning Sun, Nov 24	28,400

PROSPECTIVE TENANT LIST ---- 2019

DATE	NAME	RT / RS / OFC	SERVICE	SIMILAR BIZ EXP	NOTES
11/26/2019	Traveler Café	RS	Site Visit		Discuss a second location at the Village for the Coffee Shop. Owner to get back to me.
11/22/2019	Champagne Café, WLV	RS	Site Visit		Owner does not want to expand. They have enough units.
11/20/2019	Michelle Smith	RT	Loopnet		Cat Rescue biz. LM. Tried to explain we are looking for Visitor serving uses for travelers, locals, etc.
11/19/2019	Fareed Roshandell	RS	Site Visit		Showed Coffee House and BS Taproom space. He liked Coffee space and wants to do a Burger joint.
11/18/2019	Steve / Alamo Restaurant	RS	Site Visit		Showed BS Taproom space. He liked it and wants to do a Chinese Restaurant. I sent drawings to him.
11/14/2019	Carla Cable	RT	Phone		Skin care business. Wants 2nd floor. LM
11/12/2019	Barbara Dore		Phone		She left voicemail, very hard to understand. I called and LM, no return calls.
11/12/2019	Michelle	RT	Walk by		Eyelash Studio, very persistent on having 2nd floor, does not want to be considered retail. 1,200sf
11/12/2019	Diana	RT	Walk by		Has a record store, wants to do a Bakery. No restaurant experience.
11/5/2019	Irma Sirvinskaite	RT	Loopnet		Dance Studio. LM, no return calls. Tried to find out more details, no response.
11/1/2019	Pawan Kaira		Loopnet		LM. Cold Pressed Juices, needs a sink. Does not bottle on site. Discussed rent amount options.
10/24/2019	Andreas Gutoub	RT	Loopnet		Husband-Tattoo Artist, Wife is Ocean Love apprarell, jewelry, etc. Wants a joint space. Needs sink.
10/23/2019	Gabriel Barajas	RS	Site Visit		Tacos Way restaurants in San Fernando Valley. Told him no mexican, but he does want to do Sushi.
10/21/2019	Nikole Vega	RT	Loopnet		Makeup studio academy. She needs a small space and one solid wall. She is no longer interested.
10/16/2019	Linda Burns/Suncoast Realty	RT	Site Visit		CBD business. Has 1 in Ojai and 1 in Ventura, wants to combine to just one location in Ventura.
10/16/2019	Andrew		Phone		Left messages, no return call. He did not leave msg of what he was looking for.
10/14/2019	Paul	RT	Loopnet		Holistic Coach biz for his wife. Classes on Reiki, meditations, sells crystals. We talkd pricing.
10/9/2019	Fareed Rosenthal	Coffee	Loopnet		Interested in coffee shop, but did not give any details.
10/9/2019	Christina		Phone		Rentals? Called but the mailbox was full and could not leave a msg.
10/9/2019	Wall Fursad?	RT	Loopnet		T-shirts. He will email me, never did. He said he was tight on cash right now.
10/8/2019	Catherine Wiggins	RT	Loopnet		Left messages, no return call.
10/7/2019	Shawn	RS	Site Visit		Artisan Market & Deli sandwiches. No restaurant experience. Showed spaces, they will call back.
10/2/2019	Mike Shoals	RT	Craigslist		Sent biz plan a yr ago, he did not keep a copy for himself. Antique biz. Can't do it alone.
9/30/2019	Farid	Coffee	Loopnet		Wants to do hamburgers. Lives in Palm Springs. I explained rental process.
9/26/2019	Julia Diamon	RT	Loopnet		Interior Designer store in Channel Islands. She does not want to pay percent rent.
9/26/2019	Richard Warner	RT	Loopnet		Has small hair salon. Tried to speak with him, but he hung up and I couldn't reach him again.
9/24/2019	Janice / Resource Real Estate	OFC	Walk by		Wants to be on 1st floor, I explained percent rent. She said no thank you.
9/24/2019	Nate	Coffee	Craigslist		Owns a coffee company in Paso Robles, wants to relocate. We discussed the space. He wcb.
9/23/2019	Lisa	RS	Phone		LMsgs, no return call.

PROSPECTIVE TENANT LIST ---- 2019

DATE	NAME	RT / RS / OFC	SERVICE	SIMILAR BIZ EXP	NOTES
9/16/2019	Ben Pierce	Coffee	Loopnet		Has a Vape store in S.B,. Discussed the details. He will consider, no experience.
9/16/2019	Travis	Coffee	Walk by		Has a boat in harbor. I left a msg, no return call.
9/16/2019	Jeff Anderson	OFC	Loopnet		Mortgage Co in Orange County. Wants 1st floor. Explained the percent rent. He said no thanks.
9/12/2019	Lori Meier	Coffee	Loopnet		Put 123-456-7899 as her telephone, no valid.
9/12/2019	Nadav Poringer	OFC	Loopnet		We have no available office spaces.
9/12/2019	Vince Vartanian/Farmers Insurance	OFC	Loopnet		Wanted 1st floor space, explained percent rent, etc. Decided not a fit.
9/11/2019	Cynthia	RS	Phone		Dog sitting business at night for customers, daycare and bathing facility. Not avail for first floor units.
9/10/2019	Chris	RT	Loopnet		On-site screen printing business. Left several messages, no return calls.
9/9/2019	Kerry	RT	Craigslist		Dog grooming biz, first floor not avail for this type of business.
9/9/2019	Judy Bradley	RT	Craigslist		Skin care line for entertainment biz. Wants treatment room with sink. First floor not avail.
9/7/2019	Trish Billings	Coffee	Walk by		Wants to do a Ramen Restaurant with franchise. Never had restaurant before. Just in beginning stages.
9/6/2019	Paul Plats	Coffee	Loopnet		Coffee shop /Sandwich shop, new venture, no experience.
9/6/2019	Melissa	RS	Loopnet		Gelato, Ice Cream, Desserts for Adults. Never had a business before, persistent won't compete with Parlor.
9/5/2019	Kecia Stephens	RT	Loopnet		Has barber shop/Vegas, wants a 2nd space. I informed them of existing Hair Salon/ Barber Services in Vlg.
9/4/2019	Rick	RT	Loopnet		From AZ, wants to put a retail on 2nd floor - not allowed.
9/4/2019	Sara	Coffee	Loopnet		LMsgs, no return call.
8/30/2019	James Sharits	Carousel Sp	Site Visit		Technifex, Inc Making magic a reality
8/30/2019	Patrick Ortiz	PKT	Site Visit		Argent Retail Advisors
8/30/2019	Tony Varoo	RT	Loopnet		Art Gallery/Photography. We have several galleries of the same genre, looking for new items.
8/29/2019	Dee Savory	Coffee	Site Visit		Dee's Savory Sweets
8/29/2019	Esther Goodman	Coffee	Site Visit		Esther's Sweet Sinsations. Doesn't want store.
8/29/2019	Lisa Morris	Coffee	Site Visit		LiMor Cakes. Only cooking out of house, no store.
8/29/2019	Christina	RS	Loopnet		Has a mexican restaurant, informed her of the two we already have, she can't do a different cuisine.
8/29/2019	Nina Francino	RT	Loopnet		Had shop in Montecito, women's clothing, home décor. She wcb.
8/28/2019	Jessica	Coffee	Site Visit		Anacapuccino, said they are not expanding at this time.
8/23/2019	Kathleen	RT	Loopnet		Antique biz in Fillmore, wants a 2nd location.
8/20/2019	garyand55@yahoo.com	Coffee	Email		Sent Coffee House -- Application pkt
8/16/2019	Sean Mason / NoSo Vita Coffee	Coffee	Email		Sent Coffee House -- Application pkt
8/14/2019	1965novamike@gmail.com	Coffee	Email		Sent Coffee House -- Application pkt
8/6/2019	gordonh@edanusa.com	Coffee	Email		Sent Coffee House -- Application pkt
8/6/2019	lovewellteaandcoffee@gmail.com	Coffee	Email		Sent Coffee House -- Application pkt
8/5/2019	Alician Cuco	RS	Loopnet		On the East Coast, husband interested in Blackbeards space.

PROSPECTIVE TENANT LIST ---- 2019

DATE	NAME	RT / RS / OFC	SERVICE	SIMILAR BIZ EXP	NOTES
8/5/2019	tammyloveszoe@gmail.com	Coffee	Email		Sent Coffee House -- Application pkt
8/5/2019	cafeluna@aol.com	Coffee	Email		Sent Coffee House -- Application pkt
8/2/2019	Todd Riso / Sandbox Coffee	Coffee	Loopnet		Discussed coffee shop details. He wcb.
8/1/2019	zoozacafe@gmail.com	Coffee	Email		Sent Coffee House -- Application pkt
7/31/2019	stickyco@charter.net	Coffee	Email		Sent Coffee House -- Application pkt
7/30/2019	Sheriee	OFC	Loopnet		Production company, looking for sm office. We are full.
7/29/2019	Juliette/SGP Commercial Leasing	Coffee	Loopnet		Sent pkt. Her client wants to close at 3pm and not be open 2 days a week.
7/29/2019	10 Speed Coffee	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	A Little Piece of Heaven *Sweet Shop*	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Allegro Coffee Company	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Ambrosia by Caffrodite	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Anacappuccino	Coffee	Site Visit		Sent Coffee House -- Application pkt
7/29/2019	Auntie Anne's Pretzels & Cinnabon	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Bagel Rock Coffee	Coffee	Site Visit		Sent Coffee House -- Application pkt
7/29/2019	Beacon Coffee Company, Inc.	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Bigstraw Boba	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Bobatime	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Brazuka Coffee Roasters	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Brio Cafe	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Bubbers Bowls And More!	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Café du Suro	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Caffe Aroma	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Caffe Luxxe	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Caje Coffee	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Cha for Tea	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Champagne	Coffee	Site Visit		Sent Coffee House -- Application pkt
7/29/2019	Cherry on Top	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Choice Juicery	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Coffee Bean & Tea Leaf	Coffee	Site Visit		Sent Coffee House -- Application pkt
7/29/2019	Coffee Connection Oak View	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Conejo Coffee	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Crushcakes & Café	Coffee	Mailed		Sent Coffee House -- Application pkt

PROSPECTIVE TENANT LIST ---- 2019

DATE	NAME	RT / RS / OFC	SERVICE	SIMILAR BIZ EXP	NOTES
7/29/2019	Dart Coffee Co.	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Dune Coffee Roasters	Coffee	Site Visit		Sent Coffee House -- Application pkt
7/29/2019	Dunkin'	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Dunkin Donuts	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	East Coast Bagel	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Einstein Bros. Bagels	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Evolution Fresh	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Five07 Coffee Bar and Eatery	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Flatiron Bagel Co.	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Gloria Jeans Coffee	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Greens Up!	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Handlebar Coffee Roasters	Coffee	Site Visit		Sent Coffee House -- Application pkt
7/29/2019	Heritage Coffee & Gifts	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Insomnia Cookies	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Intelligentsia Coffee Pasadena Coffeeb	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Its A Grind Coffee House	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Java & Joe	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	JOi Café // Coffee by JOi	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Juice Ranch	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Just Coffee	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Kay's Coffee Shop	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Kreation Organic Juicery	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Le Pain Quotidien	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Lighthouse Coffee	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Lucky Llama Coffee House	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Marie Shannon Confections	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Maui Wowi Hawaiian Coffee & Smoothi	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Moore Coffee & Tea (Roasters)	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Nekter Juice Bar	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Noah's Bagels	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Nothing Bundt Cakes	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Ojai Cafe Emporium	Coffee	Mailed		Sent Coffee House -- Application pkt

PROSPECTIVE TENANT LIST ---- 2019					
				SIMILAR	
DATE	NAME	RT / RS / OFC	SERVICE	BIZ EXP	NOTES
7/29/2019	Palermo	Coffee	Mailed		Sent Coffee House -- Application pkt
7/29/2019	Palm & Boy Coffee and Acai	Coffee	Mailed		Sent Coffee House -- Application pkt

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT Meeting Date: December 18, 2019

TO:	Board of Port Commissioners
CC:	Brian D. Pendleton, General Manager
FROM:	Gloria Adkins, Accounting Manager
SUBJECT:	Quarterly Treasurers Report

As of September 30, 2019, the District held cash and investments with a market value of $12,413,703. Funds held in investments represent those not needed for general operating activities.

Local Agency Investment Fund (LAIF) holds 94% of the June 30, 2019 fund balance:

Enterprise (Operating) Fund	$2,529,410
Dredging Reserve Fund	3,024,567
Capital Improvement Fund	5,004,962
Capital Improvement –Fisheries Fund	169,374
Project Fund-Village Marina	896,104
Total Funds	$11,624,417

The Investment Portfolio Report for September 30, 2019 attached herewith includes all of the District's Funds.

Submitted by: _____ Date: December 11, 2019
Gloria Adkins
Accounting Manager

ATTACHMENTS:
Attachment 1 – Investment Portfolio Report for September 30, 2019
Attachment 2 – LAIF Performance Report for September 30, 2019

ATTACHMENT 1

Ventura Port District
Investment Portfolio Report
Quarter Ending 9/30/2019

Security Type	Issuer	CUSIP Number	Maturity Date	Interest Rate	Par Value	Book Value	Percent of Portfolio	Market Value	Market Value Source
Cash Investments									
State Pool (LAIF)	LAIF-State Treasury		On Demand	2.45%	11,605,351	11,605,351	94%	11,624,417	LAIF
Total Cash Investments LAIF						**$ 11,605,351**	**94%**	**$ 11,624,417**	
Cash Deposits									
Demand Deposits-									
Main checking	Wells Fargo		On Demand	N/A	N/A	476,320	4%	476,320	Wells Fargo
Grant Fund checking	Wells Fargo		On Demand	N/A	N/A	144,050	1.2%	144,050	Wells Fargo
Project Fund checking	Wells Fargo		On Demand	N/A	N/A	149,580	1.2%	149,580	Wells Fargo
Petty Cash	Ventura Port District		On Demand	N/A	N/A	1,371	0.01%	1,371	Ventura Port District
Total Cash Deposits						**$ 771,321**	**6%**	**$ 771,321**	
Cash in County Treasurer's Pooled Investment Program									
County Treasurer's Pool	Ventura County Treasury		On Demand	2.47%	17,965	17,965	0.1%	17,965	Ventura County Treasury
Total Cash in County Treasury						**$ 17,965**	**0.1%**	**$ 17,965**	
TOTAL ALL FUNDS						**$ 12,394,637**	**100%**	**$ 12,413,703**	

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.

12/11/2019

Submitted by: _____

ATTACHMENT 2 - LAIF PERFORMANCE REPORT

CALIFORNIA STATE TREASURER
FIONA MA, CPA

PMIA Performance Report

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
09/23/19	2.26	2.34	186
09/24/19	2.26	2.34	185
09/25/19	2.25	2.34	184
09/26/19	2.25	2.34	186
09/27/19	2.25	2.34	187
09/28/19	2.25	2.34	187
09/29/19	2.25	2.34	187
09/30/19	2.25	2.34	185
10/01/19	2.22	2.22	200
10/02/19	2.22	2.22	200
10/03/19	2.21	2.22	198
10/04/19	2.21	2.22	198
10/05/19	2.21	2.21	198
10/06/19	2.21	2.21	198
10/07/19	2.21	2.21	197
10/08/19	2.21	2.21	197
10/09/19	2.21	2.21	196
10/10/19	2.20	2.21	199
10/11/19	2.20	2.21	200
10/12/19	2.20	2.21	200
10/13/19	2.20	2.21	200
10/14/19	2.20	2.21	197
10/15/19	2.20	2.21	198
10/16/19	2.19	2.21	197
10/17/19	2.19	2.21	198
10/18/19	2.18	2.20	198
10/19/19	2.18	2.20	198
10/20/19	2.18	2.20	198
10/21/19	2.18	2.20	196
10/22/19	2.18	2.20	195
10/23/19	2.18	2.20	194

*Daily yield does not reflect capital gains or losses

View Prior Month Daily Rates

LAIF Performance Report

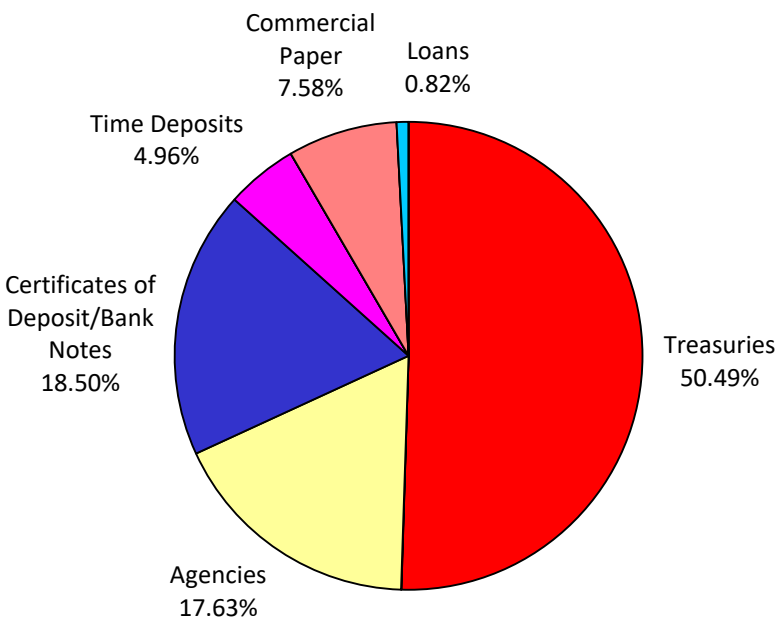
Quarter Ending 09/30/19

Apportionment Rate:	2.45
Earnings Ratio:	.00006701807521016
Fair Value Factor:	1.001642817
Daily:	2.25%
Quarter to Date:	2.34%
Average Life:	185

PMIA Average Monthly Effective Yields

Sep 2019	**2.280**
Aug 2019	2.341
July 2019	2.379

Pooled Money Investment Account
Portfolio Composition
09/30/19
$97.4 billion



Percentages may not total 100% due to rounding

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).

Based on data available as of 10/23/2019

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

CONSENT AGENDA ITEM A

APPROVAL OF OUT OF TOWN TRAVEL REQUESTS

VENTURA PORT DISTRICT **CONSENT AGENDA ITEM A**

BOARD COMMUNICATION Meeting Date: December 18, 2019

TO: Board of Port Commissioners
FROM: Brian Pendleton, General Manager
SUBJECT: Approval of Out of Town Travel Requests

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

A) Business Operations Manager, Todd Mitchell to travel to San Pedro, California to participate in the CMANC Winter meeting from January 15 – 17, 2020. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	$445.00
Lodging	$404.95
Meals	$285.00
Mileage	$103.01
Miscellaneous	$100.00
TOTAL	**$1,337.96**

B) Consultant, Richard Parsons to travel to travel to San Pedro, California to participate in the CMANC Winter meeting from January 15 – 17, 2020. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	$445.00
Lodging	$404.95
Meals	$285.00
Mileage	$103.01
Miscellaneous	$100.00
TOTAL	**$1,337.96**

C) Commissioner Brian Brennan to travel to travel to San Pedro, California to participate in the CMANC Winter meeting from January 15 – 17, 2020. The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	$445.00
Lodging	$404.95
Meals	$285.00
Mileage	$103.01
Miscellaneous	$100.00
TOTAL	**$1,337.96**

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

CONSENT AGENDA ITEM B

ANNUAL RESERVE POLICY REVIEW

VENTURA PORT DISTRICT **CONSENT AGENDA ITEM B**

BOARD COMMUNICATION Meeting Date: December 18, 2019

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

RECOMMENDATION:

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

SUMMARY:

The last time the Reserve Policy was brought before the Board for review was December 12, 2018. Legal Counsel and staff have reviewed the current policy and have determined that no changes are necessary at this time.

BACKGROUND:

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

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

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

FISCAL IMPACT:

None.

ATTACHMENTS:

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

ATTACHMENT 1

RESOLUTION NO. 3225

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

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

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

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

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

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

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

NOW THEREFORE, THE BOARD OF PORT COMMISSIONERS OF VENTURA PORT DISTRICT IS HEREBY RESOLVED, that the District's Reserve Policy adopted by Resolution No. 3190 on June 272012 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

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

(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.

Secretary

(Seal)

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

CONSENT AGENDA ITEM C

ANNUAL INVESTMENT POLICY REVIEW

VENTURA PORT DISTRICT **CONSENT AGENDA ITEM C**

BOARD COMMUNICATION Meeting Date: December 18, 2019

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

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

SUMMARY:
The last time the Reserve Policy was brought before the Board for review was December 12, 2018. Legal Counsel and staff have reviewed the current policy and have determined that no changes are necessary at this time.

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

Currently, all funds not being used for the normal day to day operations of the District are invested with the Local Agency Investment Fund (LAIF). On 12/11/19, the LAIF daily yield was around 2.05%.

FISCAL IMPACT:
None.

ATTACHMENTS:
Attachment 1 – Resolution No. 3345

ATTACHMENT 1

RESOLUTION NO. 3345

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

1.0 POLICY

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

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

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

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

2.0 SCOPE

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

3.0 PRUDENCE

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

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

4.0 OBJECTIVES

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

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

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

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

5.0 DELEGATION OF AUTHORITY

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

6.0 ETHICS AND CONFLICTS OF INTEREST

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

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

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

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

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

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

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

a. Bonds issued by the District.

b. United States Treasury Bills, Notes, Bonds, and Certificate of Indebtedness.

c. Registered state warrants or treasury notes or bonds issued by the State of California.

d. Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of revenues from revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.

e. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.

f. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by, or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.

g. Bankers' acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchase of bankers' acceptances may not exceed one hundred eighty (180) days' maturity or forty percent (40%) of the District's money that may be invested pursuant to this policy. However, no more than thirty percent (30%) of the District's money can be invested in the bankers' acceptances of any single commercial bank.

h. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization. The entity that issues the commercial paper shall either be:

(1) organized and operating within the United States as a general corporation, shall have total assets in excess of Five Hundred Million Dollars ($500,000,000), and shall issue debt, other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by a nationally recognized statistical-rating organization; or

(2) organized within the United States as a special purpose corporation, trust, or limited liability company, have program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond, and has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical-rating organization.

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

i. Negotiable certificates of deposit issued by a nationally or state chartered bank, a savings association or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federal or state licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy. The Board of Port Commissioners and the General Manager are prohibited from investing District funds, or funds in the District's custody, in negotiable certificates of deposit issued by a state or federal credit union if a member of the Board of Port Commissioners, or any person with investment decision making authority within the District also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit.

j. Repurchase/Reverse Repurchase Agreements of any securities authorized by Section 53601. The market value of securities that underlay a repurchase agreement shall be valued at one hundred two percent (102%) or greater of the funds borrowed against those securities, and are subject to the special limits and conditions of California Government Code 53601(j).

k. Medium term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five (5) years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by a nationally recognized rating service. Purchases of medium term notes shall not include other instruments authorized by this policy and shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy.

l. Shares of beneficial interest issued by diversified management companies (mutual funds) investing in the securities and obligations authorized by this policy, and shares in money market mutual funds, subject to the restrictions of Government Code Section 53601(l). The purchase price of investments under this subdivision shall not exceed twenty percent (20%) of the District's investments under this policy. However, no more than ten percent (10%) of the District's money may be invested in any one mutual fund.

m. Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not

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

n. Notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Government Code Section 53651 as eligible securities for the purpose of securing local agency deposits having a market value at least equal to that required by Government Code Section 53652 for the purpose of securing local agency deposits. The securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the trust department of a bank which is not affiliated with the issuer of the secured obligation, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted.

o. Any mortgage pass-through security, collateralized mortgage obligation, mortgage backed or other pay-through bond, equipment lease backed certificate, consumer receivable pass-through certificate, or consumer receivable backed bond of a maximum of five (5) years maturity. Securities eligible for investment under this subdivision shall be issued by an issuer rated in a rating category of "A" or its equivalent or better for the issuer's debt as provided by a nationally recognized rating service and the securities shall be rated in a rating category of "AA" or its equivalent or better by a nationally recognized rating service. Purchase of securities authorized by this subdivision shall not exceed twenty percent (20%) of the District's money that may be invested pursuant to this policy.

p. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized under Government Code Section 53601. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible, the joint powers authority issuing the shares must have retained an investment advisor that is registered or exempt from registration with the Securities and Exchange Commission, have not less than five years of experience in investing in the securities and obligations authorized under Government Code Section 53601, and have assets under management in excess of five hundred million dollars ($500,000,000.00).

q. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. These types of investments must be rated in a rating category of "AA" or its equivalent or better by a nationally

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

r. Proposition 1A receivables sold pursuant to California Government Code Section 53999. A "Proposition 1A receivable" constitutes the right to payment of moneys due or to become due to a local agency, pursuant to clause (iii) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 25.5 of Article XIII of the California Constitution and Section 100.06 of the Revenue and Taxation Code.

s. Any other investment security authorized under the provisions of California Government Code Sections 5922 and 53601.

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

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

9.0 COLLATERALIZATION

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

10.0 SAFEKEEPING AND CUSTODY

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

11.0 DIVERSIFICATION

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

a. Portfolio maturity dates shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.

b. Maturities selected shall provide for stability of income and liquidity.

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

12.0 REPORTING

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

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

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

Brian Brennan, Vice-Chairman

ATTEST:

Jim Friedman, Secretary

(Seal)

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

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

AYES: Commissioners Brennan, Friedman, Valance, Stephens
NOES:
ABSENT: Commissioner Ashworth

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

Secretary

(Seal)

VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

CONSENT AGENDA ITEM D

APPROVAL OF 2016 APPROVED MINUTES REVISIONS

VENTURA PORT DISTRICT **CONSENT AGENDA ITEM D**

BOARD COMMUNICATION Meeting Date: December 18, 2019

TO: Board of Port Commissioners
FROM: Jessica Rauch, Clerk of the Board
SUBJECT: Approval of 2016 Approved Minutes Revisions

RECOMMENDATION:
That the Board of Port Commissioners approve the revisions to the September 14, 2016 regular meeting minutes, October 5, 2019 special meeting closed session and open session minutes, October 12, 2016 regular meeting minutes and November 9, 2016 regular meeting minutes.

SUMMARY:
It was brought to my attention that the attendance of a few of the 2016 approved meeting minutes are incorrect. The minutes needing correction show Greg Carson present, instead of Brian Brennan, who was appointed to the Commission August 1, 2016.

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 – September 14, 2016 Regular Meeting Minutes
Attachment 2 – October 5, 2016 Special Closed Session Meeting Minutes
Attachment 3 – October 5, 2016 Special Open Session Meeting Minutes
Attachment 4 – October 12, 2016 Regular Meeting Minutes
Attachment 5 – November 9, 2016 Regular Meeting Minutes

ATTACHMENT 1

Minutes of Workshop Meeting of the Ventura Port District Board of Port Commissioners Held September 14, 2016

The Workshop Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 12:05 PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:
Jim Friedman, Chair
Everard Ashworth, Vice Chair
Bruce E. Smith
Nikos Valance
~~Bruce Brennan~~ Brian Brennan

Commissioners Absent:
None

Port District Staff:
Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
Gloria Adkins, Accounting Manager
John Higgins, Harbormaster
Joe Gonzalez, Facilities Manager
Frank Locklear, Marina Manager
Richard Parsons, Consultant
Robbie Armstrong-Dunham, Assistant Clerk of the Board

Legal Counsel:
Andy Turner
Emma Fabeck

AGENDA

CALL TO ORDER: By Chairman Jim Friedman at 12:05 PM.

PLEDGE OF ALLEGIANCE: By Vice Chair Ashworth.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: **Commissioner Smith moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt the September 14, 2016 agenda.**

Note: Per the General Manager's request to the Chair, Standard Agenda Item 1 was moved to the second position so that the Workshop on Tsunamis could accommodate the guest speakers.

APPROVAL OF MINUTES
The Minutes of July 27, 2016, regular meeting and August 2, 2016 and August 4, 2016 Special meetings were considered as follows:

ACTION: **Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve the minutes of the August 2, 2016 and August 4, 2016 Special meetings.**

The July 27, 2016 Regular meeting will be brought back at a future meeting, with further clarification to Standard Item 3. With the 2 'No' votes for this item, Commissioner Smith would like a more detailed explanation and rationale given for those votes to be reflected in these minutes.

PUBLIC COMMUNICATIONS: None

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

BOARD COMMUNICATIONS: Commissioner Ashworth reported back favorably on the recent VSE meeting and is enthusiastic about the future meeting on the 21st. Commissioner Brennan mentioned a recent conference that focused on shorelines and coastlines and the future looks strong independent of tsunamis.

GENERAL MANAGER REPORT: Consultant, Richard Parsons reported that in Newport Beach recently, the California Coastal Commission approved a new 10 year dredging permit. On October 13, the Regional Water Quality Control Board will be considering new orders.

CONSENT AGENDA:

A) Approval of Change of Lessee's of the Lease Agreement for The Ultimate Escape Rooms
Recommended Action: Voice 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 Marilyn Ryemon, Annette Cortez, Alexis and Scott Crouse The Ultimate Escape Rooms for a two-year term with a two year option.

ACTION: **Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to 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 Marilyn Ryemon, Annette Cortez, Alexis and Scott Crouse The Ultimate Escape Rooms for a two-year term with a two year option.**

B) Approval of Change of Name of the Lease Agreement for Elizabeth Marino dba Barefoot Boutique

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a name change for the premises located at 1575 Spinnaker Drive #106A&B consisting of 1,545 square feet between the Ventura Port District dba Ventura Harbor Village and Elizabeth Marino dba Barefoot Boutique for a two-year term with a two year option.

ACTION: **Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve a name change for the premises located at 1575 Spinnaker Drive #106A&B consisting of 1,545 square feet between the Ventura Port District dba Ventura Harbor Village and Elizabeth Marino dba Barefoot Boutique for a two-year term with a two year option.**

C) Approval of New Office Lease for Julianne Y. Martin, Psy.D. and Gregory E. Gray, M.D.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #207 & 208 consisting of 840 square feet between the Ventura Port District dba Ventura Harbor Village and Julianne Y. Martin, Psy.D. and Gregory E. Gray, M.D. for a two-year term.

ACTION: **Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #207 & 208 consisting of 840 square feet between the Ventura Port District dba Ventura Harbor Village and Julianne Y. Martin, Psy.D. and Gregory E. Gray, M.D. for a two-year term.**

D) Approval of New Office Lease for Jerry Bessa dba iPowerUp

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1567 Spinnaker Drive #205 consisting of 880 square feet between the Ventura Port District dba Ventura Harbor Village and Jerry Bessa dba iPowerUp for a two-year term.

ACTION: **Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve a new office lease agreement for the premises located at 1567 Spinnaker Drive #205 consisting of 880 square feet between the Ventura Port District dba Ventura Harbor Village and Jerry Bessa dba iPowerUp for a two-year term.**

E) Amendment No. 2 to the Professional Service Agreement with Jensen Design & Survey, Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 2 to the Professional Service Agreement, dated April 1, 2016 with Jensen Design & Survey, Inc. in the amount of $3,500.

ACTION: **Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve Amendment No. 2 to the Professional Service Agreement, dated April 1, 2016 with Jensen Design & Survey, Inc. in the amount of $3,500.**

F) Approval of Out of Town Travel Requests
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve the Out of Town Travel Requests for Business Operations Manager, Brian Pendleton, Property Manager, Robin Baer, Commissioner Ev Ashworth, Dredging Consultant, Richard Parsons, Electrician, John Collins and Harbormaster, John Higgins.

ACTION: **Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve the Out of Town Travel Requests for Business Operations Manager, Brian Pendleton, Property Manager, Robin Baer, Commissioner Ev Ashworth, Dredging Consultant, Richard Parsons, Electrician, John Collins and Harbormaster, John Higgins.**

G) Extension of Option with Sondermann-Ring Partners
Recommended Action: Voice Vote.
That the Board of Port Commissioners authorize the General Manager to execute the attached Fourteenth Amendment to Option Agreement between Ventura Port District ("the Port") and Sondermann-Ring Partners ("SRP").

ACTION: **Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to authorize the General Manager to execute the attached Fourteenth Amendment to Option Agreement between Ventura Port District ("the Port") and Sondermann-Ring Partners ("SRP").**

WORKSHOP AGENDA:

1) Ventura Harbor Tsunami Planning Efforts
Recommended Action: None
That the Board of Port Commissioners receive a presentation from Kevin Miller, Tsunami Program Officer from the California Governor's Office of Emergency Services and Rick Wilson, PG CEG, Senior Engineering Geologist from the California Geological Survey on the tsunami planning efforts for Ventura Harbor.

ACTION: **After an introduction by Harbormaster, John Higgins the Board of Port Commissioners received a presentation from Kevin Miller, Tsunami Program Officer from the California Governor's Office of Emergency Services and Rick Wilson, PG CEG, Senior Engineering Geologist from the California Geological Survey on the tsunami planning efforts for Ventura Harbor.**

STANDARD AGENDA:

1) Appointment of Ad Hoc Committee for General Manager Compensation Review
Recommended Action: Voice Vote.
That the Board of Port Commissioners appoint Commissioner Friedman and Commissioner Ashworth for an ad hoc committee to review and make recommendations to the Board on the compensation of the General Manager.

ACTION: **Commissioner Smith moved, (with the caveat that the timing of the review comes after the represented employees (i.e., 'Miscellaneous' and Harbor Patrol/Union) are already dealt with), seconded by Commissioner Brennan**

and carried by a vote of 5-0 to appoint Commissioner Friedman and Commissioner Ashworth for an ad hoc committee to review and make recommendations to the Board on the compensation of the General Manager.

REQUEST FOR FUTURE AGENDA ITEMS: None

ADJOURNMENT: The meeting was adjourned at 1:10PM.

Secretary

ATTACHMENT 2

Minutes of Special Closed Session Meeting of the Ventura Port District Board of Port Commissioners Held October 5, 2016

The Special Closed Session Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 7:49PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:
Jim Friedman, Chair
Everard Ashworth, Vice Chair
~~Gregory L. Carson~~ Brian Brennan
Bruce E. Smith
Nikos Valance arrived at 8:12PM

Commissioners Absent:
None

Port District Staff:
Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:
Timothy Gosney
Dominic Nunneri

AGENDA

CALL TO ORDER: By Chair, Jim Friedman at 7:49PM.

PLEDGE OF ALLEGIANCE: By Chair, Jim Friedman.

ROLL CALL: Commissioner Valance arrived at 8:12PM

ADOPTION OF AGENDA

ACTION: **Commissioner Brennan moved, seconded by Commissioner Smith and carried by a vote of 4-0 to adopt the October 5, 2016 agenda.**

ADJOURN TO CLOSED SESSION AT 7:50PM.

CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL

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

a) Property:	**1591 Spinnaker Drive**
Negotiating Parties:	Oscar Peña, Brian Pendleton, Robin Baer, Timothy Gosney
Under Negotiation:	Beer and Sausage, LLC dba BS Taproom/Beer Season Restaurant Lease Negotiations

RECONVENE PUBLIC SESSION AT 8:55PM

CLOSED SESSION REPORT: Mr. Gosney stated that the Board met in closed session; discussed and reviewed Item 1 on the closed session agenda. Staff was given instructions as to how to proceed as appropriate and there was no action taken that is reportable under The Brown Act.

ADJOURNMENT: The meeting was adjourned at 8:57PM

Secretary

ATTACHMENT 3

Minutes of Special Meeting of the Ventura Port District Board of Port Commissioners Held October 5, 2016

The Special Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 7:03PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:
Jim Friedman, Chair
Everard Ashworth, Vice Chair
~~Gregory L. Carson~~ Brian Brennan
Bruce E. Smith

Commissioners Absent:
Nikos Valance

Port District Staff:
Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:
Dominic Nunneri
Timothy Gosney

AGENDA

CALL TO ORDER: By Chairman Jim Friedman at 7:03PM.

PLEDGE OF ALLEGIANCE: By Commissioner Ashworth

ROLL CALL: Commissioner Valance was absent.

ADOPTION OF AGENDA

ACTON: **Commissioner Ashworth moved, seconded by Commissioner Smith and carried by a vote of 4-0 to adopt the October 5, 2016 agenda.**

PUBLIC COMMUNICATIONS: None.

STANDARD AGENDA:

1) Approval of Lease of Parcels 15, 16, 18 to Portside Partners-Ventura Harbor, LLC
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners:

1. Adopt Resolution No. 3318 taking the following actions:

    a. Approving the assignment of the Option to Lease Parcels 15, 16 and 18, dated September 2, 2002 ("Option to Lease") from Sondermann Ring Partners – Ventura Harbor LLC, ("SRP/LLC") successor-in-interest to SRP/LP by operation of law, to Portside Partners – Ventura Harbor, LLC, a Delaware limited liability company ("PPVH"); and

b. Approving the Fifteenth Amendment to the Option to Lease, as previously amended, the focus of which is to (i) update to legal description for the premises subject to the option, (ii) delete obsolete provisions of the option, (iii) revise the closing process to conform to the form and method of financing for the development, (iv) amend and update the Schedule of Performance (Exhibit C) and the Schedule of Documents Proving/Constituting Satisfaction of the Conditions Precedent to Exercise of the Option (Exhibit F) and update the project description to conform to the actions and approvals from the California Coastal Commissions;

2. Adopt Resolution No. 3319 taking the following actions:

   a. Approving the construction loan financing for the development, being the first part of the Initial Financing Event under the Ground Lease, and several related loan documents, between PPVH and PNC Bank, National Association ("PNC Bank") as the agent for CIT Bank, N.A., and PNC Bank (collectively "Lenders"), in the amount of $71,700,000.00 to fund the cost of constructing the planned improvements on Parcels 15, 16 and 18; and

   b. Authorizing the General Manager to execute on behalf of the District the Ground Lease Estoppel Certificate relating to the Initial Financing Event (not including the permanent take-out loan), a copy of which is attached to the Resolution and which identifies the other loan documents in Exhibit C to the Ground Lease Estoppel Certificate, all of which are approved by the District pursuant to Resolution No. 3319; and

3. Adopt Resolution No. 3320 authorizing the General Manager to execute on behalf of the Ventura Port District the Ground Lease attached as Exhibit B to the Option to Lease, a Memorandum of Lease and Ground Lessor Estoppel Certificate and Consent, at such time as the General Manager and District General Counsel have confirmed that all conditions precedent to the proper exercise of the Option to Lease have been met and/or satisfied, and to sign escrow instructions and conditionally deposit the executed Ground Lease, The Memorandum of Lease and the Ground Lessor Estoppel Certificate and Consent, and certified copies of Resolution Nos. 3318, 3319 and 3320 with Commonwealth Title Company, as the escrow agent for PPVH, PNC Bank and the District relating to the concurrent closing of the construction loan portion of the Initial Financing Event between PPVH and PNC Bank, and the execution and effectiveness of the Ground Lease between PPVH and the District.

Commissioner Friedman commented on how much work had been done to get to this day. He said that all relevant questions had been asked and answered in the weeks, months, and years leading up to this meeting. Thousands of hours of work had been put into this project. He also emphasized how great this will be for Ventura Harbor Village, and the City of Ventura.

Commissioner Brennan was not here for the workshop and thanked legal counsel for following up over the phone. He appreciates the time and work that went into this process. With his experience on various government bodies, he knows how slow the wheels of government can turn.

Commissioner Smith read the materials and had no residual questions other than "when is the groundbreaking?"

Richard Parsons commended the Commission for sticking with Mr. Sondermann and commended Mr. Sondermann for sticking with the Port District for 15 years, even though it has felt like a 45 year saga. He explained that the property was tied up in litigation in the 1970s and 1980s so the District could not develop the land then. He mentioned how Tim Gosney's firm

helped get the District out of litigation in the mid-1980s. He also mentioned how there had been no suitable tenants to develop the land and emphasized how much of a nightmare it is to get through the red-tape of the City and the Coastal Commission.

Sam Sadove said he is glad it is finally happening and congratulations!

Oscar Peña could not believe that this day finally arrived after 15 years of hurdles. All of the hurdles have been overcome by SRP. Also, Oscar spoke about the Ventura Harbor Village (VHV) tenant meeting that occurred that morning (Oct. 5). He said that the VHV tenants are excited because the new development will bring more people, excitement, and attention to the Harbor.

Michael Sondermann emphasized how the public played a huge role in this whole process. He said how remarkable it was that Oscar Peña, Tim Gosney and SRP's attorney have been there from the beginning. He mentioned his former partner Doug Ring, whom he misses dearly. He said that he believes in his new partners and is excited to break ground.

ACTION: **Commissioner Brennan moved, seconded by Commissioner Smith and carried by a vote of 4-0 (Friedman, Ashworth, Brennan, Smith Yes, Valance Absent) to adopt Resolution No. 3318 approving the assignment of the Option to Lease Parcels 15, 16 and 18, dated September 2, 2002 ("Option to Lease") from Sondermann Ring Partners – Ventura Harbor LLC, ("SRP/LLC") successor-in-interest to SRP/LP by operation of law, to Portside Partners – Ventura Harbor, LLC, a Delaware limited liability company ("PPVH"); and approving the Fifteenth Amendment to the Option to Lease, as previously amended, the focus of which is to (i) update to legal description for the premises subject to the option, (ii) delete obsolete provisions of the option, (iii) revise the closing process to conform to the form and method of financing for the development, (iv) amend and update the Schedule of Performance (Exhibit C) and the Schedule of Documents Proving/Constituting Satisfaction of the Conditions Precedent to Exercise of the Option (Exhibit F) and update the project description to conform to the actions and approvals from the California Coastal Commissions.**

ACTION: **Commissioner Brennan moved, seconded by Commissioner Smith and carried by a vote of 4-0 (Friedman, Ashworth, Brennan, Smith Yes, Valance Absent) to adopt Resolution No. 3319 approving the construction loan financing for the development, being the first part of the Initial Financing Event under the Ground Lease, and several related loan documents, between PPVH and PNC Bank, National Association ("PNC Bank") as the agent for CIT Bank, N.A., and PNC Bank (collectively "Lenders"), in the amount of $71,700,000.00 to fund the cost of constructing the planned improvements on Parcels 15, 16 and 18; and authorizing the General Manager to execute on behalf of the District the Ground Lease Estoppel Certificate relating to the Initial Financing Event (not including the permanent take-out loan), a copy of which is attached to the Resolution and which identifies the other loan documents in Exhibit C to the Ground Lease Estoppel Certificate, all of which are approved by the District pursuant to Resolution No. 3319.**

ACTION: **Commissioner Brennan moved, seconded by Commissioner Smith and carried by a vote of 4-0 (Friedman, Ashworth, Brennan, Smith Yes, Valance Absent) to adopt Resolution No. 3320 authorizing the General Manager to execute on behalf of the Ventura Port District the Ground Lease attached as Exhibit B to the Option to Lease, a Memorandum of Lease and Ground Lessor Estoppel Certificate and Consent, at such time as the General Manager and District General Counsel have confirmed that all conditions precedent to the proper exercise of the Option to Lease have been met and/or satisfied, and to sign escrow instructions and conditionally deposit the executed Ground Lease, The Memorandum of Lease and the Ground Lessor Estoppel Certificate and Consent, and certified copies of Resolution Nos. 3318, 3319 and 3320 with Commonwealth Title Company, as the escrow agent for PPVH, PNC Bank and the District relating to the concurrent closing of the construction loan portion of the Initial Financing Event between PPVH and PNC Bank, and the execution and effectiveness of the Ground Lease between PPVH and the District.**

ADJOURNMENT: The meeting was adjourned at 7:42PM.

Secretary

ATTACHMENT 4

Minutes of Regular Meeting of the Ventura Port District Board of Port Commissioners Held October 12, 2016

The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 7:00PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:
Jim Friedman, Chair
Everard Ashworth, Vice Chair
~~Gregory L. Carson~~ Brian Brennan
Bruce E. Smith
Nikos Valance

Commissioners Absent:
None

Port District Staff:
Oscar Peña, General Manager
Gloria Adkins, Accounting Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:
Dominic Nunneri
Timothy Gosney

AGENDA

CALL TO ORDER: By Chairman Jim Friedman at 7:00PM.

PLEDGE OF ALLEGIANCE: By Commissioner Friedman.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: **Commissioner Smith moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt the October 12, 2016 agenda.**

APPROVAL OF MINUTES
The Minutes of September 28, 2016 Regular Meeting was considered as follows:

ACTION: **Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 4-0-1 (Smith abstained) to approve the minutes of the September 28, 2016 Regular Meeting.**

PUBLIC COMMUNICATIONS: None.

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

BOARD COMMUNICATIONS: Commissioner Ashworth reported that the Joint Committee on Fishing and Aquaculture held an investigatory hearing on how to approve aquaculture between the Senate and Assembly and VSE personnel attended to give feedback. Commissioner Brennan commended Commissioner Ashworth and the Board for moving forward with the VSE program. He also reported that the Water Quality Control Board will be hearing an item on the Ventura Harbor Dredging tomorrow. Commissioner Brennan referred a friend to the Pottery Guild for gifts and he's glad we have it.

DEPARTMENTAL STAFF REPORTS: None.

GENERAL MANAGER REPORT: Mr. Peña reported that the applicant presentations for the Request for Proposals for Parcels 5 and 8 will be on November 9th at the Four Points Sheraton.

LEGAL COUNSEL REPORT: Mr. Gosney reported that Counsel has been working with District staff on the parking agreement with Oceans West and Island Packers and that all the SRP documents have been signed by the General Manager and will be delivered tomorrow.

STANDARD AGENDA:

1) Approval of a Professional Services Agreement with Impact Sciences

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the Professional Services Agreement with Impact Sciences to perform the necessary CEQA review and documentation for the Dock Replacement Plan and related improvements at Ventura Isle Marina (VIM).

ACTION: **Commissioner Brennan moved, seconded by Commissioner Smith and carried by a vote of 5-0 to approve the Professional Services Agreement with Impact Sciences to perform the necessary CEQA review and documentation for the Dock Replacement Plan and related improvements at Ventura Isle Marina.**

2) Approval of Notice of Proposed Ordinance for the Beer and Sausage, LLC dba BS Taproom/Beer Season New Restaurant Lease

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3321 authorizing the Ventura Port District to publish a Notice of Proposed Ordinance for the Beer and Sausage, LLC dba BS Taproom/Beer Season New Restaurant Lease in a newspaper of general circulation.

ACTION: **Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to adopt Resolution No. 3321 authorizing the Ventura Port District to publish a Notice of Proposed Ordinance for the Beer and Sausage, LLC dba BS Taproom/Beer Season New Restaurant Lease in a newspaper of general circulation, subject to final review of the Lease by Legal Counsel and General Manager and once the tenant has signed the lease, staff will publish the Ordinance.**

3) Submittal of Financial Reports and Statements for Board Approval
Recommended Action: Voice Vote.
That the Board of Port Commissioners discuss and take appropriate action on allowing the Accounting Manager to submit Financial Reports and Statements on a quarterly or bi-monthly basis for Board approval.

ACTION: **Commissioner Valance moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to all the Accounting Manager to submit Financial Reports and Statements on a quarterly basis with more trend comparisons.**

4) Discussion on Creating a Non-Profit Organization for the Ventura Port District
Recommended Action: Informational.
That the Board of Port Commissioners discuss the possibility of creating a non-profit organization for the Ventura Port District to help in raising funds for projects around Harbor Village.

ACTION: **The Commission would like Legal Counsel to create a memo discussing what can be done under IRS Code 170 and bring back this item at a future meeting.**

REQUEST FOR FUTURE AGENDA ITEMS: None.

ADJOURNMENT: The meeting was adjourned at 8:23PM.

Secretary

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS
MINUTES OF NOVEMBER 9, 2016

The Regular Meeting of the Ventura Board of Port Commissioners was called to order by Chairman Jim Friedman at 6:08PM at the Ventura Port District Office located 1603 Anchors Way Drive, Ventura, CA 93001.

Commissioners Present:
Jim Friedman, Chair
Everard Ashworth, Vice Chair
~~Gregory L. Carson~~ Brian Brennan
Bruce E. Smith
Nikos Valance

Commissioners Absent:
None

Port District Staff:
Oscar Peña, General Manager
Brian Pendleton, Business Operations Manager
Gloria Adkins, Accounting Manager
John Higgins, Harbormaster
Joe Gonzalez, Facilities Manager
Frank Locklear, Marina Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:
Timothy Gosney

AGENDA

CALL TO ORDER: By Chairman Jim Friedman at 6:08PM.

PLEDGE OF ALLEGIANCE: By Commissioner Friedman.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTON: **Commissioner Brennan moved, seconded by Commissioner Valance and carried by a vote of 5-0 to adopt the November 9, 2016 agenda.**

APPROVAL OF MINUTES
The Minutes of July 27, 2016 regular meeting, October 5, 2016 special meeting, October 5, 2016 special closed session meeting and October 12, 2016 regular meeting were considered as follows:

ACTION: **Commissioner Smith moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to approve the minutes of the July 27, 2016 regular meeting, October 5, 2016 special meeting, October 5, 2016 special closed session meeting and October 12, 2016 regular meeting.**

PUBLIC COMMUNICATIONS: None.

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

BOARD COMMUNICATIONS: None.

DEPARTMENTAL AND GENERAL MANAGER REPORTS: Mr. Peña reported to the Commission that the Portside Partners have a fence along the property and are in the process of getting the grading permit. He also announced that at 7:00PM the Commission and public will be receiving presentations on six proposals for possible development in Harbor Village.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Termination of Agreement and Approval of New Restaurant Lease Agreement for The Boatyard Inc. dba Boatyard Pub
Recommended Action: Voice Vote.
That the Board of Port Commissioners:

a) Approve the termination of Boatyard Café, Inc. dba Boatyard Café lease agreement, dated October 1, 2014, for the premises located at 1583 Spinnaker Drive #109, consisting of 2,675 square feet; and
b) Approve a new restaurant lease agreement between the Ventura Port District dba Ventura Harbor Village and The Boatyard, Inc. dba Boatyard Pub for the premises located at 1583 Spinnaker Drive #109, consisting of 2,675 square feet for a six (6) year term.

ACTION: **Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve the termination of Boatyard Café, Inc. dba Boatyard Café lease agreement, dated October 1, 2014, for the premises located at 1583 Spinnaker Drive #109, consisting of 2,675 square feet; and approve a new restaurant lease agreement between the Ventura Port District dba Ventura Harbor Village and The Boatyard, Inc. dba Boatyard Pub for the premises located at 1583 Spinnaker Drive #109, consisting of 2,675 square feet for a six (6) year term.**

B) Approval of New Office Lease Agreement for Brophy Bros. Restaurant
Recommended Action: Voice Vote.
That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1559 Spinnaker Drive #202B consisting of 306 square feet between the Ventura Port District dba Ventura Harbor Village and Brophy Bros. Restaurant for a two-year term with a five-year option.

ACTION: Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve a new office lease agreement for the premises located at 1559 Spinnaker Drive #202B consisting of 306 square feet between the Ventura Port District dba Ventura Harbor Village and Brophy Bros. Restaurant for a two-year term with a five-year option.

C) Termination of Agreement and Approval of New Office Lease Agreement for Sierra Pacific Mortgage
Recommended Action: Voice Vote.
That the Board of Port Commissioners:

a) Approve by motion the termination of a lease agreement, dated April 14, 2015, for the premises located at 1583 Spinnaker Drive #213, consisting of 791 square feet; and
b) Approve by motion a new office lease agreement for the premises located at 1583 Spinnaker Drive #213 & #214, consisting of 1,210 square feet between the Ventura Port District dba Ventura Harbor Village and Michael and Janette Quinn dba Sierra Pacific Mortgage for a two-year term.

ACTION: Commissioner Brennan moved, seconded by Commissioner Ashworth and carried by a vote of 5-0 to approve by motion the termination of a lease agreement, dated April 14, 2015, for the premises located at 1583 Spinnaker Drive #213, consisting of 791 square feet; and approve by motion a new office lease agreement for the premises located at 1583 Spinnaker Drive #213 & #214, consisting of 1,210 square feet between the Ventura Port District dba Ventura Harbor Village and Michael and Janette Quinn dba Sierra Pacific Mortgage for a two-year term.

STANDARD AGENDA:

1) Approval of Financial Statement and Checks
Recommended Action: Roll Call Vote.
That the Board of Port Commissioners adopt Resolution No. ~~3321~~ 3325,

a) Accepting the following financial statements - Financial Statements for the Fiscal Year Ending June 30, 2016 (pending completion of annual audit), Financial Statements for the Quarter Ending September 30, 2016 (new format); and
b) Review the payroll and regular checks for the months of June 2016, July 2016, August 2016 and September 2016.

ACTION: Commissioner Brennan moved, seconded by Commissioner Valance and carried by a vote 5-0 to adopt Resolution No. 3325, accepting the following financial statements – Financial Statements for the Fiscal Year Ending June 30, 2016 (pending completion of annual audit), Financial Statements for the Quarter Ending September 30, 2016 (new format); and review the payroll and

regular checks for the months of June 2016, July 2016, August 2016 and September 2016.

2) Approval of Notice of Completion for the Ventura Harbor Village Reroofing of 1449 and 1559 Spinnaker Drive

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3322,

a) Accepting the work of Letner Roofing Company for the reroofing of 1449 and 1559 Spinnaker Drive; and
b) Authorizing staff to prepare and record a Notice of Completion with the Ventura County Recorder.

ACTION: Commissioner Valance moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt Resolution No. 3322, accepting the work of Letner Roofing Company for the reroofing of 1449 and 1559 Spinnaker Drive; and authorizing staff to prepare and record a Notice of Completion with the Ventura County Recorder.

3) Acceptance of $11,000 Surrendered and Abandoned Vessel Exchange Grant

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3323 accepting a $11,000 Surrendered and Abandoned Vessel Exchange (SAVE Contract # C16S0621) offered by the California Division of Boating and Waterways.

ACTION: Commissioner Brennan moved, seconded by Commissioner Valance and carried by a vote of 5-0 to adopt Resolution No. 3323 accepting a $11,000 Surrendered and Abandoned Vessel Exchange (SAVE Contract # C16S0621) offered by the California Division of Boating and Waterways.

4) Acceptance of $45,557 Boating Safety and Enforcement Equipment Grant

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3324 accepting a $45,557.00 Boating Safety and Enforcement Equipment Grant (BSE Contract # C16L0611) offered by the California State Parks Division of Boating and Waterways.

ACTION: Commissioner Brennan moved, seconded by Commissioner Valance and carried by a vote of 5-0 to adopt Resolution No. 3324 accepting a $45,557.00 Boating Safety and Enforcement Equipment Grant (BSE Contract # C16L0611) offered by the California State Parks Division of Boating and Waterways.

5) Possible Award of Contract to Viola, Inc. for the Ventura Harbor Village Phase 3 Improvements

Recommended Action: Voice Vote.

That the Board of Port Commissioners consider the following actions relative to the Ventura Harbor Village Phase 3 Improvements:

1. Award a construction contract to Viola, Inc. in the amount of $1,500,000.
2. Accept RRM Design Group proposal to provide construction support during the Phase 3 work at their standard hourly rates not to exceed $27,000; and
3. Accept Rasmussen and Associates proposal to provide construction inspection services during the Phase 3 work at their standard hourly rates not to exceed $6,500.

ACTION: Commissioner Brennan moved, seconded by Commissioner Smith and carried by a vote of 4-1 (Valance no) to award a construction contract for the Ventura Harbor Village Phase 3 Improvements to Viola, Inc. in the amount of $1,570,909; accept RRM Design Group's proposal to provide construction support during the Phase 3 work at their standard hourly rates not to exceed $27,000; and accept Rasmussen and Associates' proposal to provide construction inspection services during the Phase 3 work at their standard hourly rates not to exceed $6,500.

Public Comment: Gregory Carson commented that this project is important and will make a great addition to the Village. Jo Hawthorne, owner of Island Creations recommended the mosaic be added to the project because it will bring a vibrant and colorful attraction to Harbor Village.

TIME CERTAIN AT 7:00PM
Each Applicant will get 45 minutes for their presentation.

6) Request for Proposals to Lease Ventura Port District Property for Development of Visitor Serving Uses

Recommended Action: N/A.

That the Board of Port Commissioners receive presentations by Brighton Management, H. Parker Hospitality and Pacific Heritage Communities regarding their proposals for development of visitor serving uses at Ventura Harbor pursuant to the Request for Proposals (RFP) issued on May 2, 2016.

ACTION: The Board of Port Commissioners received presentations by Brighton Management, H. Parker Hospitality and Pacific Heritage Communities regarding their proposals for development of visitor serving uses at Ventura Harbor pursuant to the Request for Proposals (RFP) issued on May 2, 2016.

The Commission's main concerns were parking plans and the increase of traffic in and out of the Harbor.

Public Comment: Dan Coverdale was concerned about the impact these developments would have on parking and traffic.

REQUEST FOR FUTURE AGENDA ITEMS: None.

ADJOURNMENT: The meeting was adjourned at 9:50PM.

Secretary

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

CONSENT AGENDA ITEM E

APPROVAL OF NEW RETAIL LEASE AGREEMENT FOR JUST 4 DREAMERS, INC.

VENTURA PORT DISTRICT **CONSENT AGENDA ITEM E**

BOARD COMMUNICATION Meeting Date: December 18, 2019

TO:	Board of Port Commissioners
FROM:	Dave Werneburg, Marina Manager
SUBJECT:	Approval of a New Lease Agreement for Just 4 Dreamers, Inc.

RECOMMENDATION:

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Just 4 Dreamers, Inc. for a five-year lease with three-year option.

SUMMARY:

Just 4 Dreamers has been on month-to-month tenancy. A new five-year lease with a three-year option has been negotiated so the tenant can strategically plan and upgrade their newly refurbished space.

BACKGROUND:

Just 4 Dreamers will now be located in the southwest corner of the Village Marina. The District has negotiated with the tenant to reduce their footprint from 749 linear feet of dock space to 347 linear feet; this will accommodate additional commercial fishing vessels in the newly renovated marina. Additionally, the tenant will have use of 217' of inside dock space for staging kayaks, paddle boards, misc. equipment; this is approximately the same amount of inside dock space as the previous lease. The newly configured marina footprint allows a more efficient use of water space for their permitted uses, which include: electric boats, paddle boats, kayaks, stand-up paddle boards, harbor tours, burial at sea, two boatels, charters, jet ski rentals.

FISCAL IMPACT:

Monthly slip rent will be $3,787.20 ($45,464.40 annualized). This is a reduction from $7,005.26 ($84,063.12 annualized) due to reduced premises. In addition, tenant will pay a percentage of sales. Existing security deposit shall remain in place. Tenant will continue to pay monthly common area maintenance (CAM), promotions and applicable taxes.

ATTACHMENTS:

None.

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

CONSENT AGENDA ITEM F

APPROVAL OF NEW OFFICE LEASE AGREEMENT FOR BRYAN MCGARRY DBA ANACAPA CONSULTING

VENTURA PORT DISTRICT **CONSENT AGENDA ITEM F**

BOARD COMMUNICATION Meeting Date: December 18, 2019

TO:	Board of Port Commissioners
FROM:	Robin Baer, Property Manager
SUBJECT:	New Office Lease Agreement for Bryan McGarry dba Anacapa Consulting 1559 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 Bryan McGarry dba Anacapa Consulting for the premises located at 1559 Spinnaker Drive #207 consisting of a total of 455 square feet for a one (1) year term with a one-year option.

SUMMARY:

Staff has negotiated with this tenant who will be signing a one-year term lease with a one-year option. Painting walls and flooring improvements are required for this space. This unit has already been updated with internet and new wiring.

BACKGROUND:

Anacapa Consulting offers recruiting and consulting services exclusively to the Construction Industry. They specialize in working with large Electrical and General Contractors throughout the US. These clients are responsible for building large scale commercial, institutional, healthcare, corporate campus, hi-rise and multi-family projects.

FISCAL IMPACT:

This new lease reflects current market rental rates for office space in the complex. Tenant improvements not to exceed $5,000.00 for cleaning the flooring and painting. The first-year annual occupancy cost for this tenant is approximately $8,928.00. The option year has a three percent step increase.

ATTACHMENTS:

None.

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

CONSENT AGENDA ITEM G

RESCHEDULING OF JANUARY 2020 REGULAR PORT COMMISSION MEETING

VENTURA PORT DISTRICT **CONSENT AGENDA ITEM G**

BOARD COMMUNICATION Meeting Date: December 18, 2019

TO:	Board of Port Commissioners
FROM:	Jessica Rauch, Clerk of the Board
SUBJECT:	Rescheduling of January 2020 Regular Port Commission Meeting

RECOMMENDATION:

That the Board of Port Commissioners cancel the January 15, 2020 regular meeting and reschedule it for January 22, 2020.

SUMMARY:

Due to Commissioner and staff absences for January 15, 2020, staff recommends cancelling the January 15, 2020 meeting and rescheduling it for January 22, 2020.

BACKGROUND:

Any meeting of the Board may be cancelled and/or rescheduled in advance by a majority vote of the Board.

FISCAL IMPACT:

None.

ATTACHMENTS:

None.

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

STANDARD AGENDA ITEM 1

ADOPTION OF RESOLUTION NO. 3381 APPROVING THE VENTURA PORT DISTRICT HUMAN RESOURCES MANUAL

VENTURA PORT DISTRICT **STANDARD AGENDA ITEM 1**
BOARD COMMUNICATION Meeting Date: December 18, 2019

TO:	Board of Port Commissioners
FROM:	Brian Pendleton, General Manager Gloria Adkins, Accounting Manager
SUBJECT:	Adoption of Resolution No. 3381 Updating the Ventura Port District Human Resources Manual

RECOMMENDATION:
That the Board of Port Commissioners:

a) Adopt Resolution No. 3381 updating the Ventura Port District Human Resources Manual;
b) Direct the General Manager to retain professional consultant services to evaluate the District's human resources procedures and administration and provide recommendations as appropriate.

SUMMARY:
Earlier this year the Ventura Port District ("District") retained the law firm Liebert Cassidy Whitmore ("LCW") to review and revise the District's Human Resources Manual ("Manual"). The overall purpose of LCW's review of the Manual is to update the Manual to comply with State and Federal employment laws, and clarify ambiguous and/or overbroad language in a manner that comports with District practice and public agency personnel best practices. LCW has since provided the District with a revised draft of the Manual. Attachment 1 reflects the recommended revisions.

BACKGROUND:
LCW has extensive experience in representing public sector management in the areas of employment law and labor relations, since 1980. Over the years LCW grew that practice to become California's preeminent public management employment law firm with over 80 attorneys in five offices.

LCW and District staff discussed proposed revisions with the representatives of Service Employees International Union (SEIU) Local 721 who represents Harbor Patrol and Teamsters Local 186 who represents Courtesy Patrol. Both unions concur with the recommended changes.

If directed, staff will request that LCW prepare a follow-up proposal for District consideration to evaluate the District's human resources procedures and administration and provide recommendations as appropriate.

FISCAL IMPACT:
The FY19-20 budget included funding to revise the Manual by the District's HR legal consultant LCW. The contract amount is $25,000. Staff will receive and evaluate the additional scope of services and cost and return to the Board as appropriate.

ATTACHMENTS:
Attachment 1 – Ventura Port District Human Resources Manual - Redlined
Attachment 2 – Resolution 3381 with Exhibit A (Clean Version)

Ventura Port District

Human Resources Manual

Adopted October 27, 2004
Revised October 27, 2010
Revised July 25, 2012
Revised June 12, 2015
Revised October 10, 2018
Revised December 18, 2019

TABLE OF CONTENTS

I. APPLICATION 1
I-A. Amendments 1
I-B. Non-Employment Contract 1
I-C. Employment at Will 1
I-D. Collective Bargaining Agreements 1
II. MANAGEMENT RIGHTS 2
III. GENERAL PERSONNEL POLICIES 3
III-A. Equal Opportunity Employer 3
III-B. Administrative Responsibilities 3
III-C. Personnel Records 3
1. General 3
2. Notifying the District of Changes in Personal Information 3
3. Location of Personnel Files 3
4. Medical Information 3
5. References and Release of Information in Personnel Files 4
6. Employee Access to Personnel File 4
IV. HOURS AND DAYS OF WORK 5
IV-A. Work Hours 5
IV-B. Work Week 5
IV-C. Work Periods 5
IV-D. Meal Period 5
IV-E. Rest Period 6
V. HUMAN RESOURCES PROCEDURES 7
V-A. Hiring and Recruitment 7
1. Vacant Positions 7
2. Reasonable Accommodation 7
3. Selection Process 7
4. Pre-Employment Investigation 7
5. Eligibility to Work in United States 7
V-B. Employment Classifications 7
V-C. Exempt vs. Non-Exempt Employees 8
V-D. Employment Status 8
1. Probationary Employees 8
2. Regular Full-time Employment 8
3. Temporary Employees 8
4. Regular Part-time Employees 9
5. Emergency Employees 9
6. Seasonal Employees 9
7. Per Diem 9
8. Provisional 9
9. Volunteer 9
V-E. Employee Orientation 10
V-F. Transfers of Position 10
1. Regular Transfer 10
2. Transfer of Pregnant Employees 10

3. Promotion 10
4. Demotion 10
5. Involuntary Transfer 10

V-G. Nepotism Policy 11
1. Supervisor-Subordinate Relationship 11
2. Married Employees 11

VI. COMPENSATION 12
VI-A. Determination of Compensation 12
VI-B. Pay Periods 12
VI-C. Deductions 12
VI-D. Overtime: Fair Labor Standards Act Provision 13
1. Non-Exempt Employees 13
2. Exempt Employees 13

VI-E. Compensatory Time Account 13
VI-F. Reviews 13

VII. BENEFITS 15
VII-A. Insurance 15
1. Health and Dental Insurance 15
2. Life Insurance 15
3. Long-Term Disability Insurance 15
4. Unemployment Insurance 15
5. Workers' Compensation Insurance 15

VII-B. Post-Termination Insurance Benefits (COBRA) 15
VII-C. Retirement Plan 15
VII-D. Holidays 16
1. Holiday Pay 16
2. Part-Time Employees 17

VII-E. Vacation 17
1. Accruals 17
2. Maximum Vacation 17

VII-F. Administrative Leave with Pay 18
VII-G. Sick Leave 18
1. Accrual of Sick Leave 18
2. Use of Non-Accrued Sick Leave 18
3. Sick Leave Use 18
4. Notification 19
5. Sick Leave Administration 19
6. Use of Sick Leave When Disabled 19
7. Job Related Injury 19
8. Sick Leave on Termination 20

VII-H. Sick Leave Bank 20
1. Donation Procedures 20
2. Using Hours Donated to Sick Leave Bank 20

VII-I. Time off to Vote 21
VII-J. Jury Duty and Court Appearances 21
VII-K. Bereavement Leave 21
VII-L. Personal Leave with Pay 22

VII-M. Other Leaves with Pay 22
1. Organ Donation or Bone Marrow Transplant 22
2. As Authorized by the General Manager 22
VII-N. Family Care and Medical Leave Policy 22
1. Reasons for Leave 22
2. Employees Eligible for Leave 22
3. Amount of Leave 23
4. Substitution of Paid Accrued Leaves 23
5. Minimum Duration of Leave 23
6. Spouses Both Employed by the District 23
7. Employees Benefits While on Leave 23
VII-O. Pregnancy Disability Leave 23
VII-P. Americans with Disability Act (ADA) Leave 24
VII-Q. Personal Leave without Pay 24
VII-R. Military Leave 25
VII-S. Emergency Duty 25
VII-T. Legal Witness 25
VII-U. Assist Victim of Domestic Violence 25
VII-V. Requested School Activity 25
VII-W. Victim of Crime 25
VII-X. Attend Drug or Alcohol Rehabilitation Program 25
VII-Y. Reimbursement of Expenses 25
VII-Z. Optional Benefit Plan 25
VII-AA. Full-Time Employee Incentive Pay Programs 26
1. Educational Incentive Pay Program 26
2. Bilingual Incentive Pay Program 26
VIII. TRANSITION WORK ASSIGNMENT PROGRAM 27
VIII-A. Employees Eligible to Participate 27
VIII-B. Employees Not Eligible to Participate 27
VIII-C. Employee Participation 27
VIII-D. Employee Responsibilities 28
IX. SEPARATIONS FROM SERVICE 29
IX-A. Voluntary Resignation 29
IX-B. Job Abandonment 29
IX-C. Dismissal 29
1. Regular Employees 29
2. Other Employees 29
IX-D. Layoff 29
1. Notice of Layoff 29
2. Layoff by Seniority 29
3. Demotion in Lieu of Layoff 30
4. Appeals Procedure for Layoffs 30
5. Re-Employment Rights for Laid-off Employees 30
IX-E. Reinstatement 30
IX-F. Re-Employment 30
IX-G. Payments Upon Termination of Employment 31
X. DISCIPLINARY ACTION 32
X-A. Grounds for Discipline 32

X-B. Procedures for Taking Disciplinary Action 33
1. "Business Day" 33
2. Notice of Disciplinary Action 33
3. Final Notice 34
X-C. Disciplinary Appeal Procedures 34
1. Peace Officers Bill of Rights 34
2. Employee's Response 34
3. Hearing Before the General Manager 34
4. Request for Hearing Before a Subcommittee of the Board 34
5. Conduct of Hearing 35
XI. GRIEVANCE PROCEDURES 36
XI-A. Definition of Terms 36
1. Procedure not to be used for 36
2. Filing a Grievance 36
3. The Grievance Process 37
4. Limitations on the Decisions of Those Hearing Employee Grievances 37
XII. DISCRIMINATION AND HARASSMENT PREVENTION POLICY 38
XII-A. Definition 38
1. Verbal 38
2. Physical 38
3. Visual or Written 38
4. Environmental 39
XII-B. Prohibited Supervisory or Managerial Behavior 39
XII-C. Behavior Prohibited by All Persons 39
XII-D. Obligations of Supervisors/Managers 39
XII-E. Complaint Procedure for Discrimination or Harassment 40
1. Obligations of All Employees 40
2. Responsibilities of Supervisors or Management 41
XII-F. Investigation/Corrective Action 41
XIII. EMPLOYEE CONDUCT AND RESPONSIBILITIES 42
XIII-A. Conduct 42
XIII-B. Job Responsibilities 42
XIII-C. Care of Equipment 42
XIII-D. Use of District Equipment Prohibited 42
XIII-E. Personnel Records 42
XIII-F. Employee Dress Code 42
XIII-G. Outside Employment 42
XIII-H. Violations and Penalties 43
XIII-I. Smoking 43
XIII-J. Safety 43
XIV. DRUG FREE WORKPLACE 44
XIV-A. Policy and Purpose 44
XIV-B. Applicability 44
XIV-C. Definitions 45
1. Controlled Substances 45
2. Prohibited Substances 45

3. Regulated Substances 45
XIV-D. Prohibited Conduct 45
1. Possession, Use, Manufacture and Trafficking 45
2. Drug Paraphernalia 45
3. Impairment 46
4. Alcohol 46
XIV-E. Testing for Prohibited Substances and Alcohol 46
1. Testing Procedures 46
2. Pre-Employment Screening 47
3. Reasonable Suspicion Testing 47
4. Post-Accident Testing 48
5. Random Testing 48
6. Return-to-Duty Testing 48
7. Employee Requested Testing 48
XIV-F. Employee Assessment 49
XIV-G. Compliance with Testing Requirements 49
XIV-H. Rehabilitation Programs 49
1. Mandatory Admittance 50
2. Voluntary Admittance 50
XIV-I. Notifying the District of Criminal Drug Convictions 50
XIV-J. Return to Duty Agreement 50
XIV-K. Employee Assistance Program 50
XV. ACQUIRED IMMUNE DEFICIENCY SYNDROME 52
XVI. CONTINUING EDUCATION AND TRAINING 53

I. APPLICATION

This manual applies to all employees of Ventura Port District (hereinafter "District") who are not Members of the Board of Port Commissioners (hereinafter "Board").

I-A. Amendments

The District retains the full discretion to modify the policies set forth in this manual at any time in accordance with the law and applicable Memoranda of Understanding (MOUs) ~~are subject to amendment from time to time~~ by resolution of the Board.

I-B. Non-Employment Contract

These rules do not create any contract of employment, express or implied, or any rights in the nature of a contract.

I-C. Employment At Will

Unless otherwise expressly provided for in an applicable collective bargaining agreement, employment contract, the District Commission's governing statues, or another part of these rules, all District Employees are employed on an at-will basis. Employment at-will may be terminated without cause and without notice at any time by the District. No manager, supervisor, or employee of the District has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the District acting through the Board of Port Commissioners has the authority to make any such agreement, which is binding and only if it is in writing.

I-D. Conflict Between These Policies and Collective Bargaining Agreements

If a provision of these policies conflicts with any provision of ~~an applicable~~a valid collective bargaining agreement ~~entered into by~~between the District and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall be deemed controlling ~~unless the policies have been renegotiated more recently~~and apply to employees covered by that collective bargaining agreement.

II. MANAGEMENT RIGHTS

The District shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority ~~pursuant to the law with respect to determining~~ necessary to determine the level of, and the manner in which, the District's activities are conducted, managed, and administered.~~, and all~~ All employees and any recognized employee representative shall ~~must~~ recognize the exclusive right of the District to establish and maintain District-wide rules and procedures ~~for the administration of all District business~~and to manage the affairs of the District in all of its various services and other aspects, including, but not limited to the following rights:~~.~~

~~The District has the exclusive right and authority~~

- ~~to~~ Direct and schedule work and/or overtime work as required in the manner most advantageous to the District.
- Direct employees to perform all job duties, including those incidental job duties not expressly stated in a job description. Every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that the employee perform all such duties.
- ~~The appointing authority reserves the right to~~ Ddiscipline or discharge employees subject to the Human Resources procedures as described in Section X. ~~T~~
- ~~he District reserves the right to~~ L~~l~~ay off personnel at any time as described in Section IX-D of this ~~.~~ manual.
- ~~The District shall d~~Determine assignments and establish methods and processes by which assignments are performed.
- ~~The District shall have the exclusive right to=~~ T~~t~~ransfer employees within departments, divisions and sections and to a position outside of a department, division or section in a manner most advantageous to the District.
- ~~The District shall have the authority to~~ E~~e~~ffect reorganizations and reallocation of work of the District.
- ~~The District has the right to~~ C~~c~~ontract for matters relating to District operations. The right of contracting or subcontracting is vested exclusively in the District.

The inherent and express rights of the District are not in any way, directly or indirectly, subject to meeting and notice, or meeting and conferring, or the District Grievance Procedure except those specifically referred to in this manual which are expressly modified or restricted by a specific provision.

III. GENERAL PERSONNEL POLICIES

III-A. Equal Opportunity Employer

The District ~~does not discriminate~~prohibits discrimination against employees or ~~qualified~~ applicants for employment on the basis of race, color, ~~religion~~religious creed, sex, gender, national origin, ancestry, ~~citizenship,~~ age (40 and over), marital status, physical disability, mental disability, medical condition, sexual orientation, gender identity, gender expression, genetic information, or military and veteran status or any other basis protected by law. The District ~~will~~ affords equal employment to all qualified employees and ~~qualified~~ applicants as to all terms and conditions of employment, including compensation, benefits, recruitment and selection, hiring, training, promotion, transfer, discipline and termination.

Employees, volunteers or applicants, who believe they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct ~~is~~ immediately by using the complaint procedure provided in this Manual, or by contacting the U.S. Equal Employment Opportunity or Commission, or the California Department of Fair Employment and Housing.

III-B. Administrative Responsibilities

The General Manager of the District shall ultimately be responsible for all personnel matters as to all subordinate employees in accordance with all federal and state laws and regulations and these policies, but may delegate as many of the day to day functions to others as is appropriate under the circumstances.

III-C. Personnel Records

1. General
   The District maintains a personnel file on each employee. An employee's personnel file shall contain only material that is necessary and relevant to the administration of the District's Human Resources Programs or that is required by law. Personnel files are the property of the District, and access to the information they contain is restricted to protect employee privacy interests.

2. Notifying the District of Changes in ~~Personal~~ Personnel Information
   Each employee is responsible to promptly notify the District of any changes in relevant ~~personal~~ personnel information including the following:
   - Mailing address
   - Telephone number
   - Persons to contact in emergency
   - Number and names of dependents
   - Physical limitations that could affect his or her ability to perform essential job functions

3. Location of Personnel Files
   Employee personnel files will be located in the District office or in an area designated by the District. Employee personnel files will be handled in a manner that protects the privacy of the employees.

4. Medical Information

Separate Confidential Files.
All medical information about an employee or applicant is kept separately from other personnel records and is treated as confidential in accordance with the Americans with Disabilities Act (42 U.S.C section 1211(d)(3)(b) and the California Confidentiality of Medical Information Act (Cal Civil Code section 56 seq.).

Information in Medical Files.
The District will not obtain medical information about an employee or applicant except in compliance with state and federal lawsthe California Confidentiality of Medical Information Act. To enable the District to obtain certain medical information, the employee or applicant may need to sign an Authorization for Release of Medical Information.

Access to Medical Information.
Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for District business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

Authorization for Release of Medical Records.
The District will not provide employee or applicant medical information to a third party (except as permitted under the California Confidentiality of Medical Information Act, or if access is required by law, subpoena or court order) unless the employee signs an Authorization for Release of Employee Medical Information. This form may be obtained through the General Manager or his designee. The District will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the District will communicate those limitations to the person or entity to which it discloses the medical information.

5. References and Release of Information in Personnel Files

Public Information.
Upon request, the District will disclose information contained in personnel files release to the public information about its employees as required by law, including the California Public Records Actthe Public Records Act. The District will not disclose confidential or personal information that it considers would constitute an unwarranted invasion of personal privacy. Information regarding peace officers disciplinary records will be released only pursuant to a properly brought "Pitchess motions" and/or pursuant to other relevant provisions of applicable state laws. *(As revised 7/25/2012)*

Reference Checks.
All requests from outside the District for reference checks or verification of employment concerning any current or former employee must be referred to the General Manager. Information will be released only if the employee signs an Authorization for Release of Employment Information that may be obtained in the General Manager's office. Without this authorization the following limited information will be provided: dates of employment and salary range upon departure. Department heads and supervisors should not provide information in

response to requests for reference checks or verification for employment, unless specifically approved by the General Manager after consideration on a case-by-case basis.

Medical Information.
Medical information will be released only in accordance with Section III-C.4.

6. Employee Access to Personnel File.

Inspection of File.
An employee may inspect his or her own personnel file, to the extent defined in California Labor Code section 1198.5, at reasonable times and at reasonable intervals, within 30 days of a written request. An employee who wishes to review his or her file should contact the General Manager to arrange an appointment. The inspection ~~his review~~ must be done in the presence of the General Manager or his designee and at a location where the employee works and at a time other than the employee's work time (Labor Code section 1198.5(b)(1), or at another agreed upon location without loss of compensation to the employee. (Labor Code section 1198.5(c)(2).)

Copies.
~~On request, a~~An employee is entitled to receive a copy ~~of~~ of his or her personnel records within 30 days after the District receives a written request.~~any employment-related document in his or her personnel file~~. An employee who wishes to receive such a copy should contact the General Manager or the General Manager's designee. The District may charge a fee for the actual cost of copying. (Labor Code section 1198.5(b)(1); 1198.5 (b)(2)(A).)

Representative's Inspection.
If the employee wishes to have another person/representative inspect his or her personnel file, he or she must provide the person/representative with written authorization. (Labor Code section 1198.5(e).) The General Manager or the General Manager's designee will notify the employee and/or representative of the date, time and place of the inspection in writing.

No Removal of File Documents.
No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

IV. HOURS AND DAYS OF WORK

IV-A. Work Hours

~~Employees assigned to shift work may be rotated between the various shifts from time to time. Those assigned to shift work are entitled to one half hour meal period per shift. During the meal period, the employee must be within hearing proximity of the radio system.~~

All District employees may be assigned different work schedules, including a 5/40, 4/10, 3/12 or 9/80 work schedule ~~based on either 40-hour workweek or an 80-hour pay period~~ depending on the needs of the District. Employees assigned to shift work may be rotated between the various shifts from time to time.

IV-B. Workweek

The ~~basic~~ workweek for ~~all~~ employees assigned to a 5/40 or 4/10 work schedule ~~shall be forty (40) hours, worked in units of eight hours per day in a workweek, which runs from~~begins at 12:00 a.m. on Wednesday ~~through~~ and ends at 11:59 p.m. on ~~midnight~~ Tuesday. ~~The General Manager may assign a different workweek when it is deemed beneficial to the District. *(As revised 1/23/2008)*~~

~~In cases where an employee's workday either begins or ends after midnight, that workday will not be split between workweeks. It will be placed within the workweek in which it is scheduled.~~

Certain employee groups may voluntarily choose to work ~~an alternative~~ "the "9/80 Alternative Workweek Schedule"~~"~~. The eligible employee groups are Maintenance Department including the Maintenance Supervisor and the Administration Department including the Marketing Department and the Marina Manager.

The "9/80 Alternative Workweek Schedule" allows a participating employee to work four (4) 9-hour days plus on (1) 8-hour day in one seven-day period ~~(44 hours)~~ and four (4) 9-hours days in an alternating seven day period ~~(36 hours)~~ without the ~~payment of an overtime rate of compensation~~accrual of overtime. For all employees working a 9/80 work schedule, the workweek shall begin exactly four hours into the 8-hour shift on the day ~~which constitutes their~~of the week that corresponds to the employee's regularly scheduled alternating day off. Participating employees working longer than nine hours but no more than twelve hours in a day pursuant to the alternative workweek schedule, or more than forty hours per workweek, shall be paid an overtime rate of compensation of one and one-half times the regular rate of pay. If a District holiday falls on an employee's regularly scheduled day off while participating in the 9/80 workweek, that employee will accrue nine hours of Comp Time. This Comp Time must be used within two months after the employee receives the approval from the employee's supervisor. *(~~As revised 10/27/2010)~~='*

The "3/12 Alternative Workweek Schedule" allows a participating employee to work three (3) 12-hour days plus on (1) 8-hour day in one seven-day period (44 hours) and three (3) 12-hours days in an alternating seven day period (36 hours) without the payment of an overtime rate of compensation accrual of overtime. For all employees working a 3/12 work schedule, the workweek shall begin exactly four hours into the 8-hour shift on the day of the week that corresponds to the employee's regularly scheduled alternating day off.

IV-C. Work Periods

The General Manager may designate different workweeks or work periods for different employees or groups of employees. The designation will include the time of day and day

of week on which the employee's workweek begins. If the District assigns employees to a public safety "FLSA 7(k)" work period, the designation must include the starting time and length of each employee's work period.

IV-D. Meal Period

Non-exempt District employees who work six hours per day or more shall be entitled to a 30-minute to 60-minute non-compensated meal period within five hours of beginning a workday provided that they are relieved of anticipated responsibilities and are free to leave the District during the meal period. A non-exempt employee may not waive a meal period in order to shorten his or her workday. A non-exempt employee that works through his or her meal period shall document the hours on his or her time card as time worked.

Employees who are ~~regularly~~ not ~~freed~~ relieved from job duties or are restricted to the District's property during meal periods are entitled to a 30-minute paid meal period, including those employees assigned to shift work in the Harbor Patrol and Courtesy Patrol who are required to be within hearing proximity of any District radio during the meal period~~.~~

IV-E. Rest Period

A fifteen (15) minute compensated rest period shall be provided to all District non-exempt employees for each four (4) hour period of service. The rest period shall be taken at a time designated by the employee's supervisor, is not cumulative and may not be combined to shorten the workday or to extend the meal period.

V. HUMAN RESOURCES PROCEDURES

V-A. Hiring and Recruitment

1. Vacant Positions

   When a full-time regular or a part-time regular position becomes vacant for which an open examination is to be held, the position shall be advertised in one local or regional newspaper that has substantial circulation in areas with large minority populations. Announcements of all open, closed and promotional positions shall also be posted on the bulletin board at the Ventura Port District office. Such announcement shall specify the following:

   - Title and pay for the position
   - The nature of the work to be performed and essential job duties of the position
   - The minimum qualifications
   - The desirable qualifications
   - The time and location of the examination or selection interview
   - The closing date for the application if one is established
   -
   - A medical examination, including a drug screen, will be required, post-offer of employment.
   - Any other information as ~~requested~~ determined ~~at~~ in the discretion of the General Manager or designee

2. Reasonable Accommodation

   An applicant with a disability may request accommodation in an examination process. Following a receipt of a request for accommodation, the District may require additional information, such as reasonable documentation of the existence of a disability. The District will comply with the employment–related reasonable accommodation requirements of the California Fair Employment and Housing Act and the Americans with Disabilities Act. An employee or applicant who alleges a denial of a reasonable accommodation may file a complaint pursuant to Section XII-E “Complaint Procedure for Discrimination or Harassment” of this manual or with the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

3. Selection Process

   Candidates for positions may be asked to perform and/or submit to written, oral, performance, physical and/or medical examinations. All examinations shall be conducted by or arranged for by the General Manager or his or her designee.
   The District administers two general types of examinations: (1) An "open" examination, which is open to all persons who the General Manager or his or her designee determines are the most highly qualified ~~meet the minimum qualifications~~ for the position; and (2) a "closed" examination, which is an examination limited to present District employees.

4. Pre-Employment Investigation

   As part of the selection process, the District will require finalists to sign an authorization form allowing the District to conduct reference, general background, previous employment, DMV, and criminal checks in compliance with state law.

Refusal to sign the background investigation authorization form will result in the finalist being excluded from the selection process.

5. Eligibility to Work in United States
   As a prerequisite to being hired by the District, each potential employee will be required to complete a Form I-9 and meet the Employment Eligibility requirements of the United States Department of Homeland Security ~~and the Citizen and Immigration Services~~.

V-B. Employment Classifications
All authorized position classifications shall be included in the Salary Resolution and will have job descriptions. The establishment of salary will be in accordance with the education, experience, duties and responsibilities of the employee. All job descriptions will identify that classification as exempt or non-exempt as required by the Department of Labor under the Fair Labor Standards Act (FLSA).

V-C. Exempt vs. Non-Exempt Employees
For purposes of payment of overtime pay and hours of work, District employees will fall into one of two categories: Exempt and Non-Exempt. Exempt employees are defined in the FLSA regulations. Those employees who do not meet the definition of Exempt employees under the FLSA are Non-Exempt employees.

V-D. Employment Status
District employees will fall into one of nine categories of employment status:

1. Probationary Employees
   Regular Full-Time and Regular Part-Time employees will be considered probationary from their date of hire until they have completed one year of continuous service for the District. The probationary period is a period of time during which the employee's supervisor will observe and evaluate the employee's ability to meet the expectations of the District regarding performance, attitude, conduct, and qualifications for the position in which they were hired. The probationary period is considered part of the selection process. The employee shall receive at least two formal evaluations during the probationary period.

   Rejection During Initial Probation.
   During the probationary period, a probationary employee serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre or post-disciplinary procedural due process or evidentiary appeal. During the initial probationary period ~~an employee~~ a probationary employee is an at-will employee and may be dismissed at any time without cause and without the right of appeal.

   Probation After Promotion.
   On accepting a promotion, an employee serves a new probationary period of six (6) months of actual and continuous service. Periods of time on paid or unpaid leave exceeding five (5) days (consecutive or not) shall automatically extend the probationary period by the number of days the employee is on leave. An employee does not acquire regular status in the promotional position until the successful completion of this probationary period. If the employee fails to satisfactorily

complete the probationary period in the promotional position, the employee shall be entitled to return to the position held prior to promotion at the pay rate or step held prior to promotion if there is a vacancy in the prior position or if a vacancy can be created by terminating a probationary employee. If there is no vacancy, the employee shall be assigned to a vacant position that is nearest the employee's prior position. The employee is not entitled to notice of a hearing with regard to an employee's failure to satisfactorily complete the ~~if rejected during~~ probationary period in the promotional position.

Report at Conclusion of Probationary Period.
At the end of the probationary period, there shall be a written report of probationary performance, which ~~report~~ will document whether the probationer is to become a Regular employee. The probationary period may be extended only for the amount of time, if any, that the Probationary employee was absent from employment during the probation period.

2. Regular Full-time Employment
   Employees who successfully complete their probationary period and who regularly work a minimum of 40 hours per week shall become full-time employees and shall be entitled to the benefits and leaves provided to other employees in the same classification and provided in these Policies, unless otherwise provided in an MOU. They shall also be entitled to the Disciplinary Appeal Process described in section ~~I~~X-C of this manual. ~~*(As revised 7/25/2012)*~~

3. Temporary Employees
   Employees who are selected without following the District's selection process to perform specific tasks may be employed up to 180 working days or until the task or project has been completed. The period of temporary employment may be extended for an additional 180 working days. Temporary employees serve at the pleasure of the appointing authority, have ~~–~~ no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal.~~and may be removed from employment at any time without cause, notice or any right of appeal~~. Temporary employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.

4. Regular Part-time Employment
   Employees who regularly work less than 40 hours a week but 20 hours or more a week and who successfully complete their probationary period shall become regular part-time employees and shall be entitled to regular part-time status equal to the hours worked when compared to 40 hours per week. Employees working less than 20 hours per week do not acquire regular status and are not entitled to benefits. Part-time employees may have rights to leave under the law or these Policies, unless otherwise provided in an MOU, depending on the number of hours they work. ~~-~~ Such employees serve at the pleasure of the General Manager, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal. ~~These employees are considered to be at-will and may be removed at any time without cause, notice or any right of appeal~~.

5. Emergency Employees

   Employees who are needed to perform emergency work may be employed at any time without following the District's selection process. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal. ~~and may be removed at any time without cause, notice or any right of appeal~~. Emergency employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.~~.~~

6. Seasonal Employees

   Employees who are needed to perform work on a regular seasonal basis may be employed without following the District's selection process. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal.~~and may be removed at any time without cause, notice or any right of appeal~~. Seasonal employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.

7. Per Diem

   Employees who are needed to perform work by the day may be employed without following the District's selection process. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal.~~and may be removed at any time without cause, notice or any right of appeal~~. Per Diem employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.

8. Provisional

   Employees who are needed to perform work until a regular Full-Time employee can be employed to do work until a certain situation or condition has ended. These employees usually work for a limited period of time and would rarely work more than 1000 hours. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal.~~and may be removed at any time without cause, notice or any right of appeal~~. Provisional employees are not eligible for benefits but may rights to leave under the law or these Policies, depending on the number of hours they work.

9. Volunteer

   Volunteers are not considered employees, but instead are individuals who provide services to the District for civic or philanthropic reasons. Volunteers ~~are individuals who are performing work for the District but who~~ are not paid any salary nor do they receive any benefits. Volunteers ~~who agree~~ may be transferred to meet the needs of the District and their work contributions may be ended depending upon

the need of the District. A volunteer serves at-will and may be removed at any time without cause, notice or any right of appeal.

V-E. Employee Orientation

During an employee's first few days of employment, the employee will participate in an orientation program conducted by various members of the employee's department, including the employee's supervisor. During this program, the employee will receive important information regarding the performance expected and required of the employee, District policies, compensation and benefit programs, as well as other information necessary to acquaint the employee with District policies. The employee will also be asked to complete all necessary paperwork at this time, such as medical benefit plan enrollment forms, beneficiary designation forms, appropriate Federal, State and local tax forms, and other necessary administrative forms.

The District strongly encourages new employees to ask any and all questions they may have during the orientation program so that they will understand all guidelines that affect and govern their employment relationship with the District.

V-F. Transfers of Position

1. ~~Regular~~ Voluntary Transfer

   Employees with one year of satisfactory or better service may initiate a request to transfer to another position in the same or lower classification for which the employee is qualified in the opinion of the General Manager.

   The "Request" must be in writing to the General Manager and include the employee's qualifications for the transfer position.

   The General Manager will consider the best interests of the District prior to authorizing any employee requested transfer.

   Approval or rejection of voluntary transfer requests will be at the discretion of the General Manager and not subject to appeal or review.

~~2. Transfer of Pregnant Employees~~

~~When requested by the employee, the District will make all efforts to transfer a pregnant employee to a position which is less strenuous, or otherwise more appropriate, for the duration of her pregnancy only when such a transfer can be reasonably accommodated.~~

~~3.~~2. Promotion

Employees may be offered a vacant position, for which they are qualified, at the discretion of the General Manager. The employee will serve a promotional probationary period as detailed in Section V-D1.

~~4.~~3. Demotion

Employees may be demoted in the event of a reduction in personnel due to lack of work, lack of funds, the employee's inability to perform his or her required duties, or for disciplinary reasons, at the discretion of the General Manager. In the event that a Regular employee is demoted for disciplinary purposes, that employee is entitled to the appeals procedure set forth in Section ~~I~~X-C "Disciplinary Appeals Procedures" of this Manual.

~~5.~~4. Involuntary Transfer

The General Manager shall have the authority to involuntarily transfer an employee ~~on an involuntary basis~~at any time for efficiency, health conditions, safety, morale or other grounds beneficial to the District.

Whenever possible, an employee being transferred from one position to another position in the same class, or a comparable class at the same salary level, shall receive five (5) working days' notice. If the transfer requires the employee to move equipment from one location to another, the employee shall receive seven (7) working days' notice.

V-G. Nepotism Policy

The District regulates the employment and placement of relatives, spouses and domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision and morale.

For purposes of this section, "relative" means ~~spouse, domestic partner,~~ child, stepchild, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership. ~~parent-in-law, brother-in-law or sister-in-law~~. ~~The District may employ qualified relatives of employees so long as such employment does not, in the opinion of the General Manager, create an actual or perceived conflict of interest.~~

For purposes of this section, "spouse" means one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.

For purposes of this section, "supervisory relationship" means one in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to him or her by the District.

~~No person shall be appointed or promoted to a position in the District in which such person's relative already holds a position, when such employment would result in any of the following:~~

1. ~~Supervisor-Subordinate Relationship~~ Relatives

   The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result:

   - A direct or indirect supervisory relationship between the relatives;
   - The two employees having job duties which require performance of shared duties on the same or related work assignment;
   - A potential for creating an adverse impact on supervision, safety, security, morale or efficiency. ~~During the period of employment, no supervisory position shall exist between the two employees. For the purpose of this section, a supervisory relationship shall be defined as one in which one person exercises the right to control, direct, reward or punish another person by virtue of the duties and responsibilities assigned to his or her position.~~

2. ~~Married Employees~~Spouses or Domestic Partners

The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person's relative already holds a position, if any of the following would result:

- One spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or
- ~~The District also retains the rights to refuse to place both spouses~~ Spouses or domestic partners in the same department, division, section or facility ~~where such~~ has the potential ~~for~~ to ~~creating~~ create adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

If two employees who work in the same department later become spouses or domestic partners, ~~Where circumstances mandate that two spouses shall not work together,~~ the General Manager will attempt to transfer one spouse to a similar position in another department, division, section or facility. Although the wishes of the involved parties as to which spouse/domestic partner is to be transferred will be ~~given consideration~~considered ~~by the District~~, the General Manager retains sole discretion to determine which employee ~~controlling factor in determining which spouse is to~~ will be transferred ~~shall be the positive operation and efficiency of~~based upon the District's needs for supervision, safety, security or morale. If any such transfer results in a reduction in salary or compensation, the same shall not be considered disciplinary in nature and shall not be subject to any form of administrative appeal.

If continuing employment of two spouses or domestic partners who work in the same department cannot be accommodated consistent with the District's interest in promotion of safety, security, morale and efficiency, then the District retains sole discretion to separate one spouse from District employment. Absent resignation by one affected spouse or domestic partner, the less senior of the involved spouses or domestic partners will be subject to separation. ~~Any such separation and the same~~ shall not constitute discipline and shall not be subject to any administrative appeal.

~~V.~~VI. COMPENSATION

VI-A. Determination of Compensation

The General Manager's salary shall be negotiated with the Board. Any employee with an employment agreement shall have his or her rates of pay or salaries established annually through negotiation with the General Manager and/or the Board in conjunction with the annual District budget.

Rates of pay for other employees may be based on either a pay range based on merit or a step system based on length of service and satisfactory performance.

1. Merit Increase

   Adjustments within a Pay Range will be based on individual merit. Merit encompasses an employee's knowledge, experience, ability, and performance, among other factors. A merit increase is considered as being earned by an employee. A merit increase is advancement to a higher rate in the employee's classification pay range. A merit increase is based on satisfactory or better work performance and must be accompanied by a current employee evaluation prepared and signed by the employee's supervisor and signed and approved by the General Manager. The employee shall acknowledge receipt of such evaluation in writing.

~~Adjustments in salary within a step program shall be based on satisfactory performance and length of service. A step increase is based on satisfactory or better performance and completion of one-year of employment until the employee reaches the top step. A recommendation for step increase must be accompanied by a current employee evaluation prepared and signed by the employee's supervisor and signed and approved by the General Manager. The employee shall acknowledge receipt in writing of such evaluation. The General Manager may authorize a special advancement of an employee to a higher step than would normally have been attained by the employee simply by virtue of that employee's duration of service to the District. This type of advancement is reserved for only very exceptional cases and shall be approved only after being carefully considered and analyzed. A special merit advancement need not affect the employee's anniversary date.~~

Each year during the budget process and at such other times as the Board of Port Commissioners shall determine in its discretion, the Board of Port Commissioners shall review the rates of pay to ensure that the specified salary ranges ~~or pay steps~~ are appropriate for identified positions given the duties and responsibilities of such positions.

VI-B. Pay Periods

District employees ~~shall be~~are paid bi-weekly by check or direct deposit every other Friday ~~for a bi-weekly pay period~~.

VI-C. Deductions

The District shall deduct from all employees' paychecks all legally required withholdings and deductions. Employees may request and authorize in writing that the District make other deductions for other voluntary programs as approved by the General Manager.

VI-D. Overtime: Fair Labor Standards Act Provision

The District is subject to~~will comply with the~~ applicable FLSA provisions regarding~~of~~ overtime compensation.

1. Non-Exempt Employees

   The District as a matter of general policy does not permit employees to work overtime; however, non-exempt employees may be required to work overtime at the discretion of the General Manager.

   Overtime for non-exempt employees ~~-~~is defined as hours assigned to be worked and actually worked (except for authorized FLSA 207(k) work periods and as otherwise set forth in a MOU) in excess of their scheduled workday or forty (40 hours) in the designated seven (7) day workweek. ~~*(As revised 7/25/2012)*~~

   Non-exempt employees shall obtain authorization to work all overtime. A non-exempt employee who works unauthorized overtime may be subject to disciplinary action. Each Department shall establish procedures for obtaining authorization for overtime.

   Non-exempt employees working authorized overtime shall accrue compensatory time off at one and one-half hours (1-1/2) per hour worked.

   A non-exempt employee may not accrue more than 40 hours of compensatory time off at any one time.

2. Exempt Employees

   Exempt Employees are not eligible to receive pay or compensatory time off for working in excess of their scheduled workday or over 40 hours per week.

VI-E. Compensatory Time Off Account

A compensatory time off account will be maintained for employees required to work on a holiday or overtime. A worksheet of this account will be included in each employee's pay envelope to assist the employee in tracking this information. The District reserves the right to correct any errors in this worksheet.

All compensatory time off accrued will be paid off at the employee's current regular rate of pay in the last pay period of each quarter, unless the employee requests to have the compensatory time carried over by submitting a request in writing to the General Manager at least seven (7) days prior to the end of the quarterly pay period. The General Manager will determine whether to allow or disallow the compensatory time to be carried over to the following quarter. In no event will time be carried over beyond one subsequent quarter.

An employee may not accrue more than 40 hours of compensatory time off.

All compensatory hours accrued by an employee shall be paid off immediately prior to the effective date of any increase in pay.

VI-F. Performance Reviews

~~Periodically, and at least once a year,~~Once annually at the end of each calendar year, a non-probationary employee's supervisor will prepare and sign a performance evaluation on a District form for each annual performance evaluation period. More than one performance evaluation may be provided to the employee during the course of the annual evaluation period at the discretion of the supervisor. ~~the employee-employer relationship will be reviewed by the employee and at least one supervisor~~. ~~Employees are strongly encouraged to use this opportunity to ask questions about their performance, their prospects for advancement within the District, and any other matters relating to their employment.~~

The ~~periodic~~ annual review process is meant to be a review not only of the performance of the employee, but also of the District. Employees are in the best position to evaluate the overall effectiveness, efficiency and organization of the District, and for that reason the District strongly encourages employees to evaluate the District's performance not only in regard to personnel matters, but also with regard to its overall effectiveness, productivity, and service to the public.

Performance Review Meeting

In conjunction with the written ~~review~~ performance evaluation, the supervisor will meet with the employee to discuss ~~a written~~ the evaluation. ~~of the employee's performance shall be conducted~~. The written evaluation shall be presented to and reviewed with the employee. The employee shall sign or otherwise acknowledge receipt of such written evaluation. Employees are strongly encouraged to use this opportunity to ask questions about their performance, their prospects for advancement within the District, and any other matters relating to their employment

Employee Response to Evaluation

After receiving a copy of the written evaluation, the employee will have the opportunity to review and respond to the evaluation. If the employee is not satisfied with the written report, that employee shall be entitled to the appeal procedure provided for in this Manual under Section X, "Grievance Procedures." All documentation concerning the review becomes a part of the employee's personnel file.

~~VI.~~VII. BENEFITS

VII-A. Insurance

1. Health and Dental ~~Insurance~~-
   The District provides a monthly sum, as established by resolution of the Board of Port Commissioners that all Probationary and Regular employees may apply toward the cost of general health and dental insurance for themselves and their dependents. Employees may include additional coverage, both for themselves and for their dependents, at their own expense. The effective date of coverage and the terms of the coverage of the insurance plans shall be governed by those plans.

2. Life Insurance
   The District furnishes and pays for group insurance for all Probationary and Regular employees, if insurable. The effective date of coverage and the terms of the coverage shall be governed by the plan. The death benefit shall be equal to the annual base earnings of the employee.

3. Long-Term Disability Insurance
   The District provides long-term disability insurance coverage for all Regular and Probationary employees. The effective date of coverage and the terms of the coverage shall be governed by the policy. Once an employee is declared totally disabled pursuant to the terms of said disability insurance policy, the employee shall be eligible to receive sixty percent (60%) of his or her full salary during the 90-day "elimination period" specified in the policy. The District shall commence this payment only after the employee has utilized all sick leave, vacation time and compensatory time off to which he or she is entitled.

4. Unemployment Insurance
   The District provides and pays for unemployment insurance under a program administered by the State of California, Employment Development Department. In the event of unemployment, weekly benefits are available under terms and conditions of the program.

5. Workers' Compensation Insurance
   The District provides Workers' Compensation Insurance for all employees. The effective date of coverage and the terms of coverage shall be governed by the policy.

VII-B. Post-Termination Insurance Benefits (COBRA)

Insurance benefits for Probationary and Regular employees will terminate at the time the employee, for whatever reason, is no longer employed by the District. The employee may elect to continue to be covered by health and dental at his or her expense for the duration established by law, usually eighteen (18) months. ~~*(As revised 7/25/2012)*~~ The employee must request coverage in writing and remit to the District on a monthly basis the amount of the insurance premium plus a two percent (2%) administration fee.

VII-C. Retirement Plan

The District is a member of the California Public Employees Retirement System (PERS)~~, and A~~all Regular and Probationary employees automatically become members of the System upon entry into employment with the District. Deductions from an employee's salary are made at the rates fixed by state law; however, the District may elect, by

resolution of the Board of Port Commissioners, to pay all or a part of the employee's contribution to the Retirement System. Benefits are available under terms and conditions of the program. Retirement benefits are not provided to other employee classifications unless a specific employee works more than 1000 hours in a fiscal year.

VII-D. Holidays

Each full-time employee shall be entitled to only the following holidays each calendar year with pay ~~and no others~~:

- New Year's Day (January 1)
- Martin Luther King Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- The Friday after Thanksgiving,
- Christmas Day (December 25)
- Two personal holidays

If any of these holidays falls on a Sunday, the following Monday shall be treated as the holiday. If the holiday falls on a Saturday, the preceding Friday shall be treated as the holiday.

For Departments that have employees who regularly work weekends, the holiday shall be observed on the actual holiday regardless of day of the week on which the holiday falls.

Employees must be employed by the District on the day preceding and the day following a holiday for the employee to be entitled to a paid holiday. Employees who are on authorized paid leave are considered ~~as~~ employed for purposes of this policy.

Employees may request to take off two days per fiscal year as personal holidays. These personal holidays will be lost if not taken in the fiscal year. Prior approval from the General Manager is required.

At the discretion of the General Manager the holiday schedule may be amended.

1. Holiday Pay

   Any non-exempt employee who is off on a holiday for any reason~~, except for industrial related injury or disability,~~ shall receive either one day of Holiday Pay or one day of compensatory time as appropriate.

~~Employees on Long Term Disability or extended Worker's Comp (over 90 days) shall not be eligible for Holiday Benefits and no compensatory time shall accrue.~~

Any non-exempt employee who works a holiday as part of his or her normal workweek shall receive 1.5 times his or her base hourly rate of pay ~~wage~~ for each hour worked plus one day of compensatory time.

Any hours a non-exempt employee works on a ~~Holiday~~ holiday over his or her normal workday shall be paid at double-time of the employee's base hourly rate of pay.

Any non-exempt employee who works a holiday in addition to his or her normal workweek shall receive double-time of the employee's base hourly rate of pay for hours worked plus one day of compensatory time off. ~~Any hours worked beyond the employees normal workday shall also be paid at double-time.~~

Exempt employees shall receive one day of Holiday Pay at his or her ~~regular~~ base rate of pay for each of the approved District Holidays. If an exempt employee is required to work on any District ~~holiday~~Holiday, he or she shall receive one hour of compensatory time off for each hour actually worked on the holiday.

2. Part-time Employees

   Part-time employees shall be paid at one and one-half times their ~~regular~~ base hourly rate of pay for working a Holiday.

VII-E. Vacation

The purpose of annual vacation leave is to enable each eligible employee to ~~annually~~ take vacation leave and return to his or her work mentally and physically refreshed. Scheduling of vacation time will be at the discretion and with the approval of the General Manager. Every effort will be made to accommodate employee vacation requests within the constraints imposed by the District's operational needs. Upon separation from service, employees will be paid for any unused accrued vacation. With approval, all employees shall be entitled to take their accrued annual vacation leave with pay as follows:

1. Accruals

   Probationary employees do not accrue vacation. Upon successful completion of a probationary period, employees will be credited 80 hours of vacation time.

   Full-time Regular employees with less than five (5) years of service shall accrue vacation hours at the rate of 3.08 hours per bi-weekly pay period or 80 hours per year.

   Full-time Regular employees, with five (5) years of service but less than ten (10) years of service, shall accrue vacation leave at the rate of 4.6154 hours per bi-weekly pay period or 120 hours per year.

   Full-time Regular employees with ten (10) years of service or more shall accrue vacation leave at the rate of 6.153 hours per bi-weekly pay period or 160 hours per year.

   Regular Part-time employees accrue vacation directly in proportion to a Regular Full-Time assignment. For example, a Regular Part-time Employee who works 30 hours per week, will accrue vacation at .75 the Full-Time rate.

   Vacation Leave will not accrue during leaves of absence without pay unless required by law (e.g. military leave)~~.~~

2. Maximum Vacation
   The maximum vacation accrual is limited to two hundred fifty (250) hours. Employee is paid off quarterly for hours in excess of 250 hours in his or her vacation accrual bank at the employee's base hourly rate of pay. When a paid holiday falls during the period of an employee's vacation leave, that day shall not be charged against the employee's vacation accrual.

   ~~When an employee's vacation accrual reaches 225 hours, the employee will be encouraged to take vacation leave.~~

   Vacation hours accrued in excess of two hundred and fifty (250) will be paid at the employee's ~~regular~~ base hourly rate of pay.

VII-F. Administrative Leave ~~with~~ With ~~pay~~Pay
The District shall have the right to place an employee on administrative leave with full pay at any time when it is determined that the employee's or the District's best interests warrant the leave.

The employee has no right to appeal the decision to be placed~~ment~~ on paid administrative leave.

VII- G. Sick Leave

1. Accrual of Sick Leave

   Regular Full-Time employees.
   Sick leave shall accrue at the rate of 3.5 hours per pay period up to a maximum accrual of 720 hours. Accrued sick leave carries over from year to year. If permitted by the District's retirement system, sick leave accrual in excess of 720 hours may be allowed for purposes of calculation of retirement benefits only.

   Regular Part-Time employees.
   Sick leave shall accrue at the same hourly rate of accrual for Regular Full-Time employees ~~calculated on~~prorated by the number of hours worked each pay period.

   In accordance with California's Paid Sick Leave law and Labor Code section 233~~compliance with the "Healthy Workplaces, Healthy Families Act of 2014, beginning July 1, 2015, the following policies are implemented for~~, Part-time, Per Diem and other employees that work a minimum of thirty days in a year have the following sick leave benefits:
   - An employee must be employed by the Ventura Port District for 90 days before being entitled to use paid sick leave;
   - Sick leave will accrue at a rate of one ~~1~~ hour for every thirty hours worked;
   - Employees may take a maximum of three days or 24-hours of sick leave per year;
   - Unused Sick Leave will carry over to the next year to a maximum of six days or 48 hours;
   - An employee may only take paid sick time for a day in which s/he is scheduled to work;

- These employees shall not be eligible for "Non-Accrued Sick Leave" as provided in ~~section~~ Section *VII-G 2*.

2. Use of Non-accrued Sick Leave
At the General Manager's discretion, a maximum of six (6) days of non-accrued sick leave may be granted to an employee with a physician's certification. Any non-accrued sick leave granted shall be repaid at the same rate sick leave is accrued by the employee. In the event the employee's employment is terminated or the employee separates before the non-accrued sick leave has been repaid, any remaining hours that have not been accrued shall be deducted from the employee's final paycheck with written authorization from the employee.

3. Sick Leave Use

In accordance with California's Paid Sick Leave law and Labor Code section 233, an employee may use one-half of their available annual accrual of sick leave in a 12-month period for one of the following reasons:

a. diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or

b. for an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

Any additional paid sick leave provided to an employee beyond the use of one-half of their annual accrual of sick leave can only be used for the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

~~Sick leave can be used only in case of an employee's actual illness or injury or for medical or dental appointments that cannot be scheduled during days off unless authorized by the General Manager.~~

Sick leave shall not be granted to any employee to permit an extension of the employee's vacation.

The General Manager may require that regular full-time and part-time employees provide a physician's certification to support any absence that involves the illness of the employee or family member if the District suspects that there is an abuse of sick leave by the employee. All employees who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.~~may require a physician's certification at~~

~~any time indicating the employee's status and expected return to work date. Failure to provide a physician statement may result in leave without pay.~~

The General Manager, at the District's expense, may require an employee who has been absent from work due to illness for seven (7) consecutive days to have a physical examination performed by a physician designated by the General Manager to determine the employee's fitness to return to duty.

Unless authorized by the General Manager, no more than six (6) days of accumulated sick leave credits may be allowed to an employee within any calendar year for absence from duty because of death, serious illness, or injury of members of the employee's immediate family. For the purpose of this Subsection "immediate family" shall mean the spouse, domestic partner, parent, sibling, child, grandchild, grandparent, mother-in-law or father-in-law of an employee.

Sick leave shall not be granted to any employee absent from duty due to willful misconduct on the job.

Sick leave shall not be granted to any employee absent from duty after separation from the District's service or during a District authorized leave of absence without pay, or any other absence from duty not authorized by the District.

Abuse of sick leave, which is defined as a claim of entitlement to sick leave when the employee does not meet the requirements of sick leave as defined herein, shall be subject to disciplinary action.

4. Notification

Prior to Shift.
In order to ~~apply for~~request sick leave, an employee shall notify the appropriate immediate supervisor or the General Manager no later than one (1) hour after the time established as the beginning of the employee's workday.

During Shift.
An employee who becomes sick during his or her shift shall immediately notify his or her immediate supervisor to request permission to use sick leave for the remainder of the shift.

5. Sick Leave Administration
The General Manager shall be responsible for the administration of the use of sick leave.

6. Use of Sick Leave When Disabled
An employee's entitlement to receive sick leave payments shall terminate when said employee becomes eligible to receive disability payments.

7. Job Related Injury
An employee, other than those covered by Labor Code Section 4850, who receives Workers' Compensation benefits as a result of an injury suffered while working for

the District is entitled to receive from the District the difference between Workers' Compensation benefits and the employer's regular pay. Any such payments will be charged first to accrued sick time, next to compensatory time off, and then to accrued vacation time.

Once all sick time and vacation time is used, the employee will receive only Workers' Compensation benefits for as long as the employee remains off the job.

Sworn Police employees covered by Labor Code Section 4850 *et seq.* will be allowed up to one year leave of absence for an industrial injury or illness without loss of salary in lieu of disability payments, consistent with state law. The employee will continue to accrue sick leave and vacation benefits while in paid status.

8. Sick Leave on Termination
   Employees who are terminated or otherwise leave the employment of the District shall receive compensation for unused sick leave, computed pursuant to section ~~VII~~X-G~~U~~.1. "Payments Upon Termination of Employment."

VII-H. Sick Leave Bank

1. Donation Procedures
   Eligible employees with more than 80 hours of ~~an~~ accrued sick leave ~~balance~~ may transfer up to six (6) days or 48 hours of sick leave hours to the District Sick Leave Bank if the employee retains a minimum of 80 sick leave hours. These donated hours are to be given to eligible employee(s) who is/are experiencing a catastrophic illness.

   A 'catastrophic illness' is ~~an~~ a severe illness or injury which is expected to incapacitate the employee for an extended period of time and which creates a financial hardship because the employee has exhausted all of his/her accumulated paid leave time. ~~*(As revised 7/25/2012)*~~

   Donations shall be made in writing to the General Manager.

   Written donations shall include the name of the employee to receive your donated sick leave hours, if known at the time of the donation, the number of hours to be donated and signed by the donor employee.

   Sick leave hours donated will be withdrawn from the donor employee's accrued sick leave bank by the next pay period.

   All sick leave hours donated are irrevocable.

2. Using Hours Donated to Sick Leave Bank

   Only ~~r~~Regular Full-Time and Regular Part-Time employees are eligible to receive donated sick leave hours. Before receiving donated hours, the employee must exhaust his or her accumulated sick leave, comp time off and all but 40 hours of accrued Vacation Time. These employees must apply in writing for sick leave

hours from the District's Sick Leave Bank. This written request must indicate that the employee has a catastrophic illness or injury, is disabled and unable to return to work as verified by an attached physician's statement.

The physician's statement must include an estimate of the time before the employee can return to full work or modified work.

If the employee is able to return to modified work the physician's statement must include all work restrictions.

If the employee is determined by a physician to be permanently disabled from work, the employee is no longer eligible to receive sick leave from the District's Sick Leave Bank.

The District, at its discretion, is entitled, at District expense, to require an employee who is receiving sick leave from the District's Sick Leave Bank to be examined by a physician mutually agreed upon by the General Manager and the employee.

VII-I. Time off to vote

If an employee does not have sufficient time outside of working hours to vote at a statewide election, the employee may take up to two (2) hours off without loss of pay at the beginning or the end of the day. The employee must request prior approval of time off to vote from the General Manager.

VII-J. Jury Duty and Court Appearances

Regular Full-Time and Regular Part-Time employees who are required to serve as a juror shall be entitled to be absent from his or her job duties during the period of such service.

Employees are required to notify their supervisor immediately to allow time for arrangements to be made to cover their duties and responsibilities while they are serving on jury duty.

Employees are required to return to work if excused from jury duty with more than one half day of their regular workday remaining.

Non-exempt e~~E~~mployees ~~will~~ will be paid for actual work hours missed because of time spent in jury service or court. Exempt employees will continue to receive their normal salary while on jury duty or serving as a witness in court. ~~receive full pay for the hours spent on jury duty for the hours they would have worked on their regular work schedule~~. The District will offset from pay the amount the employee receives from the Court for jury fees.

Employees who are subpoenaed to appear in court in a case related to District business shall be allowed to do so without loss of compensation unless the employee is appearing as a party or an expert witness in a case unrelated to District business.

VII-K. Bereavement Leave

An employee may request paid time off in the event of a death in the immediate family as defined in Section VII-G.3~~.e~~ "Sick Leave." The employees request will identify the deceased and his or her relationship to the deceased, the number of paid and/or unpaid

days requested. If the number of days exceeds three workdays, the request will give an explanation of why those days are necessary. ~~*(As revised 7/25/2012)*~~

The General Manager shall have discretion to grant bereavement leave with or without pay.

The General Manager shall have discretion to establish the duration of Bereavement Leave.

VII-L. Personal Leave With Pay
Considering valid reasons, the length of service with the District, employee performance and the impact to work, the General Manager may authorize an employee to use leave with pay.

Requests for leave with pay must be presented to the General Manager in writing not less than five (5) working days prior to the time off requested except under legitimate, unforeseen circumstances.

The written request must include the employee's intention to return to work. If an employee fails to return after his or her period of authorized paid leave, the employee will not be reinstated following the stipulations contained in Section VIII-B, "Job Abandonment."

VII-M. Other Leaves with Pay

1. Organ Donation or Bone Marrow Transplant
   Consistent with the provisions of Labor Code Sections 1508-1513, the District will grant paid time off for organ donation and bone marrow transplants. ~~*(As revised 7/25/2012)*~~

~~2. As Authorized by the General Manager~~
~~The General Manager may grant written authorization for absences with pay whenever circumstances would indicate that such an authorization is appropriate.~~

VII-N. Family Care and Medical Leave Policy
To the extent not already provided under current leave policies and provisions, the District will provide family and medical care leave for eligible employees as required by state and federal law. Leave under this policy is unpaid. The following provisions set forth certain rights and obligations with respect to such leave. The rights and regulations for taking family care and medical leave are pursuant to the regulations of the California Family Rights Act ("CFRA") and Federal Family and Medical Leave Act ("FMLA"). Unless otherwise provided by law, the District will run each employee's CFRA and FMLA leaves concurrently.

1. Reasons for Leave
   Leave is only permitted for the following reasons:

   a. The birth of a child or to care for a newborn of an employee;

   b. The placement of a child with an employee in connection with the adoption or foster care of a child;

c. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;

d. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;

e. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation

f. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

~~The birth of a child or to care for a newborn of an employee. The placement of a child with an employee in connection with the adoption or foster care of a child.~~

~~Leave to care for a child, parent, domestic partner or a spouse who has a serious health condition.~~

~~Leave because of a serious health condition that makes the employee unable to perform the functions of his or her position.~~

2. Employees Eligible for Leave

An employee is eligible for leave if the employee:

- Has been employed for at least 12 months; and
- H~~h~~as been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave~~.~~; and
- The District directly employs at least 50 full or part-time employees within a 75-mile radius for each working day during each 20 or more calendar workweeks in the current or preceding calendar year.
- Is disabled by reason of pregnancy (i.e. no minimum eligibility period for pregnancy disability leave)

3. Amount of Leave

Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered servicemember) of leave during any 12-month period. If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

Pregnancy disability leave may be ~~combined~~ run concurrently with "baby bonding" leave.

4. Substitution of Paid Accrued Leaves
   Although family and medical care leave is unpaid, an employee may elect and the District may require an employee to concurrently use all paid accrued leaves during family and care leave as permitted by state and federal laws. ~~While on leave under this policy, an employee may elect to concurrently use paid accrued leaves. In accordance with CFRA, the District may require an employee to concurrently use paid accrued leaves after requesting CFRA leave, and may also require an employee to use qualifying CFRA~~.

5. Minimum Duration of Leave
   If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

   If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, the minimum amount of leave that must be taken is one day. The notice and medical certification provisions of this policy must be complied with.

6. Spouses Both Employed by the District.
   In cases where the ~~husband and wi~~ parents of a child, adoptee or foster child ~~fe~~ are both employed by the District and are entitled to bonding leave~~, they are both entitled to leave~~, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12 month period if leave is taken for the birth or placement for adoption or foster care of the employee's child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy. If both parents of a covered servicemember are employed by the District and are entitled to leave for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during the 12-month period. This limitation does not apply to any other type of leave under this policy.

7. Employees Benefits While On Leave
   While on unpaid leave, employees will continue to be covered by the District's group health insurance to the same extent that coverage is provided while on the job.

   If the employee fails to return to work after the entitlement period has been exhausted or expires, the District will no longer pay for group health insurance. The employee may continue group health insurance in accordance with section VII-B "Post-Termination Insurance Benefits (COBRA)."

8. Medical Certification
   Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

Employee's Own Serious Health Condition: Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.

Family Member Serious Health Condition: Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse. The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

Servicemember Serious Injury or Illness: Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. The District will verify the certification as permitted by the FMLA regulations.

Qualifying Exigency: The first time an employee requests FMLA leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of the new active duty orders or similar documentation shall be provided to the District if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The District will verify the certification as permitted by the FMLA regulations.

9. Time to Provide a Medical Certification

When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the District within the time frame requested by the District (which must allow at least

15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

10. Consequences of Failure to Provide a Timely or Adequate Medical Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, the District may delay the taking of FMLA/CFRA leave until required certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

11. Intermittent Leave or Leave on a Reduced Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The District may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

12. Employee Notice of Leave

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. (\For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

13. Reinstatement Upon Return From Leave

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty

certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

VII-O. Pregnancy Disability Leave

The District shall administer Pregnancy Disability Leave and Pregnancy Accommodation in accordance with the law. An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.

Upon the expiration of approved Pregnancy Disability Leave, the employee shall be reinstated to her former position or to a comparable open position ~~one~~ if the ~~former~~ employee's original position is abolished during the period of leave and the employee would have otherwise not been laid off. For employees being reinstated, the General Manager may require a statement from the attending physician that the employee is ~~physically capable of resuming the regular duties of her position~~able to perform the essential functions of her job. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies.

Failure to return to work after the authorized pregnancy disability leave results in the employee having no reinstatement rights.

Employees requesting Pregnancy Disability Leave should give reasonable advanced notice of the medical need for leave, date the leave shall commence and the estimated duration of the leave.

VII-P. American with Disability Act (ADA) Leave/Reasonable Accommodation

In the event an employee develops a disability within the meaning of the ADA and/or applicable California state disability laws and the District is reasonably able to accommodate the limits or restrictions on that employee's ability to work without undue hardship to the District by extending an unpaid leave, the District will do so. In any such cases, the employee must be otherwise qualified to perform the duties of any job that may be made available. In order to determine whether or not the employee's restrictions and/or limitations can reasonably be accommodated, the District will engage in a good faith and timely interactive process. In all such cases, the District will comply with the Americans with Disabilities Act and parallel California laws.

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

1. Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
2. Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and

3. Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
4. Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

If the disability or the need for reasonable accommodation is not obvious, the District may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will: 1) explain the insufficiency; 2) allow the employee or applicant to supplement the documentation; and 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

VII-Q. Personal Leave without Pay

Considering valid reasons, the length of service with the District, employee performance and the impact to work, the General Manager, where otherwise not obligated by State and Federal law, may authorize a District Regular Full-Time and Regular Part-Time employee to use leave without pay for the following reasons:

- Continuance of education or training of benefit to the District.
- Public Service
- Extended illness or disability~~; or~~
- ~~Other reasons as the General Manager may deem appropriate~~

The employee must submit a written request for Leave without Pay to the General Manager. The written request must include the reason, the duration and the employee's expected return to work date.

A ~~-~~Personal Leave Without Pay leave of absence without pay shall not exceed one (1) year, unless otherwise obligated by State or Federal law.

All benefits shall be suspended for the duration of the Leave without Pay, unless otherwise obligated by State or Federal law.

Dental and Health insurance may be continued if the employee pays for 100% of the District's and the employee's premiums plus a 2% administrative fee.

There is no guarantee of reinstatement at the conclusion of unpaid leave.

If an employee fails to return after his or her period of authorized un-paid leave, the employee will not be reinstated.

VII-~~R~~Q. Military Leave

Military Leave shall be granted in accordance with the requirements of State and Federal law. An employee requesting leave for this purpose shall promptly provide to the General Manager~~, whenever possible, with~~ a copy of the military orders specifying the dates, sites and purposes of the activity or mission.

Within the limits of such orders, the General Manager may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave. A copy of USERRA will be given to each employee upon hire. ~~*(As revised 7/25/2012)*~~

The Board of Commissioners may by resolution supplement military pay and benefits for employees called to Active Military Duty.

VII-~~S~~R. Emergency Duty
Time off to perform emergency duty as a volunteer firefighter, reserve~~s~~ police officer or emergency rescue person unless doing so would hinder the availability of emergency services provided by the District.

VII-~~T~~S. Legal Witness
Time off ~~-~~to serve as a witness in legal proceedings.

Any employee, who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of his or her job duties, must give his or her supervisor as much advance notice as is possible. The District will determine whether the matter involves an event or transaction in the course of the employee's District's job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time. The District will offset the amount from pay the employee receives for witness fees.

Any employee, who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that he or she initiated, is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time. Notwithstanding the above, an employee who is testifying or appearing as the designated representative in PERB conferences or hearings, or at a personnel or merit commission is entitled to paid release time.

VII-~~U~~T. Assist victim of domestic violence
Time off to seek relief to help ensure the health, safety, or welfare of a domestic violence victim or the child of such victim. The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave, accrued vacation or compensatory time off.

VII-~~V~~U. Requested School Activity
Time off to appear in an employee's child's school pursuant to the request of the school and/or to attend school or day care related activities. Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or

school emergency. The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The leave is unpaid unless the employee uses vacation leave or compensatory time off.

VII-~~W~~V. Victim of Crime
Time off related to one's status as a victim of crime, such as time off for victims of sexual assault, domestic or serious violent felonies.

VII-~~X~~W. Attend Drug or Alcohol Rehabilitation Program
Time off related to participation in an alcohol or drug rehabilitation program. ~~A maximum of ten days for spouses of military personnel when spouse is on leave from deployment during a period of military conflict.~~

VII-~~Y~~X. Reimbursement of Expenses
Employees shall be reimbursed for reasonable out of pocket expenses incurred while on specifically authorized District business pursuant to the Ventura Port District Expense Reimbursement Policy. Automobile mileage for privately owned vehicles shall be reimbursed at the current Internal Revenue Service approved rate except as otherwise stipulated by the Board.

VII-~~Z~~Y. Optional Benefit Plan
The District may provide an Optional Benefit Plan for Regular and Probationary employees. Such a program may be established by the Board, and may provide certain funds for reimbursement of various personal and professional expenses incurred by the employee. A copy of the plan may be obtained from the Accounting Department.

VII-~~AA~~Z. Full-Time Employee Incentive Pay Programs ~~(As Revised 10/10/2018)~~

1. Educational Incentive Pay Program:
    - $25 per pay period for full-time employees who currently possess an Associate's Degree or who obtain an Associate's degree while employed with the District. The annual on-going benefit is $650. Employees will provide degree documentation to Accounting.
    - $50 per pay period for full-time employees who currently possess a Bachelor's Degree or who obtain a Bachelor's Degree while employed with the District. Annual on-going benefit $1,300. Employees will provide degree documentation to Accounting.

2. Bilingual Incentive Pay Program:
    - $50 per pay period for those full-time employees who test as fluent in reading, writing, and speaking at an English/Spanish bilingual level through a District designated testing program. The District will cover the cost of this testing once for each interested full-time employee. Participants of this incentive will be expected to provide translation services as part of their ongoing work duties. The annual on-going benefit is $1,300.

~~VII.~~VIII. TRANSITION WORK ASSIGNMENT PROGRAM

The Transition Work Assignment Program (TWA) enables employees who are physically unable to perform their usual jobs to fill other important roles at the Port District. The program helps employees earn their salary while recovering from injuries or serious medical conditions and at the same time benefits the Port District by allowing the Port District to utilize its workforce efficiently and effectively. ~~*(As revised 7/25/2012)*~~

VIII-A. Employees Eligible to Participate

Participation is available for all Port employees who:

- Have a serious medical condition or injury, whether occupational or not.
- Can be expected to return to their usual and customary duties in a time period that does not impose an undue hardship on the Port District.
- Have medically-based temporary work restrictions from an authorized medical provider.
- Have reached Permanent and Stationary/Maximum Medical Improvement status and clarification of permanent restriction is still pending.

VIII-B. Employees Not Eligible to Participate

The Transition Work Assignment Program does not apply to employee who:

- Have reached Permanent and Stationary/Maximum Medical Improvement status and/or have permanent work restrictions. In such cases reasonable accommodations will be considered.
- Have been unable to demonstrate adequate progress toward performing usual and customary duties. In such cases, reasonable accommodations will be considered.

VIII-C. Employee Participation

Employees participating in the Transitional Return to Work Program:

- Will meet with the ~~Harbormaster~~ supervisor who will explain the program, their responsibilities and help monitor progress toward recovery.
- Will be assigned transitional work that can be performed safely and in compliance with the restrictions assigned by the doctor.

Transitional work assignments are not the employee's regular duties, they are temporary assignments or modifications to regular duties and generally limited to not more than 90 days. Extensions of the 90-~~-~~day limit will be considered in cases where it appears that the extension would be consistent with the goals of the program. (For example, where the employee cannot get treatment within the 90 day time frame, but it does appear that they have a treatable condition and will be able to return to their usual and customary duties within a reasonable time frame). If the District is unable to continue the transitional work assignment for the employee after 90 days, then the District will engage in the interactive process with the employee to consider any other reasonable accommodations.

Transitional work assignments are varied so employees with a wide variety of physical restrictions can participate.

Ideally, transitional work assignment will become more physically demanding as the employee's medical status improves.

Within the limits noted by the employee's physician, employees will be assigned to work as closely as possible to their normal schedule.

Employees may be assigned to a temporary supervisor while in the program; however, their regular supervisor will also follow their progress.

Employees will be expected to report on time to their assigned work location and to follow applicable time and attendance procedures.

Employees in the TWA will be paid their usual rate of pay, but will generally not be eligible for overtime.

All applicable Port District policies and procedure apply to employees in a TWA.

Collective bargaining agreements remain in effect during a TWA.

VIII-D. Employee Responsibilities
Employees participating in the TWA are responsible to:

- Perform transitional work tasks as assigned
- Notify transitional and regular supervisor of any change in address/phone number.
- Attend all medical appointment necessary to assist in recovery.
- Keep the treating physician informed of task assignments and progress in returning to the employee's usual and customary job.
- Work within the restrictions set by the employees treating physician. If the employee believes he/she cannot perform the tasks assigned, immediately notify the transitional supervisor.
- Report workplace injuries to their designated supervisor as soon as possible in accordance with established procedures.
- Keep required licenses, etc. up-to-date for return to their usual and customary job.

~~VIII.~~IX. SEPARATIONS FROM SERVICE

Employees may be separated from service through voluntary resignation, job abandonment, dismissal or layoff.

IX-A. Voluntary Resignation

An employee wishing to resign from the District in good standing shall submit a ~~file a verbal notification or~~ written letter of resignation as soon as possible before the effective date of resignation. A resignation becomes final when accepted in writing by the General Manager. Once the General Manager has accepted a resignation in writing, it is final and~~it~~ cannot be withdrawn. If the employee fails to give reasonable notice in light of the circumstances surrounding the resignation and the nature of employee's position, that failure may ~~have a negative impact on the possibility of~~ be cause for denying future employment with the District.

IX-B. Job Abandonment

An employee is considered to have resigned from his/her position if the employee is absent for five (5) consecutive workdays without prior authorization and without notification during the period of absence. No later than the third working day of unauthorized absence, the supervisor shall contact the employee by telephone or other means if possible or by overnight letter to the employee's last known address informing the employee that if the employee fails to report to work within two (2) workdays, or receive authorization for such absence, the employee will be deemed to have resigned. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, arrest/detention, or mental or physical impairment that prevented notification. Employees have no right to a post-separation appeal if deemed to have resigned as a result of job abandonment.

IX-C. Dismissal

1. Regular Employees
   Regular Full-time employees to be dismissed are entitled to the rights and procedures set forth in Section ~~I~~X-C, "Disciplinary Appeal Procedure."

2. Other Employees
   All other employee categories, as noted in S~~s~~ection V-D, may be dismissed at will, with or without cause, and do not have any of the rights set forth in Section IX-C, "Disciplinary Appeal Procedure."

IX-D. Layoff

Whenever in the judgment of ~~T~~the Board, a reduction in personnel is ~~may choose to lay off employees as~~ necessary because of lack of work, lack of funds, or whenever advisable in the interests of economy, an employee may be laid off or demoted for non-disciplinary reasons.

1. Notice of Layoff
   Employees to be laid off shall be given, whenever possible, at least ~~fourteen~~ twenty-one (~~14~~21) calendar days prior notice. The written notice of layoff shall include: (a) the reason(s) for the layoff, (b) the fact that the employee may have rights to accept demotion in lieu of layoff; (c) the effective date of the layoff, (d) the seniority considerations taken into account concerning those to be laid off, and, (e) information regarding the likelihood of possible reinstatement.

2. Layoff By Seniority
   Employees shall be laid off in the inverse order of their seniority in their classification. Seniority shall be determined based upon ~~date of hire in~~ the length of employment in the affected classification or promotion to the classification and higher classifications. A lay off out of the inverse order of Seniority may be made if, in the General Manager's sole judgment, retention of special job skills is required. In cases where there are two or more employees in the classification from which the layoff is to be made who have the same seniority date, ~~such~~ the selection of the employees ~~shall be~~to be laid off ~~on the basis of the last evaluation rating in the class~~will be decided by lottery.

3. Demotion in Lieu of Layoff and Displacement
   The General Manager may choose to demote employees in lieu of layoff when possible and under the appropriate circumstances. Employees in lower positions may be subject to displacement by demoted senior employees in the event of layoff. Employees in lower positions will be displaced in inverse order of their length of employment in the position.

4. Appeals Procedure for Layoffs
   Employees may appeal to the Board in writing within thirty (30) days after receiving notice of layoff on the ground that the required procedure had not been complied with, that the layoff was made in pretextual and/or discriminatory manner, or was otherwise improper. Within thirty (30) days after such written appeal is filed, the Board or a committee of the Board may hold such hearing or investigation as it deems necessary. The Board's decision is final.

5. Re-Employment Rights for Laid-off Employees
   Regular Full-Time and Regular Part-Time employees, who have received a satisfactory or better evaluation for the 12 months prior to lay off, have completed their probationary period and who have been laid off, shall be automatically placed on a re-employment list for one (1) year for the classification from which they were laid off. The employee may be rehired should the position be reinstated within one (1) year of the effective date of the layoff or a new position be created within one (1) year which requires substantially the same duties.

IX-E. Reinstatement

A regular employee who has resigned, or has otherwise separated while in good standing, may be considered for reinstatement, upon recommendation of the General Manager, to a position in the former employee's classification for a period of one year after resignation or separation. The employee shall be reinstated to the salary range or step held at the time of resignation or separation and shall receive a new anniversary date that shall be the first date of employment upon reinstatement. The employee will serve a new probationary period.

IX-F. Re-Employment

The names of regular employees who have been laid off shall be placed on a re-employment list in the order of their seniority in the classification from highest to lowest. The names of these employees shall remain on this list for a period of one year unless such person is re-employed sooner. The employee must be declared "fit for duty" by a physician of the District's choosing before being considered for re-employment.

As a vacancy within the classification becomes available, the name appearing at the top of the list shall be selected to fill the vacancy.

An employee, who is selected from the list to fill the vacancy and refuses the assignment, shall be taken off the list and will not be considered further for re-employment.

Employees who are demoted as a result of a layoff shall have their names placed on a classification re-employment list in order of their classification seniority. Vacant positions within a classification series shall be first offered to employees on this list.

IX-G. Payments Upon Termination of Employment

Upon termination of employment, and after the employee has returned all property belonging to or issued by the District, the employee shall receive termination pay as follows:

1. Any unused sick leave, up to 720 hours, will be paid at the following rate:
   0 through 5 years of service - 12.5%
   6 through 10 years of service - 25%
   After 10 years of service - 37.5%
2. Unused compensatory time, up to 40 hours, will be paid at 100% at the employee's regular rate of pay.
3. Unused vacation time, up to 250 hours, will be paid at 100% at the employee's current base hourly rate.
4. Severance pay when specifically authorized by the Board.

~~IX.~~X. DISCIPLINARY ACTION

X-A. Grounds for Discipline

Grounds for Discipline include, but are not limited to the following:

1. Fraud in securing employment or making false statement on an application for employment.
2. Incompetence.
3. Unsatisfactory performance, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
3. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
4. Disobedience: The willful failure to comply with the legal and appropriate orders or directions of a person in a supervisory position.
5. Insubordination or ~~: i~~insulting or demeaning the authority of a supervisor or manager.
6. Dishonesty involving employment.
7. Being under the influence of or in possession of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs while on duty which could impact the employee's ability to do his or her job. The provisions of section XIII – Drug Free Workplace will be followed prior to possible termination. ~~*(As revised 7/25/2012)*~~
8. Lack of self-restraint.
9. Absence without authorized leave or u~~U~~nexcused tardiness
10. Excessive absenteeism or inexcusable absence without leave.
11. Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
12. The conviction of either a misdemeanor involving moral turpitude or a felony shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence of the fact that the conviction occurred. The General Manager may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere is deemed to be a conviction within the meaning of this Section.
13. A D.U.I. conviction shall be handled in accordance with the District's Drug-Free Workplace Policy, but may be grounds for dismissal if the employee's position requires the operation of District vehicles and the employee is deemed to be "uninsurable" by the District's insurance carrier.
14. Failure to observe safety precautions.
15. Activity, which has as its goal the overthrow of government.
16. Improper or unauthorized use of District property.
17. Misuse of District property.
18. Inattention to duty or negligence in the care and handling of District property.
19. Any willful act or conduct undertaken in bad faith, either during or outside of the duty hours, which is of such a nature that it causes discredit to the District or the employee's Department.
20. Unlawful discrimination or~~, including~~ harassment~~,~~ on the basis of race, religious creed, color, national origin, medical condition, ancestry, physical handicap, marital status, actual or perceived sexual orientation, ~~gender, or age~~gender, age, or any other protected classification against the public or other employees, while acting in the capacity of a District employee.
21. Retaliation against any other employee or member of the public who in good faith reports, discloses, divulges, or otherwise notifies an appropriate authority

regarding a suspected violation of any law which occurs on the job or is directly related to employment with the District.

22. Engaging in any of the drug related conduct forbidden pursuant to Section XIII, "Drug-Free Workplace" of this Manual.
23. Refusal to subscribe to any order or affirmation, which is required by law in connection with District employment.
24. Violation of the rules and regulations enacted or prescribed by the District, Department or Section.
25. Outside employment not specifically authorized by the General Manager.
26. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation of an employee for the performance of his or her official duties.
~~27. The refusal of any officer or employee of the District to testify under oath before any Grand Jury having jurisdiction over any then pending cause of inquiry in which the investigation of government bribery or misconduct in District office is involved shall constitute of itself sufficient grounds for the immediate discharge of such officer or employee.~~
27~~8~~. Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies, which may be prescribed by the District.
28~~9~~. Improper political activity on duty. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or in a District uniform on or off duty; or the dissemination of political material of any kind while on duty and/or during working hours or in uniform.
29~~30~~. Working overtime without authorization.
30~~31~~. Possession of a gun, rifle, crossbow or other ~~device meant to be used as a~~ dangerous weapons while on duty and/or on District property when not required by job duties.
31~~32~~. Making false or malicious statements concerning any employee, the District or the District's policies or practices.
32~~33~~. Sexual Harassment or other Harassment or Discrimination based on a Protected Classification~~s~~.
33~~34~~. Bullying/Abusive Conduct: Aggressive behavior which is intended to physically or psychologically harm or intimidate another person.

X-B. Procedures for Taking Disciplinary Action

The following discipline procedures only apply to the District's for-cause employees. All employees other than for-cause employees, namely temporary, seasonal, at-will, probationary employees, may be disciplined or separated at will, with or without cause, and without the disciplinary procedures listed below. The following discipline procedures apply only to suspension without pay for three days or more, demotion, reduction in pay, or dismissal.

1. "Business Day"
   A "Business Day" is any day the District is open to the public, i.e. any day except Saturdays, Sundays and legal holidays recognized by the District.

2. "Skelly" Notice of Intended Disciplinary Action
   Whenever the ~~General Manager~~appropriate authority intends to suspend an employee for three (3) days or more, demote the employee, reduce the employee in pay or dismiss the employee, the ~~General Manager~~appropriate authority or his

~~or her~~ designee shall give the employee a written notice of discipline which sets forth the following:

a. The level of disciplinary action intended;
b. The specific charges upon which the ~~action~~ intended discipline is based;
c. A summary of the facts upon which the charges are based;
d. A copy of all written materials, reports, or documents upon which the intended discipline is based;
e. Notice of the employee's right to respond to the General Manager or his designee regarding the intended discipline within fifteen (15) business days from the date of the notice, either by requesting a *Skelly* conference, or by providing a written response, or both~~charges either orally or in writing to the appropriate authority~~;
~~f. The date, time and person before whom the employee may respond within three (3) business days; *(As revised 7/25/2012)*~~
~~g~~f. Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed; and
g. Notice of the employee's right to have representative of his or her choice at the *Skelly* conference.

~~For the purposes of this section, the three (3) business day notice requirement does not mean that an employee cannot be suspended, demoted, or terminated immediately. Rather, the employee can be so disciplined so long as the employee's regular compensation continues for the required three (3) business days necessary to effect valid written notice of disciplinary action.~~

The General Manager or his or her designee has the authority to place an employee on paid administrative leave during the District's investigatory process and up to imposition of discipline. Placement on paid administrative leave is not a disciplinary action. While on paid administrative leave an employee will continue to receive pay and benefits.

3. Response by Employee and *Skelly* Conference: After receiving the affected employee's response to the Notice of Intended Disciplinary Action, the General Manager or designee will conduct an informal meeting with the employee. During the informal meeting, the employee shall have the opportunity to rebut the charges against him or her and present any mitigating circumstances. The General Manager or designee will consider the employee's presentation before issuing the disciplinary action. The employee's failure to attend the conference, or to deliver a written response by the date specified in the *Skelly* notice, is a waiver of the right to respond, and the intended disciplinary action will be imposed on the date specified in the *Skelly* letter.

~~3.~~4. Final Notice of Disciplinary Action

After the *Skelly* conference and or timely receipt and consideration of the employee's written response, ~~or~~ the expiration of the employee's time to respond to the notice of intent, the ~~appropriate authority~~General Manager or designee shall:

a. Dismiss the notice of intent and take no disciplinary action against the employee; or
b. Modify the intended disciplinary action; or

c. Prepare and serve upon the employee a final notice of disciplinary action.

The final notice of disciplinary action shall include the following:

a. The level of disciplinary action taken;
b. The effective date of the disciplinary action taken;
c. Specific charges upon which the discipline ~~action~~ is based;
d. A summary of the facts upon which the charges are based;
e. A copy of all ~~The~~ written materials, reports and documents upon which the disciplinary action is based; and ~~.~~
f. A reference to the employee's appeal right.

X-C. Disciplinary Appeal Procedures

District employees subject to disciplinary action have certain rights of appeal within the Ventura Port District. These appeal rights are in addition to any other rights that may be provided by statute or other law.

1. Peace Officers Bill of Rights
   The current Peace Officers Bill of Rights is applicable to any District employee who is designated as a Peace Officer.

~~2. Employee's Response~~
~~The employee shall have the right to respond to the appropriate authority orally or in writing. In cases of suspensions, demotions, reductions in pay, or dismissal, the employee's response will be considered before final action is taken. If the affected employee does not respond within 15 business days, the disciplinary action taken will stand.~~

~~3. Hearing before the General Manager~~
~~Within ten (10) business days of receiving the affected employee's written response to the Notice of Disciplinary Action, the General Manager shall contact the employee to arrange an informal meeting between the General Manager and the affected employee. Within five (5) business days after the affected employee meets with the General Manager, the General Manager will notify the affected employee of his or her decision.~~

~~4.~~2. Request for Appeal Hearing before a Subcommittee of the Board
After receiving the final decision of the General Manager or designee, the employee may ~~request a hearing~~submit a written request for an appeal hearing before a subcommittee of the Board within fourteen business (14) days from receipt of the final notice of discipline. Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the discipline. ~~.~~ The subcommittee of the Board must grant the affected employee a hearing in a contested disciplinary action. Hearings may be held by the subcommittee of the Board or by any authorized representatives. The subcommittee or any authorized representative shall render a final decision, which in its judgment is just and proper. ~~The subcommittee or any authorized representatives shall have twenty business (20) business days within which to render its written decision.~~

~~5.~~3. Conduct of Hearing
At the hearing before the subcommittee of the Board or authorized representatives, both the District and the employee shall be entitled to present evidence tending to support their position. That evidence may be in the form of documentary evidence, or the testimony of witnesses, under oath, be that testimony either live or by

affidavit. Both the District and affected employee shall have the right to have legal representation at the hearing.

~~X.~~XI. GRIEVANCE PROCEDURES

If a represented employee group has negotiated a Memorandum of Understanding or Collective Bargaining Agreement with grievance procedures included, those grievance procedures will take precedence over these procedures for the employees covered by that MOU or CBA.

XI-A. Definition of Terms

A "grievance" is a written allegation by an employee, submitted as specified in these policies, claiming an alleged violation(s) of ~~the~~ a specific ~~express terms~~provision of the Human Resources Manual, ~~Labor Law,~~ MOU, CBA or other District ~~policies~~policy. In most cases, an employee must exhaust the internal remedies before seeking other methods of review that might be provided by law. A grievance does not apply to the following:

- To appeal any action taken per Section X-C, Disciplinary Appeal Procedure; (As revised 7/25/2012)
- For resolution of complaints;
- To grieve items identified in section II as "Management Rights";
- In cases of oral reprimand;
- To challenge job assignments;
- To challenge promotional examinations or appointments.

~~A "grievant" is an employee adversely affected by an act or omission of the District.~~

A "Business Day" is any day the District is open to the public, i.e. any day except Saturdays, Sundays and legal holidays recognized by the District.

~~1. This grievance procedure is not to be used:~~

- ~~To appeal any action taken per Section X-C, Disciplinary Appeal Procedure; *(As revised 7/25/2012)*~~
- ~~For resolution of complaints;~~
- ~~To grieve items identified in section II as "Management Rights";~~
- ~~In cases of oral reprimand;~~
- ~~To challenge job assignments;~~
- ~~To challenge promotional examinations or appointments.~~

~~While a formal grievance is pending, the employee is expected to continue to perform job functions and conduct himself or herself in a manner so as not to disrupt the conduct of business within the District, and, if at all possible, not to let the existence of the grievance interfere with productivity.~~

XI-B. Grievance Process

~~2.~~1. Filing a Grievance

Within ten (10) business days of the date the employee knew or should have known of the incident giving rise to the grievance, the employee must file a formal written grievance with his or her supervisor or with the General Manager if appropriate. This time limit shall be strictly adhered to. Any grievance filed more than ten business days from the date the employee knew or should have known of the act or omission giving rise to the incident shall be rejected and will not be processed further. The parties may extend time limits by mutual consent.

In filing a grievance, the employee must ~~indicate~~ state each of the following ~~information~~:

- The specific section of the Human Resource Manual~~, Labor Law,~~ MOU, CBA or other District ~~policies~~ policy allegedly violated, misinterpreted or misapplied;
- The specific facts regarding how the ~~act or omission that gave rise to this~~ alleged violation, misinterpretation or misapplication occurred;
- The date or dates on which the alleged violation, misinterpretation or misapplication occurred;
- What documents, witnesses or other evidence support the employee's position;
- The remedy requested;
- The identity of the individual representing the employee, if employee is not representing himself or herself.

While a formal grievance is pending, the employee is expected to continue to perform job functions and conduct himself or herself in a manner so as not to disrupt the conduct of business within the District, and, if at all possible, not to let the existence of the grievance interfere with productivity.

~~3.~~2. The Grievance ~~Process~~Steps

Step 1 Resolution with Supervisor: The immediate supervisor shall meet and review the grievance with the employee and respond to the employee in writing within five (5) business days from the date of the meeting.

Step II General Manager: If t~~T~~he employee believes that the grievance has not been resolved through Step I, the employee ~~, if not satisfied,~~ may appeal to the General Manager. The General Manager shall meet and review the grievance appeal with the employee and respond in writing to the employee within thirty (30) days from the date of the meeting.

If the Grievance involves the General Manager, the Board of Port Commissioners shall appoint a sub-committee to meet and review the grievance with the employee and respond in writing to the employee within thirty (30) days from the date of the meeting.

Failure of the grievant to comply with the time limits of the grievance procedures constitutes settlement and resolution of the grievance on the basis of the last disposition.

~~4.~~3. Limitations on the Decisions of Those Hearing Employee Grievances

Those designated to hear~~ing~~ employee grievances shall neither add to, detract from, nor modify the language of the District rules or policies in considering the issues brought to them.

The written response shall be confined to the precise issues raised and submitted by the grievant.

Any monetary award granted to the grievant is limited to lost wages or benefits measured from the date of the grievance forward. No other monetary award shall be granted.

~~XI.~~XII. POLICY AGAINST DISCRIMINATION ~~AND~~ , HARASSMENT AND RETALIATION ~~PREVENTION POLICY~~

The Ventura Port District has a strong commitment to prohibiting and preventing discrimination, harassment and retaliation in the workplace. This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The District encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Retaliation against any individual for making a complaint, or for participating in a discrimination or harassment investigation, is also improper and constitutes a violation of the policy. Any ~~is committed to providing a work environment free of discrimination and harassment. d~~Discrimination, ~~or~~ harassment or retaliation ~~violate~~which violates this policy ~~and~~ will not be tolerated.

~~This policy defines discrimination and harassment and sets forth a procedure for the investigation and resolution of complaints of such discrimination or harassment by or against any employee, applicant or person providing services pursuant to a contract.~~

~~Discrimination and harassment are the negative treatment of an applicant, employee or person providing services pursuant to a contract based on actual or perceived race, religious creed, gender, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, gender expression, gender identification, or any other basis protected by Federal, State or local law. Retaliation against any individual for making a complaint of discrimination or harassment, or for participating in a discrimination or harassment investigation, is also improper and constitutes a violation of the policy.~~

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors. This P~~p~~olicy applies to all terms and conditions of employment, internships, and volunteer opportunities, including but not limited to, selection hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

Employees who violate this policy may be subject to disciplinary action up to and including termination.

XII-A. Definition~~s~~

1. Protected Classification

   This policy prohibits harassment, discrimination or retaliation because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, gender, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, age (40 and over), sexual orientation, gender expression, gender identity, or military or veteran status, or any other basis protected by law. This Policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

2. Protected Activity

This Policy prohibits discrimination, harassment or retaliation because of an individual's protected activity. Protected activity includes: making a request for or receiving an accommodation for a disability; making a request for or receiving accommodation for religious beliefs or practices; making or supporting a complaint under this Policy; opposing violations of this Policy; or participating in an investigation pursuant to this Policy.

3. Harassment

Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit or even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.

Harassment includes, but is not limited to, ~~,~~ the following types of behavior that are taken because of a covered individual's actual or perceived protected classification:
~~the following misconduct:~~

a. Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived race, gender, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, gender identity, genetic information or any other basis protected by Federal, State or local law. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy, sexual orientation, unwelcome flirting or propositioning; demands for sexual favor; verbal abuse, threats or intimidation , or patronizing or ridiculing statements that convey derogatory attitudes about a particular person in a protected category. ~~*(As revised 7/25/2012)*~~

b. Physical: Inappropriate or offensive touching, assault, impeding or blocking movement, or physical interference with free movement. ~~when directed at an individual on the basis of actual or perceived race, sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age, gender identity, genetic information or sexual orientation~~. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

~~a.~~c. Visual or Written: The display or circulation of offensive or derogatory visual or written material related to race, sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age, gender identity, genetic information ~~or~~ , sexual orientation or any other basis protected by Federal or State law.. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, e-mail, computer graphics or electronic media transmission.

~~b.~~d. Environmental: A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An

environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work. A hostile work environment may also be created by the above-described behavior directed toward employees in other categories protected by state and federal non-discrimination laws. As with sexual harassment, these type of harassing behaviors are prohibited. ~~*(As revised 7/25/2012)*~~

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcomed sexual relationship may change with the result that sexual conduct that was once welcomed becomes unwelcome and harassing.

Harassment, sexual or otherwise, is not within the course and scope of an individual's employment with the District. ~~*(As revised 7/25/2012)*~~

4. Discrimination

This Policy prohibits treating covered individuals differently and adversely because of the individual's protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

5. Retaliation

Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

XII-B. Prohibited Supervisory or Managerial Behavior

No supervisor, manager, or other authority figure may condition any employment, employee benefit or continued employment in the Ventura Port District on the applicant or employee's acquiescence to any of the behavior defined above.

No supervisor, manager, or other authority figure may retaliate against any applicant or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

~~No person shall destroy evidence relevant to an investigation of discriminatory harassment.~~

VII-C. Behavior Prohibited By All Persons

No supervisor, manager or any other District employee shall create a hostile or offensive work environment for any other person by engaging in any discriminatory or harassing behavior or by tolerating it on the part of any employee of the District.

No person in the District may retaliate against any employee because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation proceeding or hearing conducted by an authorized investigator.

No person shall destroy evidence relevant to an investigation of discriminatory harassment.

XII-D. Obligations of Supervisors/Managers

Supervisors and Manager shall take all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.

Supervisors and Managers shall receive complaints in a fair and serious manner, and documenting steps taken to resolve complaints and follow up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.

A copy of this policy shall be provided to all employees of the District, as well as displayed in prominent locations throughout the District.

A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all District employees upon request.

The District shall periodically notify employees of the procedures for registering a complaint as well as available redress. Such notification shall occur through the normal channels of communication.

The District shall make available upon request information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission on the procedures for filing claims of sexual harassment with these entities.

A copy of this Discrimination and Harassment Policy shall appear in any District publication that sets forth the comprehensive rules, regulations, procedures and standards of conduct for employees.

Employees of the District shall receive periodic training on this policy.

XII-E. Complaint Procedure for Discrimination or Harassment

1. Obligations of All Employees
   All employees of the District should immediately report any conduct that they believe violates the District's ~~discrimination or harassment~~discrimination,

harassment or retaliation policies based on actual or perceived race, religious creed, gender, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, gender expression, gender identification or any other protected classification. This includes conduct they personally experience or directly observe, whether or not the employee who is the object of the conduct reports the conduct. This also includes conduct by non-employees, such as tenants, contractors, the Board of Port Commissioners, sales representatives or vendors.[1] ~~*(As revised 7/25/2012)*~~

Employees should immediately report the conduct to their supervisor, manager, any other manager or the General Manager. Under no circumstances shall employees of the Ventura Port District who believe they have been the victims of discrimination ~~or~~, harassment or retaliation be required to first report that harassment to a supervisor or other authority figures if that person or authority figure is the individual who has done the harassing. These employees should instead report the conduct to any supervisor, manager, department head or the General Manager. If the subject of the discrimination ~~or~~, harassment or retaliation is the General Manager, the employee should bring the conduct to the attention of any Board member who shall forward the information to the Chair of the Board.

All employees must cooperate with any investigation of any alleged act of discriminatory harassment conducted by the District or its agents.

2. Responsibilities of Supervisors or Management
Any supervisor, manager or Department Head who receives a complaint regarding discrimination,~~ory~~ harassment or retaliation shall immediately report it to the General Manager or a Board Member if appropriate.

Under no circumstance shall a supervisor, manager Department Head or other authority figure retaliate in any way against an employee who has made a complaint or who has provided information as a witness to an incident of alleged discrimination or harassment.

All supervisors and managers are required to maintain confidentiality to the extent possible in communicating or investigating any claim of alleged discrimination or harassment.

XII-F. Investigation/Corrective Action

A covered individual who believes he or she has been subjected to discrimination, harassment or retaliation may make a complaint -- orally or in writing -- to any supervisor, manager, or department head, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint should immediately notify the General Manager. Upon receiving notification of a harassment complaint, t~~T~~he

[1] The District's employees must understand that the District cannot prevent members of the General Public from exercising their First Amendment Rights to Free Speech, which includes the right to swear and be disrespectful. ~~*(As revised 7/25/2012)*~~

General Manager will authorize an investigation or conduct an investigation of the complaint. The investigation will be conducted in a manner that ensures, to the extent feasible, the privacy of the parties involved.

The person designated to investigate shall immediately report in writing the findings of fact to the General Manager. The General Manager will determine whether the policy has been violated and communicate the conclusion to the complainant.

Disciplinary action shall be decided in accordance with the Ventura Port District policy and after consultation with the General Manager.

~~XII.~~XIII. EMPLOYEE CONDUCT AND RESPONSIBILITIES

XIII-A. Conduct

District employees are expected to conduct themselves at all times in a manner which will reflect favorably on the District and which engenders the respect of the public.

XIII-B. Job Responsibilities

Employees are expected to be prompt in reporting to work and are further expected to carry out their job duties conscientiously until the end of their shift. As an integral member of the District, every employee should actively seek out ways to improve their job performance, as well as to improve the overall efficiency and effectiveness of the District.

XIII-C. Care of Equipment

District employees must respect District equipment and guard against misuse, abuse, and waste of District supplies, equipment, and other property.

XIII-D. Use of District Equipment Prohibited

Personal use of District equipment is prohibited. Employees are expected to avoid any use of District equipment or communication with District equipment which is unrelated to District business, destructive, wasteful, or illegal. No employee shall allow any unauthorized person to rent, borrow, or use any Port District equipment.

XIII-E. Personnel Records

Employees must notify the personnel office of any change in information contained in their personnel records, including, but not limited to changes of name, address, marital status, and emergency contacts.

XIII-F. Employee Dress Code

The District has adopted the following standards of dress for its employees:

- All clothing must be neat, clean and in good repair.
- Prescribed uniforms and safety equipment must be worn where applicable;
- Footwear must be appropriate for the work environment and functions being performed;
- Hair must be neat, clean and well groomed;
- Beards, mustaches and sideburns must be maintained in a neat and well-groomed fashion;
- Jewelry is acceptable except in areas where it constitutes a health or safety hazard;
- Good personal hygiene is required;
- Dress must be professionally appropriate to the work setting, particularly if the employee deals with the public;

The General Manager will serve as the final authority on the appropriateness of dress.

XIII-G. Outside Employment

Full-time employees of the District are expected to devote to the District the hard work and commitment that public service demands. As such, the District generally expects its employees to limit their employment efforts to the District alone and not to seek or accept outside employment. However, those employees wishing employment with another employer concurrently with their employment with the District may petition the General Manager for permission to accept outside employment. If the General Manager determines that the outside employment will not interfere with the employee's ability to

carry out his or her District responsibilities and that such employment will not impact negatively on the employee's efficiency or commitment to the District, the General Manager may grant written approval for such outside employment. Additionally, the General Manager will determine whether the outside employment presents a conflict of interest for the employee and may deny permission for outside employment should a conflict of interest arise.

In the event that approval is given, the District may at any time revoke that approval if it becomes evident that the outside employment is affecting the employee's job performance with the District, putting that employee at risk for potential injury or creating a conflict of interest.

XIII-H. Violations and Penalties

Any violation of the provisions contained in the policy on use of District property or unauthorized outside employment constitute sufficient grounds for disciplinary action, up to and including dismissal.

XIII-I. Smoking

In order to maintain a safe, comfortable working environment and to ensure compliance with applicable laws, smoking in District offices and facilities is strictly prohibited. Employees shall not smoke within twenty feet of any entrance or window of a District workplace. Employees may not smoke in any District vehicle or vessel. If an employee observes a non-employee smoking in an enclosed workplace, the employee shall request, when appropriate, that the non-employee who is smoking refrain from smoking in the enclosed workplace. Because the District may be subject to criminal and civil penalties for violations of applicable smoking laws, we must insist on strict adherence to this policy. Employees smoking in a non-smoking area will be subject to disciplinary action.

XIII-J. Safety

Employee safety is a top priority at the Ventura Port District. All employees are expected to take every necessary precaution to ensure a safe work environment and to avoid injury both to themselves as well as to others. Any unsafe working conditions or accidents on the job must be reported to a supervisor immediately, regardless of extent. The District shall furnish each employee appropriate personal safety equipment that shall be used by the employee when conditions warrant or when directed by a supervisor.

~~XIII.~~XIV. DRUG FREE WORKPLACE

XIV-A. Policy and Purpose

It is the policy of Ventura Port District to create a drug free work place in keeping with the spirit and intent of the Drug Free Work Place Act of 1988. The use of alcohol and/or controlled substances in the work place is inconsistent with the behavior expected of District employees and subjects all employees, residents and visitors to unacceptable safety risks, and undermines the District's ability to operate effectively and efficiently.

The Ventura Port District has established this Substance Abuse Policy to provide the greatest degree of protection possible to the public and to District employees. The purpose of this policy is to:

- Establish and maintain the District's high level of achievement in providing a safe and healthy working environment for all employees;
- Ensure worker fitness for duty and protect our employees and the public from risks posed by the use of alcohol and/or controlled substances;
- Reduce accidental injury to persons or property and the additional costs, including medical expenses, associated with such accidents and injuries;
- Ensure the safe and efficient performance of employee duties, to promote productivity, and reduce absenteeism and tardiness and other areas of unacceptable job performance; and
- Cooperate with the rehabilitation of those employees who seek such help.

The District recognizes that drug, alcohol and other controlled substance abuse of employees in the work place is a serious and growing problem of nation-wide proportions. The District is taking this opportunity to reaffirm its commitment to a drug and alcohol free work place.

The District's policy is designed to promote a drug-free workplace and to comply with applicable state and federal laws. In recognition of the public service responsibilities entrusted to District employees, and because drug and alcohol usage can hinder a person's ability to perform duties safely and effectively.

XIV-B. Applicability

As a condition of employment, all employees are required to comply with all applicable personnel policies and rules.

This substance abuse policy applies to all District employees.

This policy applies at all times while District employees are on District premises, performing District-related business elsewhere or temporarily off-District premises with an expectation to return to the workplace.

This policy applies to use of prohibited substances by District employees while off-duty and off-premises, to the extent that such employees engage in conduct prohibited by this policy and such conduct tends to create a risk to persons or property, or to District efficiency upon the employee's return to work.

~~A safety-sensitive position is defined as any position requiring the use of a Class "A" or Class "B" commercial driver's license, any position involving the transport of hazardous materials and requiring a hazardous materials endorsement on their driver's license, or~~

~~any position involving the operation of a boat or other motorized watercraft. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.~~

XIV-C. Definitions

1. Alcohol
   The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

~~1.~~2. ~~Controlled Substances~~Drug or Drugs
   Any controlled substance that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a prescription by a licensed physician.~~A general term used to describe a group of substances that includes illegal drugs, medications that can be misused or abused, alcohol, and other substances that can affect one's performance in the workplace.~~

3. Prescription Drug
   Any substance that can lawfully be obtained or possessed pursuant to a prescription by a licensed physician.

~~2.~~4. Prohibited Substances.
   As used in this policy, "prohibited substances" include, but are not limited to, the following:

   - Drugs: marijuana, amphetamines, cocaine, opiates, and phencyclidine.
   - Illegal Mental and Mind Altering Substances~~: Inhalants, nitrous oxide, glue, and such other mind altering substances~~.

   ~~The General Manager may consider requests for accommodation of properly-prescribed medical marijuana on a case-by-case basis, subject to the below-described conditions for prescription drugs. In no case shall a request for accommodation of medical marijuana be granted to any employee in a safety-sensitive position or in any position which requires driving. *(As revised 7/25/2012)*~~

~~3.~~5. Regulated Substances.
   Alcohol: The use of beverages or substances, including any medication containing alcohol, such that it is present in the body at a level in excess 0.02% while actually performing, ready to perform, or immediately available to perform any District business, is prohibited. ~~"Alcohol" is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.~~

   Prescription and over-the-counter medications: Medications shall only be used for their designed purposes. An employee who is taking a medication that may cause drowsiness or impair motor function shall report its use to his or her Supervisor. If the employee feels that the medication is affecting his or her ability to perform his or her job, or the employee's supervisor has reasonable concern that the medication is affecting the employee's ability to perform his or her job, the

employee shall request sick leave, if available, and leave the premises. The employee shall not be subject to disciplinary action.

6. Safety-Sensitive Position.
Safety sensitive jobs are those that have public safety implications including, but not limited to, peace or safety officer positions, any position requiring the use of a Class "A" or Class "B" commercial driver's license, any position involving the transport of hazardous materials and requiring a hazardous materials endorsement on their driver's license, or any position involving the operation of a boat or other motorized watercraft. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.

XIV-D. Prohibited Conduct.

1. Possession, Use, Manufacture and Trafficking.
No employee shall engage in the unlawful manufacture, distribution, dispensing, possession, receipt, sale, purchase or use of a prohibited substance or alcohol on District premises, in District vehicles, or while conducting District business off the premises.

2. Drug Paraphernalia.
Except for medically approved purposes, no employee shall engage in the possession, distribution, sale, manufacture or use of drug paraphernalia normally used for consumption or use of controlled or prohibited substances ~~or alcohol~~ on District premises, in District vehicles, or while conducting District business off the premises.

Possession or use of needles will be permitted for medically approved purposes, i.e., the administration of insulin for a person with diabetes. The employee must submit a written memo to the General Manager requesting permission to possess needles for medically approved purposes. The employee shall use and dispose of said needles in a medically safe manner.

3. Impairment.
All employees are prohibited from being under the influence of alcohol or other prohibited substances during working hours. The use of prescription drugs is prohibited in the work place by any person other than the person for whom they are prescribed. Such drugs will be used only in the manner, combination and quantity prescribed. The employee shall advise their supervisor prior to operating machinery, vehicles or equipment that they are taking such medication. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or otherwise not fit for duty due to substance abuse shall be removed from their duties and be required to undergo a reasonable suspicion test for alcohol or drugs, as hereinafter provided.

4. Alcohol.
No employee may report for duty or remain on duty when his or her ability to perform assigned function is adversely affected by alcohol or when it has been determined by a District designated lab or a certified testing facility that his or her breath alcohol or blood alcohol concentration is 0.02% or greater. No employee

with a commercial vehicle driver's license, who has a 0.01 breath alcohol concentration or greater, may operate a commercial vehicle, and if a driver does he or she must be out of service for 24 hours. No employee shall use alcohol while on duty or while performing safety sensitive functions. No safety sensitive employee shall use alcohol within four hours of reporting for duty nor during hours that he or she is on call. Violation of this provision is prohibited and will subject the employee to removal from duty and referral to a Substance Abuse Professional ("SAP") as defined in section XIII-F "Employee Assessment".

XIV-E. Testing for Prohibited Substances and alcohol.

1. Testing Procedures.

Analytical urine controlled substance testing and breath testing for alcohol will be conducted in accordance with established industry standards at a District-designated laboratory or a certified testing facility. All employees shall be subject to testing prior to employment (drug testing only), based on reasonable suspicion by a Supervisor trained in drug and alcohol recognition, verified by a second trained Supervisor if one can be obtained within 15 minutes: and following a serious accident. All employees will also be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests as determined by a SAP. Safety sensitive employees who perform safety sensitive functions shall also be subject to testing on a randomly selected, unannounced basis, in addition to the testing outlined above.

Testing shall be conducted in the manner designed to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which meet all applicable standards. All testing will be conducted consistent with procedures, as established by the laboratory, and consistent with industry standards and any applicable state and federal law. The prohibited substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory gas chromatography/mass spectrometry (GC/MS) test will be performed. The test will be considered positive if the prohibited substance levels present are above the minimum thresholds established in guidelines published from time to time by the Department of Transportation.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test for safety-sensitive employees indicates an alcohol concentration of 0.02 % or greater, a confirmation test will be performed at a District designated laboratory to confirm the results of the initial test. An employee who has a confirmed alcohol concentration above 0.00%, but less than 0.02%, will be removed from his or her position for at least twenty-four hours unless a re-test results in an alcohol concentration of 0.00%. However, unless the alcohol concentration is 0.02% or greater, the fact that an employee was removed from duty in the interests of safety shall not form the basis for any discipline.

An alcohol concentration of 0.02% or greater will be considered a positive alcohol test and in violation of this policy.

Any employee who has a confirmed positive prohibited substance or alcohol test will be removed from his or her position, informed of education and rehabilitation programs available, and evaluated by a SAP. The District will make every effort to, and affirms the need to, provide individual employees with dignity, privacy, and confidentiality throughout the testing process.

2. Pre-employment Screening.
Those external applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists must take and pass a drug and alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but is not limited to safety sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material, protecting national security, enforcing drug laws, and/or jobs that involve the direct influence over children. ~~All applicants for employment with the District shall be subject to a fitness for duty examination, which shall include controlled substance urine testing. Such pre-employment screening practices are designed to prevent the employment of individuals who use illegal drugs or whose use of legal drugs indicates a potential for impaired or unsafe job performance.~~ If the applicant is under the age of 18, the applicant's parent or guardian must sign a consent form authorizing the examination and testing. All offers of employment shall be contingent upon the applicant passing the fitness for duty examination.

3. Reasonable Suspicion Testing.
All employees shall be subject to urine and/or breath testing when a Supervisor or Manager believes there is a reasonable suspicion ~~to believe~~ that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made by the Supervisor or Manager on the basis of documented, objective facts and circumstances, which are consistent with the effects of substance abuse. Examples of reasonable suspicion factors include, but are not limited to, the following:
   - Physical signs and symptoms consistent with substance abuse or prohibited substance abuse use including, but not limited to: unusual behavior, slurred or altered speech, odor of alcohol on the body or breath, ~~red or watery eyes, unkempt appearance,~~ unsteady gait, lack of coordination~~.~~, a pattern of abnormal or erratic behavior, a verbal altercation, ~~puncture~~needle marks ~~or sores on skin~~, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, ~~inappropriate wearing of sunglasses,~~ tremors, or other evidence of recent drug or alcohol use. ~~and adequate documentation of unsatisfactory work performance consistent with substance abuse~~.
   - The occurrence of a serious or potentially serious accident caused by human error that the District suspects that drugs or alcohol may have played a role in.
   - Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.

   Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled or prohibited substance and alcohol use and abuse and who reasonably concludes that an employee may be adversely effected or impaired in his or her work performance due to prohibited substance abuse or misuse.

4. Post-accident testing.
   All employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle or with District equipment while on duty that results in serious bodily injury requiring transportation to a medical treatment facility, death, or when one or more vehicles incurs disabling damage that requires towing from the site, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor. Employees will also be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident involving damage to District property estimated at greater than $5,000.00, or constituting a threat to the public safety and health, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor.

   Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours after the accident for alcohol testing and 32 hours after the accident for controlled substance testing. An employee involved in an accident shall not consume alcohol until they have undergone testing for alcohol. Any employee who leaves the scene of the accident without the appropriate authorization and without submitting to controlled substance or alcohol testing will be considered to have refused the test and subject to disciplinary action up to and including termination. Post-accident testing will include not only the affected employee, but also any other employee whose performance could have contributed to the accident and where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor.~~,~~

   Department of Transportation covered employees (i.e., commercial vehicle drivers) shall be required to undergo controlled substance and/or breath alcohol testing after an accident: where the accident results in loss of human life, if an injured person immediately receives medical treatment away from the accident scene, if the driver is cited for a moving violation within 8 hours of the occurrence, or if one or more vehicles involved in the accident incurs disabling damage.

5. Random Testing.
   Those employees working in safety sensitive classifications will be subject to randomly-selected unannounced testing. The random selection will be performed using a scientifically valid method. Each safety sensitive employee will have an equal chance of being tested each time selections are made. Safety sensitive employees will be tested either just before, during, or just after the safety sensitive employee is on duty.

6. Return-to-Duty Testing.
   All employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released for duty by the Substance Abuse Professional (SAP) before being allowed to return to their jobs. As determined by the SAP, employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following his or her return to duty~~,~~. The duration of the period during which the employee is subject to such testing, and the frequency of such testing, will be as determined by the SAP.

However, it shall not be less than six tests during the first 12 months nor longer than ~~60~~ 36 months total, following return to duty.

7. Employee Requested Testing.
   Any employee who questions the result of a controlled substance abuse test may request that an additional test be conducted. The additional test may be conducted at the same laboratory or at a different certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee, unless the second test invalidates the original test, in which event, the District will pay the cost of testing. The method of collecting, storing, and testing the split sample will be consistent with established procedures. The employee's request for a re-test must be made to the doctor responsible for analyzing the original laboratory results, within 72 hours of receiving notice of the initial test result. Requests after 72 hours will be accommodated only where the employee can establish that the delay was due to circumstances beyond the control of the employee.

XIV-F. Employee Assessment

Any employee who tests positive for the presence of controlled prohibited substances or whose breath alcohol concentration is above the 0.02% minimum threshold set forth in this policy, will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge and clinically experienced in the diagnosis and treatment of alcohol and substance abuse related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is to be the responsibility of the employee. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in a prescribed rehabilitation program.

If an employee is returned to duty following rehabilitation, he or she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test, and be subject to unannounced follow-up tests for a period of one to ~~five~~ three years, as determined by the SAP.

Employees will be given only one chance for rehabilitation under this policy. The affected employee will be immediately terminated on the occurrence of a second verified positive test result by a District designated lab.

XIV-G. Compliance with Testing Requirements

All employees are subject to controlled substance testing and breath alcohol testing in accordance with this policy. Any employee who refuses to comply with a request for testing, who provides false information in connection with the test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence or tardiness resulting in the inability to conduct the test. Failure to comply with testing requirements or failure to comply with a referral to a SAP will result in immediate termination.

XIV-H. Rehabilitation Programs

The District encourages any employee who may have a controlled substance abuse problem to seek confidential counseling and assistance to a qualified program or professional, or through the District's Employee Assistance Program. The District intends to support those employees who voluntarily seek such assistance, but also intends to promptly and firmly identify and discipline those employees who engage in substance abuse which has a negative effect on job performance. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

1. Mandatory Admittance
   A rehabilitation program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be immediately terminated on the occurrence of a second verified positive test result. The employee will pay program costs and subsequent controlled substance and/or testing costs. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and/or complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years.

2. Voluntary Admittance
   All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. The employee will pay program costs and subsequent controlled substance and/or alcohol-testing costs. An employee failing to complete the program will be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for 36 months following return to duty. A positive result on a return-to-duty test or on the unannounced follow-up test within a 36-month period will result in termination from employment. Employees may use accumulated sick leave, vacation and floating holidays to participate in a rehabilitation program. An employee's voluntary disclosure of a substance or alcohol abuse problem will not terminate any investigation, criminal or administrative, initiated prior to the disclosure.

XIV-I. Notifying the District of Criminal Drug Conviction

Any employee convicted of a crime involving the manufacture, distribution, possession or use of a controlled substance or convicted of driving under the influence of alcohol or drugs shall notify the District of such conviction not later than five (5) days after such conviction. A plea of no contest shall constitute a conviction for purposes of this rule and for purposes of imposing discipline under District rules and regulations governing employee conduct. Upon conviction of a crime involving alcohol or drugs as specified above, the employee shall be referred to a SAP for rehabilitation assessment. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

XIV-J. Return to Duty Agreement

If an employee is returned to duty following rehabilitation, he or she must agree and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test, and be subject to unannounced follow-up tests for a period of 12 to 60 months. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is to be paid by the employee. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in a prescribed or voluntary rehabilitation program.

XIV-K. Employee Assistance Program

The District has established an Employee Assistance Program ("EAP") to provide all employees with consultation and referral services in order to reduce the effect of employee personal problems on job performance.

An employee's personal problems may manifest themselves in the work environment and seriously impact job performance. In an effort to ameliorate such impacts, the District makes available to its employees and their immediate family the services of the Employee Assistance Program. All employees are strongly encouraged to utilize the EAP on a self-referral basis. Any employee who persists in deficient job performance as a result of personal problems and does not seek assistance on his or her own initiative may be recommended by the employee's supervisor to the EAP. Participation with the EAP is voluntary, however, and is not part of the District's disciplinary process. Should a supervisor refer the employee to EAP, the employee may request that the EAP release pertinent information to the supervisor making the referral. Such information shall be provided only if the employee signs a conditional waiver of privileged communication allowing for the release of such information.

Confidentiality is of the utmost importance to the District in this regard and is necessary for the ultimate success of the EAP. The EAP is governed by federal and state confidentiality standards and law, and can provide a valuable means for improving both the job performance and personal satisfaction of District employees.

~~XIV. ACQUIRED IMMUNE DEFICIENCY SYNDROME~~

~~The District recognizes that employees with life threatening illness such as Acquired Immune Deficiency Syndrome ("AIDS") may wish to continue their employment and, in fact, that continued employment may be therapeutically important to their overall health. The District also recognizes that it must satisfy its legal obligations to provide a safe environment for all employees, members of the public and other visitors to our premises. As long as employees who have AIDS are able to maintain acceptable performance standards in accordance with established District policy and procedures, and the weight of medical evidence continues to indicate that AIDS cannot be transmitted by casual workplace contact, employees with AIDS will be permitted to continue to work. In determining such an employee's ability to continue in employment, the District will consider making reasonable accommodations to the employee's condition, consistent with applicable Federal, State, and local laws.~~

~~The District will conduct training sessions with employees to provide information about the nature of the disease and to help allay the fears often experienced by employees owing to a lack of understanding of AIDS and especially on how it can be transmitted. Any employee who suffers from AIDS or a related illness should contact the General Manager, in confidence, immediately. The District will take all reasonable precautions, to the maximum extent possible, to ensure that information about an employee's condition remains confidential and will provide the employee with any available information about his or her illness, as well as other programs that are available, to assist the employee and his or her family.~~

XV. CONTINUING EDUCATION AND TRAINING

The District strongly encourages employees to participate in ongoing education and training programs. The District from time to time offers in-house training programs for the purposes of improving employee efficiency, effectiveness, and professional development.

Certain courses offered by education providers other than the District may be considered appropriate training programs for employees provided the General Manager approves them. All completed in-house training as well as District approved training by an outside provider shall be taken into consideration when making advancements and promotions of employees. It is the responsibility of the employee to notify and provide documentation of completion of such training programs. Such documentation will be made a part of each employee's personnel file.

ATTACHMENT 2

VENTURA
PORT DISTRICT
Established 1952

RESOLUTION NO. 3381

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE VENTURA PORT DISTRICT UPDATING THE VENTURA PORT DISTRICT HUMAN RESOURCES MANUAL

WHEREAS, on October 27, 2004, the Board of Port Commissioners ("Board") approved and adopted Resolution No. 3007, adopting the Ventura Port District Human Resources Manual;

WHEREAS, the Board of Port Commissioners approved and adopted Resolution No. 3158 (October 27, 2010), Resolution No. 3193 (July 25, 2012), and Resolution No. 3268 (March 25, 2015) adding new programs and updating new legislation or case law and modifying language to improve clarity;

WHEREAS, the Board of Port Commissioners approved and adopted Resolution No. 3362 (October 10,2018), adding two new full-time employee incentive pay programs;

WHEREAS, staff contracted with Liebert Cassidy Whitmore to update the Ventura Port District Human Resource Manual and updating new legislation or case law and modifying language to improve clarity; and

NOW, THEREFORE, BE IT RESOLVED that the General Manager and Port District staff are hereby authorized and directed to make the appropriate revisions to the Ventura Port District Human Resources Manual to implement the aforesaid updates as approved by the Board of Port Commissioners as set forth herein as Exhibit A.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on December 18, 2019, Resolution No. 3381 was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest: _____ Chris Stephens, Chairman

_____
Jackie Gardina, Secretary

(Seal)

Ventura Port District

Human Resources Manual

Adopted October 27, 2004
Revised October 27, 2010
Revised July 25, 2012
Revised June 12, 2015
Revised October 10, 2018
Revised December 18, 2019

TABLE OF CONTENTS

I. APPLICATION 1
I-A. Amendments 1
I-B. Non-Employment Contract 1
I-C. Employment at Will 1
I-D. Conflict Between these Policies and Collective Bargaining Agreements 1
II. MANAGEMENT RIGHTS 2
III. GENERAL PERSONNEL POLICIES 3
III-A. Equal Opportunity Employer 3
III-B. Administrative Responsibilities 3
III-C. Personnel Records 3
1. General 3
2. Notifying the District of Changes in Personal Information 3
3. Location of Personnel Files 3
4. Medical Information 4
5. References and Release of Information in Personnel Files 4
6. Employee Access to Personnel File 5
IV. HOURS AND DAYS OF WORK 6
IV-A. Work Hours 6
IV-B. Workweek 6
IV-C. Work Periods 6
IV-D. Meal Period 6
IV-E. Rest Period 7
V. HUMAN RESOURCES PROCEDURES 8
V-A. Hiring and Recruitment 8
1. Vacant Positions 8
2. Reasonable Accommodation 8
3. Selection Process 8
4. Pre-Employment Investigation 8
5. Eligibility to Work in United States 9
V-B. Employment Classifications 9
V-C. Exempt vs. Non-Exempt Employees 9
V-D. Employment Status 9
1. Probationary Employees 9
2. Regular Full-time Employment 10
3. Temporary Employees 10
4. Regular Part-time Employment 10
5. Emergency Employees 10
6. Seasonal Employees 11
7. Per Diem 11
8. Provisional 11
9. Volunteer 11
V-E. Employee Orientation 11
V-F. Transfers of Position 12
1. Voluntary Transfer 12

2. Promotion 12
3. Demotion 12
4. Involuntary Transfer 12
V-G. Nepotism Policy 12
1. Relatives 13
2. Spouses or Domestic Partners 13
VI. COMPENSATION 14
VI-A. Determination of Compensation 14
VI-B. Pay Periods 14
VI-C. Deductions 14
VI-D. Overtime: Fair Labor Standards Act Provision 14
1. Non-Exempt Employees 14
2. Exempt Employees 15
VI-E. Compensatory Time off Account 15
VI-F. Performance Reviews 15
VII. BENEFITS 17
VII-A. Insurance 17
1. Health and Dental 17
2. Life Insurance 17
3. Long-Term Disability Insurance 17
4. Unemployment Insurance 17
5. Workers' Compensation Insurance 17
VII-B. Post-Termination Insurance Benefits (COBRA) 17
VII-C. Retirement Plan 17
VII-D. Holidays 18
1. Holiday Pay 18
2. Part-Time Employees 19
VII-E. Vacation 19
1. Accruals 19
2. Maximum Vacation 19
VII-F. Administrative Leave with Pay 20
VII-G. Sick Leave 20
1. Accrual of Sick Leave 20
2. Use of Non-Accrued Sick Leave 20
3. Sick Leave Use 21
4. Notification 22
5. Sick Leave Administration 22
6. Use of Sick Leave When Disabled 22
7. Job Related Injury 22
8. Sick Leave on Termination 22
VII-H. Sick Leave Bank 23
1. Donation Procedures 23
2. Using Hours Donated to Sick Leave Bank 23
VII-I. Time off to Vote 23
VII-J. Jury Duty and Court Appearances 24
VII-K. Bereavement Leave 24
VII-L. Personal Leave with Pay 24

VII-M. Other Leaves with Pay 24
1. Organ Donation or Bone Marrow Transplant 24
VII-N. Family Care and Medical Leave Policy 25
1. Reasons for Leave 25
2. Employees Eligible for Leave 25
3. Amount of Leave 25
4. Substitution of Paid Accrued Leaves 26
5. Minimum Duration of Leave 26
6. Spouses Both Employed by the District 26
7. Employees Benefits While on Leave 26
8. Medical Certification 26
9. Time to Provide a Medical Certification 27
10. Consequences of Failure to Provide Timely or Adequate Medical Certification 27
11. Intermittent Leave or Leave on a Reduced Schedule 28
12. Employee Notice of Lease 28
13. Reinstatement Upon Return from Lease 28
VII-O. Pregnancy Disability Leave 28
VII-P. Americans with Disability Act (ADA) Leave/Reasonable Accommodation 29
VII-Q. Personal Leave without Pay 30
VII-R. Military Leave 30
VII-S. Emergency Duty 30
VII-T. Legal Witness 30
VII-U. Assist Victim of Domestic Violence 31
VII-V. Requested School Activity 31
VII-W. Victim of Crime 31
VII-X. Attend Drug or Alcohol Rehabilitation Program 31
VII-Y. Reimbursement of Expenses 31
VII-Z. Optional Benefit Plan 31
VII-AA. Full-Time Employee Incentive Pay Programs 32
1. Educational Incentive Pay Program 32
2. Bilingual Incentive Pay Program 32
VIII. TRANSITION WORK ASSIGNMENT PROGRAM 33
VIII-A. Employees Eligible to Participate 33
VIII-B. Employees Not Eligible to Participate 33
VIII-C. Employee Participation 33
VIII-D. Employee Responsibilities 34
IX. SEPARATIONS FROM SERVICE 35
IX-A. Voluntary Resignation 35
IX-B. Job Abandonment 35
IX-C. Dismissal 35
1. Regular Employees 35
2. Other Employees 35
IX-D. Layoff 35
1. Notice of Layoff 35
2. Layoff by Seniority 36

3. Demotion in Lieu of Layoff and Displacement 36
4. Appeals Procedure for Layoffs 36
5. Re-Employment Rights for Laid-off Employees 36
IX-E. Reinstatement 36
IX-F. Re-Employment 36
IX-G. Payments Upon Termination of Employment 37
X. DISCIPLINARY ACTION 38
X-A. Grounds for Discipline 38
X-B. Procedures for Taking Disciplinary Action 39
1. "Business Day" 39
2. "Skelly" Notice of Intended Disciplinary Action 39
3. Response by Employee and *Skelly* Conference 40
4. Final Notice of Disciplinary Action 40
X-C. Disciplinary Appeal Procedures 41
1. Peace Officers Bill of Rights 41
2. Request for Appeal Hearing Before a Subcommittee of the Board 41
3. Conduct of Hearing 41
XI. GRIEVANCE PROCEDURES 42
XI-A. Definition of Terms 42
XI-B. Grievance Process 42
1. Filing a Grievance 42
2. The Grievance Steps 42
3. Limitations on the Decisions of Those Hearing Employee Grievances 43
XII. POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION 44
XII-A. Definition 44
1. Protected Classification 44
2. Protected Activity 44
3. Harassment 44
4. Discrimination 45
5. Retaliation 46
XII-B. Prohibited Supervisory or Managerial Behavior 46
XII-C. Behavior Prohibited by All Persons 46
XII-D. Obligations of Supervisors/Managers 46
XII-E. Complaint Procedure for Discrimination or Harassment 47
1. Obligations of All Employees 47
2. Responsibilities of Supervisors or Management 47
XII-F. Investigation/Corrective Action 48
XIII. EMPLOYEE CONDUCT AND RESPONSIBILITIES 49
XIII-A. Conduct 49
XIII-B. Job Responsibilities 49
XIII-C. Care of Equipment 49
XIII-D. Use of District Equipment Prohibited 49
XIII-E. Personnel Records 49
XIII-F. Employee Dress Code 49

XIII-G. Outside Employment 49
XIII-H. Violations and Penalties 50
XIII-I. Smoking 50
XIII-J. Safety 50
XIV. DRUG FREE WORKPLACE 51
XIV-A. Policy and Purpose 51
XIV-B. Applicability 51
XIV-C. Definitions 52
1. Alcohol 52
2. Drug or Drugs 52
3. Prescription Drug 52
4. Prohibited Substances 52
5. Regulated Substances 52
6. Safety-Sensitive Position 52
XIV-D. Prohibited Conduct 53
1. Possession, Use, Manufacture and Trafficking 53
2. Drug Paraphernalia 53
3. Impairment 53
4. Alcohol 53
XIV-E. Testing for Prohibited Substances and Alcohol 54
1. Testing Procedures 54
2. Pre-Employment Screening 55
3. Reasonable Suspicion Testing 55
4. Post-Accident Testing 55
5. Random Testing 56
6. Return-to-Duty Testing 56
7. Employee Requested Testing 56
XIV-F. Employee Assessment 57
XIV-G. Compliance with Testing Requirements 57
XIV-H. Rehabilitation Programs 57
1. Mandatory Admittance 57
2. Voluntary Admittance 58
XIV-I. Notifying the District of Criminal Drug Conviction 58
XIV-J. Return to Duty Agreement 58
XIV-K. Employee Assistance Program 58
XVI. CONTINUING EDUCATION AND TRAINING 60

I. APPLICATION

This manual applies to all employees of Ventura Port District (hereinafter "District") who are not Members of the Board of Port Commissioners (hereinafter "Board").

I-A. Amendments

The District retains the full discretion to modify the policies set forth in this manual at any time in accordance with the law and applicable Memoranda of Understanding (MOUs) by resolution of the Board.

I-B. Non-Employment Contract

These rules do not create any contract of employment, express or implied, or any rights in the nature of a contract.

I-C. Employment at Will

Unless otherwise expressly provided for in an applicable collective bargaining agreement, employment contract, the District Commission's governing statues, or another part of these rules, all District Employees are employed on an at-will basis. Employment at-will may be terminated without cause and without notice at any time by the District. No manager, supervisor, or employee of the District has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the District acting through the Board of Port Commissioners has the authority to make any such agreement, which is binding and only if it is in writing.

I-D. Conflict Between These Policies and Collective Bargaining Agreements

If a provision of these policies conflicts with any provision of a valid collective bargaining agreement between the District and a recognized employee organization, to the extent of such conflict, the provision of the collective bargaining agreement shall be deemed controlling and apply to employees covered by that collective bargaining agreement.

II. MANAGEMENT RIGHTS

The District shall retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority necessary to determine the level of, and the manner in which, the District's activities are conducted, managed, and administered. All employees and any recognized employee representative shall recognize the exclusive right of the District to establish and maintain District-wide rules and procedures and to manage the affairs of the District in all of its various services and other aspects, including, but not limited to the following rights:

- Direct and schedule work and/or overtime work as required in the manner most advantageous to the District.
- Direct employees to perform all job duties, including those incidental job duties not expressly stated in a job description. Every incidental duty connected with operations enumerated in job descriptions is not always specifically described; nevertheless, it is intended that the employee perform all such duties.
- Discipline or discharge employees subject to the Human Resources procedures as described in Section X.
- Lay off personnel at any time as described in Section IX-D of this manual.
- Determine assignments and establish methods and processes by which assignments are performed.
- Transfer employees within departments, divisions and sections and to a position outside of a department, division or section in a manner most advantageous to the District.
- Effect reorganizations and reallocation of work of the District.
- Contract for matters relating to District operations. The right of contracting or subcontracting is vested exclusively in the District.

The inherent and express rights of the District are not in any way, directly or indirectly, subject to meeting and notice, or meeting and conferring, or the District Grievance Procedure except those specifically referred to in this manual which are expressly modified or restricted by a specific provision.

III. GENERAL PERSONNEL POLICIES

III-A. Equal Opportunity Employer

The District prohibits discrimination against employees or applicants for employment on the basis of race, color, religious creed, sex, gender, national origin, ancestry, age (40 and over), marital status, physical disability, mental disability, medical condition, sexual orientation, gender identity, gender expression, genetic information, or military and veteran status or any other basis protected by law. The District affords equal employment to all qualified employees and applicants as to all terms and conditions of employment, including compensation, benefits, recruitment and selection, hiring, training, promotion, transfer, discipline and termination.

Employees, volunteers or applicants, who believe they have experienced any form of employment discrimination or abusive conduct are encouraged to report the conduct immediately by using the complaint procedure provided in this Manual, or by contacting the U.S. Equal Employment Opportunity or Commission, or the California Department of Fair Employment and Housing.

III-B. Administrative Responsibilities

The General Manager of the District shall ultimately be responsible for all personnel matters as to all subordinate employees in accordance with all federal and state laws and regulations and these policies, but may delegate as many of the day to day functions to others as is appropriate under the circumstances.

III-C. Personnel Records

1. General
   The District maintains a personnel file on each employee. An employee's personnel file shall contain only material that is necessary and relevant to the administration of the District's Human Resources Programs or that is required by law. Personnel files are the property of the District, and access to the information they contain is restricted to protect employee privacy interests.

2. Notifying the District of Changes in Personnel Information
   Each employee is responsible to promptly notify the District of any changes in relevant personnel information including the following:
   - Mailing address
   - Telephone number
   - Persons to contact in emergency
   - Number and names of dependents
   - Physical limitations that could affect his or her ability to perform essential job functions

3. Location of Personnel Files
   Employee personnel files will be located in the District office or in an area designated by the District. Employee personnel files will be handled in a manner that protects the privacy of the employees.

4. Medical Information
   Separate Confidential Files.
   All medical information about an employee or applicant is kept separately from other personnel records and is treated as confidential in accordance with the Americans with Disabilities Act (42 U.S.C section 1211(d)(3)(b) and the California Confidentiality of Medical Information Act (Cal Civil Code section 56 seq.).

   Information in Medical Files.
   The District will not obtain medical information about an employee or applicant except in compliance with state and federal laws. To enable the District to obtain certain medical information, the employee or applicant may need to sign an Authorization for Release of Medical Information.

   Access to Medical Information.
   Access to employee or applicant medical information shall be strictly limited to only those with a legitimate need to have such information for District business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, managers and supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

   Authorization for Release of Medical Records.
   The District will not provide employee or applicant medical information to a third party (except as permitted under the California Confidentiality of Medical Information Act, or if access is required by law, subpoena or court order) unless the employee signs an Authorization for Release of Employee Medical Information. This form may be obtained through the General Manager or his designee. The District will release only the medical information that is identified in the employee's authorization. If the employee's authorization indicates any limitations regarding the use of the medical information, the District will communicate those limitations to the person or entity to which it discloses the medical information.

5. References and Release of Information in Personnel Files
   Public Information.
   Upon request, the District will disclose information contained in personnel files as required by law, including the California Public Records Act.
   Reference Checks.

   All requests from outside the District for reference checks or verification of employment concerning any current or former employee must be referred to the General Manager. Information will be released only if the employee signs an Authorization for Release of Employment Information that may be obtained in the General Manager's office. Without this authorization the following limited information will be provided: dates of employment and salary range upon departure. Department heads and supervisors should not provide information in response to requests for reference checks or verification for employment, unless specifically approved by the General Manager after consideration on a case-by-case basis.

   Medical Information.
   Medical information will be released only in accordance with Section III-C.4.

6. Employee Access to Personnel File.
   Inspection of File.
   An employee may inspect his or her own personnel file, to the extent defined in California Labor Code section 1198.5, at reasonable times and at reasonable intervals, within 30 days of a written request. An employee who wishes to review his or her file should contact the General Manager to arrange an appointment. The inspection must be done in the presence of the General Manager or his designee and at a location where the employee works and at a time other than the employee's work time (Labor Code section 1198.5(b)(1)), or at another agreed upon location without loss of compensation to the employee. (Labor Code section 1198.5(c)(2))

   Copies.
   An employee is entitled to receive a copy of his or her personnel records within 30 days after the District receives a written request. An employee who wishes to receive such a copy should contact the General Manager or the General Manager's designee. The District may charge a fee for the actual cost of copying. (Labor Code section 1198.5(b)(1); 1198.5 (b)(2)(A))

   Representative's Inspection.
   If the employee wishes to have another person/representative inspect his or her personnel file, he or she must provide the person/representative with written authorization. (Labor Code section 1198.5(e)) The General Manager or the General Manager's designee will notify the employee and/or representative of the date, time and place of the inspection in writing.

   No Removal of File Documents.
   No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

IV. HOURS AND DAYS OF WORK

IV-A. Work Hours
All District employees may be assigned different work schedules, including a 5/40, 4/10, 3/12 or 9/80 work schedule depending on the needs of the District. Employees assigned to shift work may be rotated between the various shifts from time to time.

IV-B. Workweek
The workweek for employees assigned to a 5/40 or 4/10 work schedule begins at 12:00 a.m. on Wednesday and ends at 11:59 p.m. on Tuesday.

Certain employee groups may voluntarily choose to work the “9/80 Alternative Workweek Schedule”. The eligible employee groups are Maintenance Department including the Maintenance Supervisor and the Administration Department including the Marketing Department and the Marina Manager.

The “9/80 Alternative Workweek Schedule” allows a participating employee to work four (4) 9-hour days plus on (1) 8-hour day in one seven-day period and four (4) 9-hours days in an alternating seven day period without the accrual of overtime. For all employees working a 9/80 work schedule, the workweek shall begin exactly four hours into the 8-hour shift on the day of the week that corresponds to the employee’s regularly scheduled alternating day off. Participating employees working longer than nine hours but no more than twelve hours in a day pursuant to the alternative workweek schedule, or more than forty hours per workweek, shall be paid an overtime rate of compensation of one and one-half times the regular rate of pay. If a District holiday falls on an employee’s regularly scheduled day off while participating in the 9/80 workweek, that employee will accrue nine hours of Comp Time. This Comp Time must be used within two months after the employee receives the approval from the employee’s supervisor.

The “3/12 Alternative Workweek Schedule” allows a participating employee to work three (3) 12-hour days plus on (1) 8-hour day in one seven-day period (44 hours) and three (3) 12-hours days in an alternating seven day period (36 hours) without the payment of an overtime rate of compensation accrual of overtime. For all employees working a 3/12 work schedule, the workweek shall begin exactly four hours into the 8-hour shift on the day of the week that corresponds to the employee’s regularly scheduled alternating day off.

IV-C. Work Periods
The General Manager may designate different workweeks or work periods for different employees or groups of employees. The designation will include the time of day and day of week on which the employee's workweek begins. If the District assigns employees to a public safety "FLSA 7(k)" work period, the designation must include the starting time and length of each employee's work period.

IV-D. Meal Period
Non-exempt District employees who work six hours per day or more shall be entitled to a 30-minute to 60-minute non-compensated meal period within five hours of beginning a workday provided that they are relieved of anticipated responsibilities and are free to leave the District during the meal period. A non-exempt employee may not waive a meal period in order to shorten his or her workday. A non-exempt employee that works through his or her meal period shall document the hours on his or her timecard as time worked.

Employees who are not relieved from job duties or are restricted to the District's property during meal periods are entitled to a 30-minute paid meal period, including those employees assigned to shift work in the Harbor Patrol and Courtesy Patrol who are required to be within hearing proximity of any District radio during the meal period

IV-E. Rest Period

A fifteen (15) minute compensated rest period shall be provided to all District non-exempt employees for each four (4) hour period of service. The rest period shall be taken at a time designated by the employee's supervisor, is not cumulative and may not be combined to shorten the workday or to extend the meal period.

V. HUMAN RESOURCES PROCEDURES

V-A. Hiring and Recruitment

1. Vacant Positions
   When a full-time regular or a part-time regular position becomes vacant for which an open examination is to be held, the position shall be advertised in one local or regional newspaper that has substantial circulation in areas with large minority populations. Announcements of all open, closed and promotional positions shall also be posted on the bulletin board at the Ventura Port District office. Such announcement shall specify the following:

   - Title and pay for the position
   - The nature of the work to be performed and essential job duties of the position
   - The minimum qualifications
   - The desirable qualifications
   - The time and location of the examination or selection interview
   - The closing date for the application if one is established
   - A medical examination, including a drug screen, will be required, post-offer of employment.
   - Any other information as determined in the discretion of the General Manager or designee

2. Reasonable Accommodation
   An applicant with a disability may request accommodation in an examination process. Following a receipt of a request for accommodation, the District may require additional information, such as reasonable documentation of the existence of a disability. The District will comply with the employment–related reasonable accommodation requirements of the California Fair Employment and Housing Act and the Americans with Disabilities Act. An employee or applicant who alleges a denial of a reasonable accommodation may file a complaint pursuant to Section XII-E “Complaint Procedure for Discrimination or Harassment” of this manual or with the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission.

3. Selection Process
   Candidates for positions may be asked to perform and/or submit to written, oral, performance, physical and/or medical examinations. All examinations shall be conducted by or arranged for by the General Manager or his or her designee.
   The District administers two general types of examinations: (1) An "open" examination, which is open to all persons who the General Manager or his or her designee determines are the most highly qualified for the position; and (2) a "closed" examination, which is an examination limited to present District employees.

4. Pre-Employment Investigation
   As part of the selection process, the District will require finalists to sign an authorization form allowing the District to conduct reference, general background, previous employment, DMV, and criminal checks in compliance with state law. Refusal to sign the background investigation authorization form will result in the finalist being excluded from the selection process.

5. Eligibility to Work in United States
   As a prerequisite to being hired by the District, each potential employee will be required to complete a Form I-9 and meet the Employment Eligibility requirements of the United States Department of Homeland Security.

V-B. Employment Classifications
All authorized position classifications shall be included in the Salary Resolution and will have job descriptions. The establishment of salary will be in accordance with the education, experience, duties and responsibilities of the employee. All job descriptions will identify that classification as exempt or non-exempt as required by the Department of Labor under the Fair Labor Standards Act (FLSA).

V-C. Exempt vs. Non-Exempt Employees
For purposes of payment of overtime pay and hours of work, District employees will fall into one of two categories: Exempt and Non-Exempt. Exempt employees are defined in the FLSA regulations. Those employees who do not meet the definition of Exempt employees under the FLSA are Non-Exempt employees.

V-D. Employment Status
District employees will fall into one of nine categories of employment status:

1. Probationary Employees
   Regular Full-Time and Regular Part-Time employees will be considered probationary from their date of hire until they have completed one year of continuous service for the District. The probationary period is a period of time during which the employee's supervisor will observe and evaluate the employee's ability to meet the expectations of the District regarding performance, attitude, conduct, and qualifications for the position in which they were hired. The probationary period is considered part of the selection process. The employee shall receive at least two formal evaluations during the probationary period.

   Rejection During Initial Probation.
   During the probationary period, a probationary employee serves at the pleasure of the appointing authority, has no property right in continued employment, and has no right to any pre or post-disciplinary procedural due process or evidentiary appeal. During the initial probationary period a probationary employee is an at-will employee and may be dismissed at any time without cause and without the right of appeal.

   Probation After Promotion.
   On accepting a promotion, an employee serves a new probationary period of six (6) months of actual and continuous service. Periods of time on paid or unpaid leave exceeding five (5) days (consecutive or not) shall automatically extend the probationary period by the number of days the employee is on leave. An employee does not acquire regular status in the promotional position until the successful completion of this probationary period. If the employee fails to satisfactorily complete the probationary period in the promotional position, the employee shall be entitled to return to the position held prior to promotion at the pay rate or step held prior to promotion if there is a vacancy in the prior position or if a vacancy can be created by terminating a probationary employee. If there is no vacancy, the

employee shall be assigned to a vacant position that is nearest the employee's prior position. The employee is not entitled to notice of a hearing with regard to an employee's failure to satisfactorily complete the probationary period in the promotional position.

Report at Conclusion of Probationary Period.
At the end of the probationary period, there shall be a written report of probationary performance, which will document whether the probationer is to become a Regular employee. The probationary period may be extended only for the amount of time, if any, that the Probationary employee was absent from employment during the probation period.

2. Regular Full-time Employment
   Employees who successfully complete their probationary period and who regularly work a minimum of 40 hours per week shall become full-time employees and shall be entitled to the benefits and leaves provided to other employees in the same classification and provided in these Policies, unless otherwise provided in an MOU. They shall also be entitled to the Disciplinary Appeal Process described in section X-C of this manual.

3. Temporary Employees
   Employees who are selected without following the District's selection process to perform specific tasks may be employed up to 180 working days or until the task or project has been completed. The period of temporary employment may be extended for an additional 180 working days. Temporary employees serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal. Temporary employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.

4. Regular Part-time Employment
   Employees who regularly work less than 40 hours a week but 20 hours or more a week and who successfully complete their probationary period shall become regular part-time employees and shall be entitled to regular part-time status equal to the hours worked when compared to 40 hours per week. Employees working less than 20 hours per week do not acquire regular status and are not entitled to benefits. Part-time employees may have rights to leave under the law or these Policies, unless otherwise provided in an MOU, depending on the number of hours they work, Such employees serve at the pleasure of the General Manager, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal..

5. Emergency Employees
   Employees who are needed to perform emergency work may be employed at any time without following the District's selection process. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal. . Emergency employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.

6. Seasonal Employees
   Employees who are needed to perform work on a regular seasonal basis may be employed without following the District's selection process. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal. Seasonal employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.

7. Per Diem
   Employees who are needed to perform work by the day may be employed without following the District's selection process. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal. Per Diem employees are not eligible for benefits but may have rights to leave under the law or these Policies, depending on the number of hours they work.

8. Provisional
   Employees who are needed to perform work until a regular Full-Time employee can be employed to do work until a certain situation or condition has ended. These employees usually work for a limited period of time and would rarely work more than 1000 hours. These employees are considered to be at-will and serve at the pleasure of the appointing authority, have no property right in continued employment, and have no right to any pre or post-disciplinary procedural due process or evidentiary appeal. Provisional employees are not eligible for benefits but may rights to leave under the law or these Policies, depending on the number of hours they work.

9. Volunteer
   Volunteers are not considered employees, but instead are individuals who provide services to the District for civic or philanthropic reasons. Volunteers are not paid any salary, nor do they receive any benefits. Volunteers may be transferred to meet the needs of the District and their work contributions may be ended depending upon the need of the District. A volunteer serves at-will and may be removed at any time without cause, notice or any right of appeal.

V-E. Employee Orientation

During an employee's first few days of employment, the employee will participate in an orientation program conducted by various members of the employee's department, including the employee's supervisor. During this program, the employee will receive important information regarding the performance expected and required of the employee, District policies, compensation and benefit programs, as well as other information necessary to acquaint the employee with District policies. The employee will also be asked to complete all necessary paperwork at this time, such as medical benefit plan enrollment forms, beneficiary designation forms, appropriate Federal, State and local tax forms, and other necessary administrative forms.

The District strongly encourages new employees to ask any and all questions they may have during the orientation program so that they will understand all guidelines that affect and govern their employment relationship with the District.

V-F. Transfers of Position

1. Voluntary Transfer
   Employees with one year of satisfactory or better service may initiate a request to transfer to another position in the same or lower classification for which the employee is qualified in the opinion of the General Manager.

   The "Request" must be in writing to the General Manager and include the employee's qualifications for the transfer position.

   The General Manager will consider the best interests of the District prior to authorizing any employee requested transfer.

   Approval or rejection of voluntary transfer requests will be at the discretion of the General Manager and not subject to appeal or review.

2. Promotion
   Employees may be offered a vacant position, for which they are qualified, at the discretion of the General Manager. The employee will serve a promotional probationary period as detailed in Section V-D1.

3. Demotion
   Employees may be demoted in the event of a reduction in personnel due to lack of work, lack of funds, the employee's inability to perform his or her required duties, or for disciplinary reasons, at the discretion of the General Manager. In the event that a Regular employee is demoted for disciplinary purposes, that employee is entitled to the appeals procedure set forth in Section X-C "Disciplinary Appeals Procedures" of this Manual.

4. Involuntary Transfer
   The General Manager shall have the authority to involuntarily transfer an employee at any time for efficiency, health conditions, safety, morale or other grounds beneficial to the District.

   Whenever possible, an employee being transferred from one position to another position in the same class, or a comparable class at the same salary level, shall receive five (5) working days' notice. If the transfer requires the employee to move equipment from one location to another, the employee shall receive seven (7) working days' notice.

V-G. Nepotism Policy

The District regulates the employment and placement of relatives, spouses and domestic partners so as to avoid conflicts of interest and to promote safety, security, supervision and morale.

For purposes of this section, "relative" means child, stepchild, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.

For purposes of this section, "spouse" means one of two persons to a marriage, or two people who are registered domestic partners, as those terms are defined by California law.

For purposes of this section, “supervisory relationship” means one in which one employee exercises the right or responsibility to control, direct, reward, or discipline another by virtue of the duties and responsibilities assigned to him or her by the District.

1. Relatives
   The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person’s relative already holds a position, if any of the following would result:
   - A direct or indirect supervisory relationship between the relatives;
   - The two employees having job duties which require performance of shared duties on the same or related work assignment;

   A potential for creating an adverse impact on supervision, safety, security, morale or efficiency.

2. Spouses or Domestic Partners
   The District will not appoint, promote or transfer a person to a position within the same department, division, or facility in which the person’s relative already holds a position, if any of the following would result:
   - One spouse or domestic partner being under the direct supervision of the other spouse or domestic partner; or
   - Spouses or domestic partners in the same department, division, section or facility has the potential to create adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

   If two employees who work in the same department later become spouses or domestic partners, the General Manager will attempt to transfer one spouse to a similar position in another department, division, section or facility. Although the wishes of the involved parties as to which spouse/domestic partner is to be transferred will be considered, the General Manager retains sole discretion to determine which employee will be transferred based upon the District’s needs for supervision, safety, security or morale. If any such transfer results in a reduction in salary or compensation, the same shall not be considered disciplinary in nature and shall not be subject to any form of administrative appeal.

   If continuing employment of two spouses or domestic partners who work in the same department cannot be accommodated consistent with the District’s interest in promotion of safety, security, morale and efficiency, then the District retains sole discretion to separate one spouse from District employment. Absent resignation by one affected spouse or domestic partner, the less senior of the involved spouses or domestic partners will be subject to separation. Any such separation shall not constitute discipline and shall not be subject to any administrative appeal.

VI. COMPENSATION

VI-A. Determination of Compensation

The General Manager's salary shall be negotiated with the Board. Any employee with an employment agreement shall have his or her rates of pay or salaries established annually through negotiation with the General Manager and/or the Board in conjunction with the annual District budget.

Rates of pay for other employees may be based on either a pay range based on merit or a step system based on length of service and satisfactory performance.

1. Merit Increase
   Adjustments within a Pay Range will be based on individual merit. Merit encompasses an employee's knowledge, experience, ability, and performance, among other factors. A merit increase is considered as being earned by an employee. A merit increase is advancement to a higher rate in the employee's classification pay range. A merit increase is based on satisfactory or better work performance and must be accompanied by a current employee evaluation prepared and signed by the employee's supervisor and signed and approved by the General Manager. The employee shall acknowledge receipt of such evaluation in writing.

Each year during the budget process and at such other times as the Board of Port Commissioners shall determine in its discretion, the Board of Port Commissioners shall review the rates of pay to ensure that the specified salary ranges are appropriate for identified positions given the duties and responsibilities of such positions.

VI-B. Pay Periods

District employees are paid bi-weekly by check or direct deposit every other Friday.

VI-C. Deductions

The District shall deduct from all employees' paychecks all legally required withholdings and deductions. Employees may request and authorize in writing that the District make other deductions for other voluntary programs as approved by the General Manager.

VI-D. Overtime: Fair Labor Standards Act Provision

The District is subject to applicable FLSA provisions regarding overtime compensation.

1. Non-Exempt Employees
   The District as a matter of general policy does not permit employees to work overtime; however, non-exempt employees may be required to work overtime at the discretion of the General Manager.

   Overtime for non-exempt employees is defined as hours assigned to be worked and actually worked (except for authorized FLSA 207(k) work periods and as otherwise set forth in a MOU) in excess of their scheduled workday or forty (40 hours) in the designated seven (7) day workweek.

   Non-exempt employees shall obtain authorization to work all overtime. A non-exempt employee who works unauthorized overtime may be subject to disciplinary action. Each Department shall establish procedures for obtaining authorization for overtime.

Non-exempt employees working authorized overtime shall accrue compensatory time off at one and one-half hours (1-1/2) per hour worked.

A non-exempt employee may not accrue more than 40 hours of compensatory time off at any one time.

2. Exempt Employees
   Exempt Employees are not eligible to receive pay or compensatory time off for working in excess of their scheduled workday or over 40 hours per week.

VI-E. Compensatory Time Off Account
A compensatory time off account will be maintained for employees required to work on a holiday or overtime. A worksheet of this account will be included in each employee's pay envelope to assist the employee in tracking this information. The District reserves the right to correct any errors in this worksheet.

All compensatory time off accrued will be paid off at the employee's current regular rate of pay in the last pay period of each quarter, unless the employee requests to have the compensatory time carried over by submitting a request in writing to the General Manager at least seven (7) days prior to the end of the quarterly pay period. The General Manager will determine whether to allow or disallow the compensatory time to be carried over to the following quarter. In no event will time be carried over beyond one subsequent quarter.

An employee may not accrue more than 40 hours of compensatory time off.

All compensatory hours accrued by an employee shall be paid off immediately prior to the effective date of any increase in pay.

VI-F. Performance Reviews
Once annually at the end of each calendar year, a non-probationary employee's supervisor will prepare and sign a performance evaluation on a District form for each annual performance evaluation period. More than one performance evaluation may be provided to the employee during the course of the annual evaluation period at the discretion of the supervisor.

The annual review process is meant to be a review not only of the performance of the employee, but also of the District. Employees are in the best position to evaluate the overall effectiveness, efficiency and organization of the District, and for that reason the District strongly encourages employees to evaluate the District's performance not only in regard to personnel matters, but also with regard to its overall effectiveness, productivity, and service to the public.

Performance Review Meeting
In conjunction with the written performance evaluation, the supervisor will meet with the employee to discuss the evaluation. The written evaluation shall be presented to and reviewed with the employee. The employee shall sign or otherwise acknowledge receipt of such written evaluation. Employees are strongly encouraged to use this opportunity to ask questions about their performance, their prospects for advancement within the District, and any other matters relating to their employment

Employee Response to Evaluation

After receiving a copy of the written evaluation, the employee will have the opportunity to review and respond to the evaluation. If the employee is not satisfied with the written report, that employee shall be entitled to the appeal procedure provided for in this Manual under Section X, "Grievance Procedures." All documentation concerning the review becomes a part of the employee's personnel file.

VII. BENEFITS

VII-A. Insurance

1. Health and Dental
   The District provides a monthly sum, as established by resolution of the Board of Port Commissioners that all Probationary and Regular employees may apply toward the cost of general health and dental insurance for themselves and their dependents. Employees may include additional coverage, both for themselves and for their dependents, at their own expense. The effective date of coverage and the terms of the coverage of the insurance plans shall be governed by those plans.

2. Life Insurance
   The District furnishes and pays for group insurance for all Probationary and Regular employees, if insurable. The effective date of coverage and the terms of the coverage shall be governed by the plan. The death benefit shall be equal to the annual base earnings of the employee.

3. Long-Term Disability Insurance
   The District provides long-term disability insurance coverage for all Regular and Probationary employees. The effective date of coverage and the terms of the coverage shall be governed by the policy. Once an employee is declared totally disabled pursuant to the terms of said disability insurance policy, the employee shall be eligible to receive sixty percent (60%) of his or her full salary during the 90-day "elimination period" specified in the policy. The District shall commence this payment only after the employee has utilized all sick leave, vacation time and compensatory time off to which he or she is entitled.

4. Unemployment Insurance
   The District provides and pays for unemployment insurance under a program administered by the State of California, Employment Development Department. In the event of unemployment, weekly benefits are available under terms and conditions of the program.

5. Workers' Compensation Insurance
   The District provides Workers' Compensation Insurance for all employees. The effective date of coverage and the terms of coverage shall be governed by the policy.

VII-B. Post-Termination Insurance Benefits (COBRA)

Insurance benefits for Probationary and Regular employees will terminate at the time the employee, for whatever reason, is no longer employed by the District. The employee may elect to continue to be covered by health and dental at his or her expense for the duration established by law, usually eighteen (18) months. The employee must request coverage in writing and remit to the District on a monthly basis the amount of the insurance premium plus a two percent (2%) administration fee.

VII-C. Retirement Plan

The District is a member of the California Public Employees Retirement System (PERS). All Regular and Probationary employees automatically become members of the System upon entry into employment with the District. Deductions from an employee's salary are made at the rates fixed by state law; however, the District may elect, by resolution of the Board of Port Commissioners, to pay all or a part of the employee's contribution to the

Retirement System. Benefits are available under terms and conditions of the program. Retirement benefits are not provided to other employee classifications unless a specific employee works more than 1000 hours in a fiscal year.

VII-D. Holidays
Each full-time employee shall be entitled to only the following holidays each calendar year with pay:

- New Year's Day (January 1)
- Martin Luther King Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- The Friday after Thanksgiving,
- Christmas Day (December 25)
- Two personal holidays

If any of these holidays falls on a Sunday, the following Monday shall be treated as the holiday. If the holiday falls on a Saturday, the preceding Friday shall be treated as the holiday.

For Departments that have employees who regularly work weekends, the holiday shall be observed on the actual holiday regardless of day of the week on which the holiday falls.

Employees must be employed by the District on the day preceding and the day following a holiday for the employee to be entitled to a paid holiday. Employees who are on authorized paid leave are considered employed for purposes of this policy.

Employees may request to take off two days per fiscal year as personal holidays. These personal holidays will be lost if not taken in the fiscal year. Prior approval from the General Manager is required.

At the discretion of the General Manager the holiday schedule may be amended.

1. Holiday Pay
   Any non-exempt employee who is off on a holiday for any reason shall receive either one day of Holiday Pay or one day of compensatory time as appropriate.

   Any non-exempt employee who works a holiday as part of his or her normal workweek shall receive 1.5 times his or her base hourly rate of pay for each hour worked plus one day of compensatory time.

   Any hours a non-exempt employee works on a holiday over his or her normal workday shall be paid at double-time of the employee’s base hourly rate of pay.

Any non-exempt employee who works a holiday in addition to his or her normal workweek shall receive double-time of the employee's base hourly rate of pay for hours worked plus one day of compensatory time off.

Exempt employees shall receive one day of Holiday Pay at his or her base rate of pay for each of the approved District Holidays. If an exempt employee is required to work on any District Holiday, he or she shall receive one hour of compensatory time off for each hour actually worked on the holiday.

2. Part-time Employees
   Part-time employees shall be paid at one and one-half times their base hourly rate of pay for working a Holiday.

VII-E. Vacation

The purpose of annual vacation leave is to enable each eligible employee to take vacation leave and return to his or her work mentally and physically refreshed. Scheduling of vacation time will be at the discretion and with the approval of the General Manager. Every effort will be made to accommodate employee vacation requests within the constraints imposed by the District's operational needs. Upon separation from service, employees will be paid for any unused accrued vacation. With approval, all employees shall be entitled to take their accrued annual vacation leave with pay as follows:

1. Accruals
   Probationary employees do not accrue vacation. Upon successful completion of a probationary period, employees will be credited 80 hours of vacation time.

   Full-time Regular employees with less than five (5) years of service shall accrue vacation hours at the rate of 3.08 hours per bi-weekly pay period or 80 hours per year.

   Full-time Regular employees, with five (5) years of service but less than ten (10) years of service, shall accrue vacation leave at the rate of 4.6154 hours per bi-weekly pay period or 120 hours per year.

   Full-time Regular employees with ten (10) years of service or more shall accrue vacation leave at the rate of 6.153 hours per bi-weekly pay period or 160 hours per year.

   Regular Part-time employees accrue vacation directly in proportion to a Regular Full-Time assignment. For example, a Regular Part-time Employee who works 30 hours per week, will accrue vacation at .75 the Full-Time rate.

   Vacation Leave will not accrue during leaves of absence without pay unless required by law (e.g. military leave)

2. Maximum Vacation
   The maximum vacation accrual is limited to two hundred fifty (250) hours. Employee is paid off quarterly for hours in excess of 250 hours in his or her vacation accrual bank at the employee's base hourly rate of pay. When a paid holiday falls during the period of an employee's vacation leave, that day shall not be charged against the employee's vacation accrual.

Vacation hours accrued in excess of two hundred and fifty (250) will be paid at the employee's base hourly rate of pay.

VII-F. Administrative Leave with Pay
The District shall have the right to place an employee on administrative leave with full pay at any time when it is determined that the employee's or the District's best interests warrant the leave.

The employee has no right to appeal the decision to be placed on paid administrative leave.

VII- G. Sick Leave

1. Accrual of Sick Leave

   Regular Full-Time employees.
   Sick leave shall accrue at the rate of 3.5 hours per pay period up to a maximum accrual of 720 hours. Accrued sick leave carries over from year to year. If permitted by the District's retirement system, sick leave accrual in excess of 720 hours may be allowed for purposes of calculation of retirement benefits only.

   Regular Part-Time employees.
   Sick leave shall accrue at the same hourly rate of accrual for Regular Full-Time employees prorated by the number of hours worked each pay period.

   In accordance with California's Paid Sick Leave law and Labor Code section 233, Part-time, Per Diem and other employees that work a minimum of thirty days in a year have the following sick leave benefits:
   - An employee must be employed by the Ventura Port District for 90 days before being entitled to use paid sick leave;
   - Sick leave will accrue at a rate of one hour for every thirty hours worked;
   - Employees may take a maximum of three days or 24-hours of sick leave per year;
   - Unused Sick Leave will carry over to the next year to a maximum of six days or 48 hours;
   - An employee may only take paid sick time for a day in which s/he is scheduled to work;
   - These employees shall not be eligible for "Non-Accrued Sick Leave" as provided in Section *VII-G 2*.

2. Use of Non-accrued Sick Leave
   At the General Manager's discretion, a maximum of six (6) days of non-accrued sick leave may be granted to an employee with a physician's certification. Any non-accrued sick leave granted shall be repaid at the same rate sick leave is accrued by the employee. In the event the employee's employment is terminated or the employee separates before the non-accrued sick leave has been repaid, any remaining hours that have not been accrued shall be deducted from the employee's final paycheck with written authorization from the employee.

3. Sick Leave Use
In accordance with California's Paid Sick Leave law and Labor Code section 233, an employee may use one-half of their available annual accrual of sick leave in a 12-month period for one of the following reasons:

a. diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or any of the following of the employee's family members: child of any age or dependency status; parent; parent-in-law; spouse; registered domestic partner; grandparent; grandchildren; or sibling; or

b. for an employee who is a victim of domestic violence, sexual assault, or stalking to: i) obtain or attempt to obtain a temporary restraining order or other court assistance to help ensure the health safety or welfare of the employee or his or her child; or ii) obtain medical attention or psychological counseling; services from a shelter; program or crisis center; or participate in safety planning or other actions to increase safety.

Any additional paid sick leave provided to an employee beyond the use of one-half of their annual accrual of sick leave can only be used for the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.

Sick leave shall not be granted to any employee to permit an extension of the employee's vacation.

The General Manager may require that regular full-time and part-time employees provide a physician's certification to support any absence that involves the illness of the employee or family member if the District suspects that there is an abuse of sick leave by the employee. All employees who use paid leave to address issues related to domestic violence, sexual assault or stalking, and who cannot provide advance notice of their need for leave must provide certification of the need for leave within a reasonable time thereafter.

The General Manager, at the District's expense, may require an employee who has been absent from work due to illness for seven (7) consecutive days to have a physical examination performed by a physician designated by the General Manager to determine the employee's fitness to return to duty.

Unless authorized by the General Manager, no more than six (6) days of accumulated sick leave credits may be allowed to an employee within any calendar year for absence from duty because of death, serious illness, or injury of members of the employee's immediate family. For the purpose of this Subsection "immediate family" shall mean the spouse, domestic partner, parent, sibling, child, grandchild, grandparent, mother-in-law or father-in-law of an employee.

Sick leave shall not be granted to any employee absent from duty due to willful misconduct on the job.

Sick leave shall not be granted to any employee absent from duty after separation from the District's service or during a District authorized leave of absence without pay, or any other absence from duty not authorized by the District.

Abuse of sick leave, which is defined as a claim of entitlement to sick leave when the employee does not meet the requirements of sick leave as defined herein, shall be subject to disciplinary action.

4. Notification

   Prior to Shift.
   In order to request sick leave, an employee shall notify the appropriate immediate supervisor or the General Manager no later than one (1) hour after the time established as the beginning of the employee's workday.

   During Shift.
   An employee who becomes sick during his or her shift shall immediately notify his or her immediate supervisor to request permission to use sick leave for the remainder of the shift.

5. Sick Leave Administration
   The General Manager shall be responsible for the administration of the use of sick leave.

6. Use of Sick Leave When Disabled
   An employee's entitlement to receive sick leave payments shall terminate when said employee becomes eligible to receive disability payments.

7. Job Related Injury
   An employee, other than those covered by Labor Code Section 4850, who receives Workers' Compensation benefits as a result of an injury suffered while working for the District is entitled to receive from the District the difference between Workers' Compensation benefits and the employer's regular pay. Any such payments will be charged first to accrued sick time, next to compensatory time off, and then to accrued vacation time.

   Once all sick time and vacation time is used, the employee will receive only Workers' Compensation benefits for as long as the employee remains off the job.

   Sworn Police employees covered by Labor Code Section 4850 *et seq.* will be allowed up to one-year leave of absence for an industrial injury or illness without loss of salary in lieu of disability payments, consistent with state law. The employee will continue to accrue sick leave and vacation benefits while in paid status.

8. Sick Leave on Termination
   Employees who are terminated or otherwise leave the employment of the District shall receive compensation for unused sick leave, computed pursuant to section IX-G.1. "Payments Upon Termination of Employment."

VII-H. Sick Leave Bank

1. Donation Procedures
   Eligible employees with more than 80 hours of accrued sick leave may transfer up to six (6) days or 48 hours of sick leave hours to the District Sick Leave Bank if the employee retains a minimum of 80 sick leave hours. These donated hours are to be given to eligible employee(s) who is/are experiencing a catastrophic illness.

   A 'catastrophic illness' is a severe illness or injury which is expected to incapacitate the employee for an extended period of time and which creates a financial hardship because the employee has exhausted all of his/her accumulated paid leave time.

   Donations shall be made in writing to the General Manager.

   Written donations shall include the name of the employee to receive your donated sick leave hours, if known at the time of the donation, the number of hours to be donated and signed by the donor employee.

   Sick leave hours donated will be withdrawn from the donor employee's accrued sick leave bank by the next pay period.

   All sick leave hours donated are irrevocable.

2. Using Hours Donated to Sick Leave Bank
   Only Regular Full-Time and Regular Part-Time employees are eligible to receive donated sick leave hours. Before receiving donated hours, the employee must exhaust his or her accumulated sick leave, comp time off and all but 40 hours of accrued Vacation Time. These employees must apply in writing for sick leave hours from the District's Sick Leave Bank. This written request must indicate that the employee has a catastrophic illness or injury, is disabled and unable to return to work as verified by an attached physician's statement.

   The physician's statement must include an estimate of the time before the employee can return to full work or modified work.

   If the employee is able to return to modified work the physician's statement must include all work restrictions.

   If the employee is determined by a physician to be permanently disabled from work, the employee is no longer eligible to receive sick leave from the District's Sick Leave Bank.

   The District, at its discretion, is entitled, at District expense, to require an employee who is receiving sick leave from the District's Sick Leave Bank to be examined by a physician mutually agreed upon by the General Manager and the employee.

VII-I. Time off to vote

If an employee does not have sufficient time outside of working hours to vote at a statewide election, the employee may take up to two (2) hours off without loss of pay at the beginning or the end of the day. The employee must request prior approval of time off to vote from the General Manager.

VII-J. Jury Duty and Court Appearances
Regular Full-Time and Regular Part-Time employees who are required to serve as a juror shall be entitled to be absent from his or her job duties during the period of such service.

Employees are required to notify their supervisor immediately to allow time for arrangements to be made to cover their duties and responsibilities while they are serving on jury duty.

Employees are required to return to work if excused from jury duty with more than one half day of their regular workday remaining.

Non-exempt employees will be paid for actual work hours missed because of time spent in jury service or court. Exempt employees will continue to receive their normal salary while on jury duty or serving as a witness in court. The District will offset from pay the amount the employee receives from the Court for jury fees.

Employees who are subpoenaed to appear in court in a case related to District business shall be allowed to do so without loss of compensation unless the employee is appearing as a party or an expert witness in a case unrelated to District business.

VII-K. Bereavement Leave
An employee may request paid time off in the event of a death in the immediate family as defined in Section VII-G.3 “Sick Leave.” The employees request will identify the deceased and his or her relationship to the deceased, the number of paid and/or unpaid days requested. If the number of days exceeds three workdays, the request will give an explanation of why those days are necessary.

The General Manager shall have discretion to grant bereavement leave with or without pay.

The General Manager shall have discretion to establish the duration of Bereavement Leave.

VII-L. Personal Leave with Pay
Considering valid reasons, the length of service with the District, employee performance and the impact to work, the General Manager may authorize an employee to use leave with pay.

Requests for leave with pay must be presented to the General Manager in writing not less than five (5) working days prior to the time off requested except under legitimate, unforeseen circumstances.

The written request must include the employee’s intention to return to work. If an employee fails to return after his or her period of authorized paid leave, the employee will not be reinstated following the stipulations contained in Section VIII-B, “Job Abandonment.”

VII-M. Other Leaves with Pay
1. Organ Donation or Bone Marrow Transplant
   Consistent with the provisions of Labor Code Sections 1508-1513, the District will grant paid time off for organ donation and bone marrow transplants.

VII-N. Family Care and Medical Leave Policy

To the extent not already provided under current leave policies and provisions, the District will provide family and medical care leave for eligible employees as required by state and federal law. Leave under this policy is unpaid. The following provisions set forth certain rights and obligations with respect to such leave. The rights and regulations for taking family care and medical leave are pursuant to the regulations of the California Family Rights Act ("CFRA") and Federal Family and Medical Leave Act ("FMLA"). Unless otherwise provided by law, the District will run each employee's CFRA and FMLA leaves concurrently.

1. Reasons for Leave
   Leave is only permitted for the following reasons:
   a. The birth of a child or to care for a newborn of an employee;
   b. The placement of a child with an employee in connection with the adoption or foster care of a child;
   c. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
   d. Leave because of a serious health condition that makes the employee unable to perform any one or more essential functions of his/her position;
   e. Leave for a variety of "qualifying exigencies" arising out of the fact that an employee's spouse, son, daughter, or parent is on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation
   f. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the U.S. Armed Forces who has a serious injury or illness: incurred in the line of duty while on active military duty; or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces. This leave can run up to 26 weeks of unpaid leave during a single 12-month period.

2. Employees Eligible for Leave
   An employee is eligible for leave if the employee:
   - Has been employed for at least 12 months; and
   - Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave; and
   - The District directly employs at least 50 full or part-time employees within a 75-mile radius for each working day during each 20 or more calendar workweeks in the current or preceding calendar year.
   - Is disabled by reason of pregnancy (i.e. no minimum eligibility period for pregnancy disability leave)

3. Amount of Leave
   Eligible employees are entitled to a total of 12 workweeks (or 26 workweeks to care for a covered servicemember) of leave during any 12-month period. If FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

   Pregnancy disability leave may be run concurrently with "baby bonding" leave.

4. Substitution of Paid Accrued Leaves
   Although family and medical care leave is unpaid, an employee may elect and the District may require an employee to concurrently use all paid accrued leaves during family and care leave as permitted by state and federal laws. .

5. Minimum Duration of Leave
   If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

   If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, the minimum amount of leave that must be taken is one day. The notice and medical certification provisions of this policy must be complied with.

6. Spouses Both Employed by the District
   In cases where the parents of a child, adoptee or foster child are both employed by the District and are entitled to bonding leave , the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12 month period if leave is taken for the birth or placement for adoption or foster care of the employee's child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy. If both parents of a covered servicemember are employed by the District and are entitled to leave for a covered servicemember, the aggregate number of workweeks of leave to which both may be entitled is limited to 26 workweeks during the 12-month period. This limitation does not apply to any other type of leave under this policy.

7. Employees Benefits While on Leave
   While on unpaid leave, employees will continue to be covered by the District's group health insurance to the same extent that coverage is provided while on the job.

   If the employee fails to return to work after the entitlement period has been exhausted or expires, the District will no longer pay for group health insurance. The employee may continue group health insurance in accordance with section VII-B "Post-Termination Insurance Benefits (COBRA)."

8. Medical Certification
   Employees who request leave must provide a medical certification and/or recertification to support the need for the leave as described below:

   Employee's Own Serious Health Condition: Employees who request leave for their own serious health condition must provide written certification from the health care provider that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; and a statement that, due to the serious health condition, the employee is unable to work at all or is unable to perform any one or more of the essential functions of his or her position. Upon expiration of the time period the health care provider originally

estimated that the employee needed for his/her own serious health condition, the employee must obtain recertification if additional leave is requested.

Family Member Serious Health Condition: Employees who request leave to care for a child, parent, domestic partner or a spouse who has serious health condition must provide written certification from the health care provider of the family member requiring care that contains all of the following: the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the amount of time which the health care provider believes the employee needs to care for the child, parent, domestic partner, or spouse, and a statement that the serious health condition warrants the participation of the employee to provide care during a period of treatment or supervision of the child, parent or spouse. The term "warrants the participation of the employee" includes, but is not limited to, providing psychological comfort, and arranging third party care for the covered family member, as well as directly providing, or participating in, the medical care. Upon expiration of the time period the health care provider originally estimated that the employee needed to care for a covered family member, the employer must obtain recertification if additional leave is requested.

Servicemember Serious Injury or Illness: Employees who request FMLA leave to care for a covered servicemember who is a child, spouse, parent or "next of kin" of the employee, must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness. The District will verify the certification as permitted by the FMLA regulations.

Qualifying Exigency: The first time an employee requests FMLA leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of the new active duty orders or similar documentation shall be provided to the District if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member. The District will verify the certification as permitted by the FMLA regulations.

9. Time to Provide a Medical Certification
   When an employee has provided at least 30 days' notice for a foreseeable leave, the employee must provide a medical certification before the leave begins. When this is not possible, the employee must provide the medical certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

10. Consequences of Failure to Provide a Timely or Adequate Medical Certification
    If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established in this Policy, the District may delay the taking of FMLA/CFRA leave until required

certification is provided, or deny FMLA/CFRA protections following the expiration of the time period to provide an adequate certification.

11. Intermittent Leave or Leave on a Reduced Schedule
    If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule for his or her own serious health condition, or to care for an immediate family member with serious health condition, the employee must provide medical certification that such leave is medically necessary. “Medically necessary” means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. The District may require an employee who certifies the need for a reduced schedule or intermittent leave to temporarily transfer to an alternate position of equivalent pay and benefits that better accommodates the leave schedule.

12. Employee Notice of Leave
    Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much verbal or written notice as possible of their need for leave. If leave is foreseeable, at least 30 days’ notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact day(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. (\For foreseeable leave due to a qualifying exigency, an employee must provide verbal or written notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

13. Reinstatement Upon Return from Leave
    Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent benefits and pay. Employees have no greater rights to reinstatement, benefits, and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

    As a condition of reinstatement of an employee whose leave was due to the employee’s own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

VII-O. Pregnancy Disability Leave

The District shall administer Pregnancy Disability Leave and Pregnancy Accommodation in accordance with the law. An employee who is disabled because of pregnancy, childbirth, or a related medical condition is entitled to an unpaid leave for up to the number of hours she would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full-time employee who works 40 hours per week, “four months” means 693 hours of leave entitlement, based on 40 hour per week times 17 1/3 weeks. An employee who works less than 40 hours per week will receive a pro rata or proportional amount of leave.

Upon the expiration of approved Pregnancy Disability Leave, the employee shall be reinstated to her former position or to a comparable open position if the employee's original position is abolished during the period of leave and the employee would have otherwise not been laid off. For employees being reinstated, the General Manager may require a statement from the attending physician that the employee is able to perform the essential functions of her job. If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the District will initiate an interactive process with the employee in order to identify a potential reasonable accommodation in accordance with these Policies.

Failure to return to work after the authorized pregnancy disability leave results in the employee having no reinstatement rights.

Employees requesting Pregnancy Disability Leave should give reasonable advanced notice of the medical need for leave, date the leave shall commence and the estimated duration of the leave.

VII-P. American with Disability Act (ADA) Leave/Reasonable Accommodation
In the event an employee develops a disability within the meaning of the ADA and/or applicable California state disability laws and the District is reasonably able to accommodate the limits or restrictions on that employee's ability to work without undue hardship to the District by extending an unpaid leave, the District will do so. In any such cases, the employee must be otherwise qualified to perform the duties of any job that may be made available. In order to determine whether or not the employee's restrictions and/or limitations can reasonably be accommodated, the District will engage in a good faith and timely interactive process. In all such cases, the District will comply with the Americans with Disabilities Act and parallel California laws.

Absent undue hardship or direct threats to the health and safety of employee(s), the District provides employment-related reasonable accommodations to:

1. Qualified individuals with disabilities, both applicants and employees, to enable them to perform essential job functions; and
2. Employees with conditions related to pregnancy, childbirth, or a related medical condition, if she so requests, and with the advice of her health care provider; and
3. Employee victims of domestic violence, sexual assault, or stalking to promote the safety of the employee victim while at work; and
4. Employees who request reasonable accommodation to address a conflict between religious belief or observance and any employment requirement.

If the disability or the need for reasonable accommodation is not obvious, the District may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will: 1) explain the insufficiency; 2) allow the employee or applicant to supplement the documentation; and 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

VII-Q. Personal Leave without Pay
Considering valid reasons, the length of service with the District, employee performance and the impact to work, the General Manager, where otherwise not obligated by State and Federal law, may authorize a District Regular Full-Time and Regular Part-Time employee to use leave without pay for the following reasons:

- Continuance of education or training of benefit to the District.
- Public Service
- Extended illness or disability

The employee must submit a written request for Leave without Pay to the General Manager. The written request must include the reason, the duration and the employee's expected return to work date.

A Personal Leave Without Pay leave of absence without pay shall not exceed one (1) year, unless otherwise obligated by State or Federal law.

All benefits shall be suspended for the duration of the Leave without Pay, unless otherwise obligated by State or Federal law.

Dental and Health insurance may be continued if the employee pays for 100% of the District's and the employee's premiums plus a 2% administrative fee.

There is no guarantee of reinstatement at the conclusion of unpaid leave.

If an employee fails to return after his or her period of authorized un-paid leave, the employee will not be reinstated.

VII-R. Military Leave
Military Leave shall be granted in accordance with the requirements of State and Federal law. An employee requesting leave for this purpose shall promptly provide to the General Manager a copy of the military orders specifying the dates, sites and purposes of the activity or mission.
Within the limits of such orders, the General Manager may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave. A copy of USERRA will be given to each employee upon hire.

The Board of Commissioners may by resolution supplement military pay and benefits for employees called to Active Military Duty.

VII-S. Emergency Duty
Time off to perform emergency duty as a volunteer firefighter, reserve police officer or emergency rescue person unless doing so would hinder the availability of emergency services provided by the District.

VII-T. Legal Witness
Time off to serve as a witness in legal proceedings.

Any employee, who is subpoenaed to appear in court in a matter regarding an event or transaction in the course of his or her job duties, must give his or her supervisor as much advance notice as is possible. The District will determine whether the matter involves an

event or transaction in the course of the employee's District's job duties. If so, this leave to appear in court will be without loss of compensation, and the time spent will be considered work time. The District will offset the amount from pay the employee receives for witness fees.

Any employee, who is subpoenaed to appear, or appears in court because of civil or administrative proceedings that he or she initiated, is not entitled to receive compensation for time spent related to those proceedings. An employee may request to receive time off without pay, or may use any accrued leave other than sick leave for time spent related to those proceedings. The time spent in these proceedings is not considered work time. Notwithstanding the above, an employee who is testifying or appearing as the designated representative in PERB conferences or hearings, or at a personnel or merit commission is entitled to paid release time.

VII-U. Assist Victim of Domestic Violence
Time off to seek relief to help ensure the health, safety, or welfare of a domestic violence victim or the child of such victim. The leave is unpaid unless the employee elects to use 2014 Healthy Workplaces sick leave, accrued vacation or compensatory time off.

VII-V. Requested School Activity
Time off to appear in an employee's child's school pursuant to the request of the school and/or to attend school or day care related activities. Any employee who is a parent, guardian, stepparent, foster parent, grandparent, or person who stands in loco parentis to one or more children who are in kindergarten or grades 1 through 12, or who are in a licensed child care facility, shall be allowed up to 40 hours each school year, not to exceed eight hours in any calendar month of the school year, to: participate in activities of their child's school or licensed child care facility; find, enroll, or reenroll a child in a school or with a licensed child care provider; or to pick up a child due to a child care provider or school emergency. The employee must provide reasonable advance notice to his/her supervisor of the planned absence. The leave is unpaid unless the employee uses vacation leave or compensatory time off.

VII-W. Victim of Crime
Time off related to one's status as a victim of crime, such as time off for victims of sexual assault, domestic or serious violent felonies.

VII-X. Attend Drug or Alcohol Rehabilitation Program
Time off related to participation in an alcohol or drug rehabilitation program.

VII-Y. Reimbursement of Expenses
Employees shall be reimbursed for reasonable out of pocket expenses incurred while on specifically authorized District business pursuant to the Ventura Port District Expense Reimbursement Policy. Automobile mileage for privately owned vehicles shall be reimbursed at the current Internal Revenue Service approved rate except as otherwise stipulated by the Board.

VII-Z. Optional Benefit Plan
The District may provide an Optional Benefit Plan for Regular and Probationary employees. Such a program may be established by the Board, and may provide certain funds for reimbursement of various personal and professional expenses incurred by the employee. A copy of the plan may be obtained from the Accounting Department.

VII-AA. Full-Time Employee Incentive Pay Programs

1. Educational Incentive Pay Program:
    - $25 per pay period for full-time employees who currently possess an Associate's Degree or who obtain an Associate's degree while employed with the District. The annual on-going benefit is $650. Employees will provide degree documentation to Accounting.
    - $50 per pay period for full-time employees who currently possess a Bachelor's Degree or who obtain a Bachelor's Degree while employed with the District. Annual on-going benefit $1,300. Employees will provide degree documentation to Accounting.

2. Bilingual Incentive Pay Program:
    - $50 per pay period for those full-time employees who test as fluent in reading, writing, and speaking at an English/Spanish bilingual level through a District designated testing program. The District will cover the cost of this testing once for each interested full-time employee. Participants of this incentive will be expected to provide translation services as part of their ongoing work duties. The annual on-going benefit is $1,300.

VIII. TRANSITION WORK ASSIGNMENT PROGRAM

The Transition Work Assignment Program (TWA) enables employees who are physically unable to perform their usual jobs to fill other important roles at the Port District. The program helps employees earn their salary while recovering from injuries or serious medical conditions and at the same time benefits the Port District by allowing the Port District to utilize its workforce efficiently and effectively.

VIII-A. Employees Eligible to Participate

Participation is available for all Port employees who:

- Have a serious medical condition or injury, whether occupational or not.
- Can be expected to return to their usual and customary duties in a time period that does not impose an undue hardship on the Port District.
- Have medically-based temporary work restrictions from an authorized medical provider.
- Have reached Permanent and Stationary/Maximum Medical Improvement status and clarification of permanent restriction is still pending.

VIII-B. Employees Not Eligible to Participate

The Transition Work Assignment Program does not apply to employee who:

- Have reached Permanent and Stationary/Maximum Medical Improvement status and/or have permanent work restrictions. In such cases reasonable accommodations will be considered.
- Have been unable to demonstrate adequate progress toward performing usual and customary duties. In such cases, reasonable accommodations will be considered.

VIII-C. Employee Participation

Employees participating in the Transitional Return to Work Program:

- Will meet with the supervisor who will explain the program, their responsibilities and help monitor progress toward recovery.
- Will be assigned transitional work that can be performed safely and in compliance with the restrictions assigned by the doctor.

Transitional work assignments are not the employee's regular duties, they are temporary assignments or modifications to regular duties and generally limited to not more than 90 days. Extensions of the 90-day limit will be considered in cases where it appears that the extension would be consistent with the goals of the program. (For example, where the employee cannot get treatment within the 90-day time frame, but it does appear that they have a treatable condition and will be able to return to their usual and customary duties within a reasonable time frame). If the District is unable to continue the transitional work assignment for the employee after 90 days, then the District will engage in the interactive process with the employee to consider any other reasonable accommodations.

Transitional work assignments are varied so employees with a wide variety of physical restrictions can participate.

Ideally, transitional work assignment will become more physically demanding as the employee's medical status improves.

Within the limits noted by the employee's physician, employees will be assigned to work as closely as possible to their normal schedule.

Employees may be assigned to a temporary supervisor while in the program; however, their regular supervisor will also follow their progress.

Employees will be expected to report on time to their assigned work location and to follow applicable time and attendance procedures.

Employees in the TWA will be paid their usual rate of pay, but will generally not be eligible for overtime.

All applicable Port District policies and procedure apply to employees in a TWA.

Collective bargaining agreements remain in effect during a TWA.

VIII-D. Employee Responsibilities
Employees participating in the TWA are responsible to:

- Perform transitional work tasks as assigned
- Notify transitional and regular supervisor of any change in address/phone number.
- Attend all medical appointment necessary to assist in recovery.
- Keep the treating physician informed of task assignments and progress in returning to the employee's usual and customary job.
- Work within the restrictions set by the employees treating physician. If the employee believes he/she cannot perform the tasks assigned, immediately notify the transitional supervisor.
- Report workplace injuries to their designated supervisor as soon as possible in accordance with established procedures.
- Keep required licenses, etc. up-to-date for return to their usual and customary job.

IX. SEPARATIONS FROM SERVICE

Employees may be separated from service through voluntary resignation, job abandonment, dismissal or layoff.

IX-A. Voluntary Resignation

An employee wishing to resign from the District in good standing shall submit a written letter of resignation as soon as possible before the effective date of resignation. A resignation becomes final when accepted in writing by the General Manager. Once the General Manager has accepted a resignation in writing, it is final and cannot be withdrawn. If the employee fails to give reasonable notice in light of the circumstances surrounding the resignation and the nature of employee's position, that failure may be cause for denying future employment with the District.

IX-B. Job Abandonment

An employee is considered to have resigned from his/her position if the employee is absent for five (5) consecutive workdays without prior authorization and without notification during the period of absence. No later than the third working day of unauthorized absence, the supervisor shall contact the employee by telephone or other means if possible or by overnight letter to the employee's last known address informing the employee that if the employee fails to report to work within two (2) workdays, or receive authorization for such absence, the employee will be deemed to have resigned. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, arrest/detention, or mental or physical impairment that prevented notification. Employees have no right to a post-separation appeal if deemed to have resigned as a result of job abandonment.

IX-C. Dismissal

1. Regular Employees
   Regular Full-time employees to be dismissed are entitled to the rights and procedures set forth in Section X-C, "Disciplinary Appeal Procedure."

2. Other Employees
   All other employee categories, as noted in Section V-D, may be dismissed at will, with or without cause, and do not have any of the rights set forth in Section IX-C, "Disciplinary Appeal Procedure."

IX-D. Layoff

Whenever in the judgment of the Board, a reduction in personnel is necessary because of lack of work, lack of funds, or whenever advisable in the interests of economy, an employee may be laid off or demoted for non-disciplinary reasons.

1. Notice of Layoff
   Employees to be laid off shall be given, whenever possible, at least twenty-one (21) calendar days prior notice. The written notice of layoff shall include: (a) the reason(s) for the layoff, (b) the fact that the employee may have rights to accept demotion in lieu of layoff; (c) the effective date of the layoff, (d) the seniority considerations taken into account concerning those to be laid off, and, (e) information regarding the likelihood of possible reinstatement.

2. Layoff by Seniority
   Employees shall be laid off in the inverse order of their seniority in their classification. Seniority shall be determined based upon the length of employment in the affected classification or promotion to the classification and higher classifications. A lay off out of the inverse order of Seniority may be made if, in the General Manager's sole judgment, retention of special job skills is required. In cases where there are two or more employees in the classification from which the layoff is to be made who have the same seniority date, the selection of the employees to be laid off will be decided by lottery.

3. Demotion in Lieu of Layoff and Displacement
   The General Manager may choose to demote employees in lieu of layoff when possible and under the appropriate circumstances. Employees in lower positions may be subject to displacement by demoted senior employees in the event of layoff. Employees in lower positions will be displaced in inverse order of their length of employment in the position.

4. Appeals Procedure for Layoffs
   Employees may appeal to the Board in writing within thirty (30) days after receiving notice of layoff on the ground that the required procedure had not been complied with, that the layoff was made in pretextual and/or discriminatory manner, or was otherwise improper. Within thirty (30) days after such written appeal is filed, the Board or a committee of the Board may hold such hearing or investigation as it deems necessary. The Board's decision is final.

5. Re-Employment Rights for Laid-off Employees
   Regular Full-Time and Regular Part-Time employees, who have received a satisfactory or better evaluation for the 12 months prior to lay off, have completed their probationary period and who have been laid off, shall be automatically placed on a re-employment list for one (1) year for the classification from which they were laid off. The employee may be rehired should the position be reinstated within one (1) year of the effective date of the layoff or a new position be created within one (1) year which requires substantially the same duties.

IX-E. Reinstatement

A regular employee who has resigned, or has otherwise separated while in good standing, may be considered for reinstatement, upon recommendation of the General Manager, to a position in the former employee's classification for a period of one year after resignation or separation. The employee shall be reinstated to the salary range or step held at the time of resignation or separation and shall receive a new anniversary date that shall be the first date of employment upon reinstatement. The employee will serve a new probationary period.

IX-F. Re-Employment

The names of regular employees who have been laid off shall be placed on a re-employment list in the order of their seniority in the classification from highest to lowest. The names of these employees shall remain on this list for a period of one year unless such person is re-employed sooner. The employee must be declared "fit for duty" by a physician of the District's choosing before being considered for re-employment.

As a vacancy within the classification becomes available, the name appearing at the top of the list shall be selected to fill the vacancy.

An employee, who is selected from the list to fill the vacancy and refuses the assignment, shall be taken off the list and will not be considered further for re-employment.

Employees who are demoted as a result of a layoff shall have their names placed on a classification re-employment list in order of their classification seniority. Vacant positions within a classification series shall be first offered to employees on this list.

IX-G. Payments Upon Termination of Employment

Upon termination of employment, and after the employee has returned all property belonging to or issued by the District, the employee shall receive termination pay as follows:

1. Any unused sick leave, up to 720 hours, will be paid at the following rate:
   0 through 5 years of service - 12.5%
   6 through 10 years of service - 25%
   After 10 years of service - 37.5%
2. Unused compensatory time, up to 40 hours, will be paid at 100% at the employee's regular rate of pay.
3. Unused vacation time, up to 250 hours, will be paid at 100% at the employee's current base hourly rate.
4. Severance pay when specifically authorized by the Board.

X. DISCIPLINARY ACTION

X-A. Grounds for Discipline

Grounds for Discipline include, but are not limited to the following:

1. Fraud in securing employment or making false statement on an application for employment.
2. Incompetence.
3. Unsatisfactory performance, i.e., inability to comply with the minimum standard of an employee's position for a significant period of time.
3. Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
4. Disobedience: The willful failure to comply with the legal and appropriate orders or directions of a person in a supervisory position.
5. Insubordination or insulting or demeaning the authority of a supervisor or manager.
6. Dishonesty involving employment.
7. Being under the influence of or in possession of alcohol or illegal drugs or narcotics while on duty, being impaired by alcohol or illegal drugs while on duty which could impact the employee's ability to do his or her job. The provisions of section XIII – Drug Free Workplace will be followed prior to possible termination.
8. Lack of self-restraint.
9. Absence without authorized leave or unexcused tardiness
10. Excessive absenteeism or inexcusable absence without leave.
11. Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, or misuse of sick leave.
12. The conviction of either a misdemeanor involving moral turpitude or a felony shall constitute grounds for dismissal of any employee. The record of conviction shall be conclusive evidence of the fact that the conviction occurred. The General Manager may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere is deemed to be a conviction within the meaning of this Section.
13. A D.U.I. conviction shall be handled in accordance with the District's Drug-Free Workplace Policy, but may be grounds for dismissal if the employee's position requires the operation of District vehicles and the employee is deemed to be "uninsurable" by the District's insurance carrier.
14. Failure to observe safety precautions.
15. Activity, which has as its goal the overthrow of government.
16. Improper or unauthorized use of District property.
17. Misuse of District property.
18. Inattention to duty or negligence in the care and handling of District property.
19. Any willful act or conduct undertaken in bad faith, either during or outside of the duty hours, which is of such a nature that it causes discredit to the District or the employee's Department.
20. Unlawful discrimination or harassment on the basis of race, religious creed, color, national origin, medical condition, ancestry, physical handicap, marital status, actual or perceived sexual orientation, gender, age, or any other protected classification against the public or other employees, while acting in the capacity of a District employee.
21. Retaliation against any other employee or member of the public who in good faith reports, discloses, divulges, or otherwise notifies an appropriate authority regarding a suspected violation of any law which occurs on the job or is directly related to employment with the District.

22. Engaging in any of the drug related conduct forbidden pursuant to Section XIII, "Drug-Free Workplace" of this Manual.
23. Refusal to subscribe to any order or affirmation, which is required by law in connection with District employment.
24. Violation of the rules and regulations enacted or prescribed by the District, Department or Section.
25. Outside employment not specifically authorized by the General Manager.
26. Acceptance from any source of a reward, gift, or other form of remuneration in addition to regular compensation of an employee for the performance of his or her official duties.
27. Willful violation of any of the provisions of the ordinances, resolutions or any rules, regulations or policies, which may be prescribed by the District.
28. Improper political activity on duty. Example: Those campaigning for or espousing the election or non-election of any candidate in national, state, county or municipal elections while on duty and/or during working hours or in a District uniform on or off duty; or the dissemination of political material of any kind while on duty and/or during working hours or in uniform.
29. Working overtime without authorization.
30. Possession of a gun, rifle, crossbow or other dangerous weapons while on duty and/or on District property when not required by job duties.
31. Making false or malicious statements concerning any employee, the District or the District's policies or practices.
32. Sexual Harassment or other Harassment or Discrimination based on a Protected Classification.
33. Bullying/Abusive Conduct: Aggressive behavior which is intended to physically or psychologically harm or intimidate another person.

X-B. Procedures for Taking Disciplinary Action

The following discipline procedures only apply to the District's for-cause employees. All employees other than for-cause employees, namely temporary, seasonal, at-will, probationary employees, may be disciplined or separated at will, with or without cause, and without the disciplinary procedures listed below. The following discipline procedures apply only to suspension without pay for three days or more, demotion, reduction in pay, or dismissal.

1. "Business Day"
   A "Business Day" is any day the District is open to the public, i.e. any day except Saturdays, Sundays and legal holidays recognized by the District.

2. "Skelly" Notice of Intended Disciplinary Action
   Whenever the appropriate authority intends to suspend an employee for three (3) days or more, demote the employee, reduce the employee in pay or dismiss the employee, the appropriate authority or his designee shall give the employee a written notice of discipline which sets forth the following:
   a. The level of disciplinary action intended;
   b. The specific charges upon which the intended discipline is based;
   c. A summary of the facts upon which the charges are based;
   d. A copy of all written materials, reports, or documents upon which the intended discipline is based;
   e. Notice of the employee's right to respond to the General Manager or his designee regarding the intended discipline within fifteen (15) business days

from the date of the notice, either by requesting a *Skelly* conference, or by providing a written response, or both;

f. Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed; and
g. Notice of the employee's right to have representative of his or her choice at the *Skelly* conference.

The General Manager or his or her designee has the authority to place an employee on paid administrative leave during the District's investigatory process and up to imposition of discipline. Placement on paid administrative leave is not a disciplinary action. While on paid administrative leave an employee will continue to receive pay and benefits.

3. Response by Employee and *Skelly* Conference
After receiving the affected employee's response to the Notice of Intended Disciplinary Action, the General Manager or designee will conduct an informal meeting with the employee. During the informal meeting, the employee shall have the opportunity to rebut the charges against him or her and present any mitigating circumstances. The General Manager or designee will consider the employee's presentation before issuing the disciplinary action. The employee's failure to attend the conference, or to deliver a written response by the date specified in the *Skelly* notice, is a waiver of the right to respond, and the intended disciplinary action will be imposed on the date specified in the *Skelly* letter.

4. Final Notice of Disciplinary Action
After the *Skelly* conference and or timely receipt and consideration of the employee's written response, or the expiration of the employee's time to respond to the notice of intent, the General Manager or designee shall:
   a. Dismiss the notice of intent and take no disciplinary action against the employee; or
   b. Modify the intended disciplinary action; or
   c. Prepare and serve upon the employee a final notice of disciplinary action.

   The final notice of disciplinary action shall include the following:
   a. The level of disciplinary action taken;
   b. The effective date of the disciplinary action taken;
   c. Specific charges upon which the discipline is based;
   d. A summary of the facts upon which the charges are based;
   e. A copy of all written materials, reports and documents upon which the disciplinary action is based; and
   f. A reference to the employee's appeal right.

X-C. Disciplinary Appeal Procedures

District employees subject to disciplinary action have certain rights of appeal within the Ventura Port District. These appeal rights are in addition to any other rights that may be provided by statute or other law.

1. Peace Officers Bill of Rights
   The current Peace Officers Bill of Rights is applicable to any District employee who is designated as a Peace Officer.

2. Request for Appeal Hearing before a Subcommittee of the Board
   After receiving the final decision of the General Manager or designee, the employee may submit a written request for an appeal hearing before a subcommittee of the Board within fourteen business (14) days from receipt of the final notice of discipline. Failure to file a timely written request for an appeal waives the right to an appeal hearing and any appeal of the discipline. The subcommittee of the Board must grant the affected employee a hearing in a contested disciplinary action. Hearings may be held by the subcommittee of the Board or by any authorized representatives. The subcommittee or any authorized representative shall render a final decision, which in its judgment is just and proper.

3. Conduct of Hearing
   At the hearing before the subcommittee of the Board or authorized representatives, both the District and the employee shall be entitled to present evidence tending to support their position. That evidence may be in the form of documentary evidence, or the testimony of witnesses, under oath, be that testimony either live or by affidavit. Both the District and affected employee shall have the right to have legal representation at the hearing.

XI. GRIEVANCE PROCEDURES

If a represented employee group has negotiated a Memorandum of Understanding or Collective Bargaining Agreement with grievance procedures included, those grievance procedures will take precedence over these procedures for the employees covered by that MOU or CBA.

XI-A. Definition of Terms

A "grievance" is a written allegation by an employee, submitted as specified in these policies, claiming an alleged violation(s) of a specific provision of the Human Resources Manual, MOU, CBA or other District policy. In most cases, an employee must exhaust the internal remedies before seeking other methods of review that might be provided by law. A grievance does not apply to the following:

- To appeal any action taken per Section X-C, Disciplinary Appeal Procedure;
- For resolution of complaints;
- To grieve items identified in section II as "Management Rights";
- In cases of oral reprimand;
- To challenge job assignments;
- To challenge promotional examinations or appointments.

A "Business Day" is any day the District is open to the public, i.e. any day except Saturdays, Sundays and legal holidays recognized by the District.

XI-B. Grievance Process

1. Filing a Grievance

   Within ten (10) business days of the date the employee knew or should have known of the incident giving rise to the grievance, the employee must file a formal written grievance with his or her supervisor or with the General Manager if appropriate. This time limit shall be strictly adhered to. Any grievance filed more than ten business days from the date the employee knew or should have known of the act or omission giving rise to the incident shall be rejected and will not be processed further. The parties may extend time limits by mutual consent.

   In filing a grievance, the employee must state each of the following:

   - The specific section of the Human Resource Manual, MOU, CBA or other District policy allegedly violated, misinterpreted or misapplied;
   - The specific facts regarding how the alleged violation, misinterpretation or misapplication occurred;
   - The date or dates on which the alleged violation, misinterpretation or misapplication occurred;
   - What documents, witnesses or other evidence support the employee's position;
   - The remedy requested;
   - The identity of the individual representing the employee, if employee is not representing himself or herself.

   While a formal grievance is pending, the employee is expected to continue to perform job functions and conduct himself or herself in a manner so as not to disrupt the conduct of business within the District, and, if at all possible, not to let the existence of the grievance interfere with productivity.

2. The Grievance Steps
   Step 1 Resolution with Supervisor: The immediate supervisor shall meet and review the grievance with the employee and respond to the employee in writing within five (5) business days from the date of the meeting.

   Step II General Manager: If the employee believes that the grievance has not been resolved through Step I, the employee may appeal to the General Manager. The General Manager shall meet and review the grievance appeal with the employee and respond in writing to the employee within thirty (30) days from the date of the meeting.

   If the Grievance involves the General Manager, the Board of Port Commissioners shall appoint a sub-committee to meet and review the grievance with the employee and respond in writing to the employee within thirty (30) days from the date of the meeting.

   Failure of the grievant to comply with the time limits of the grievance procedures constitutes settlement and resolution of the grievance on the basis of the last disposition.

3. Limitations on the Decisions of Those Hearing Employee Grievances
   Those designated to hear employee grievances shall neither add to, detract from, nor modify the language of the District rules or policies in considering the issues brought to them.

   The written response shall be confined to the precise issues raised and submitted by the grievant.

Any monetary award granted to the grievant is limited to lost wages or benefits measured from the date of the grievance forward. No other monetary award shall be granted.

XII. POLICY AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

The Ventura Port District has a strong commitment to prohibiting and preventing discrimination, harassment and retaliation in the workplace. This Policy establishes a complaint procedure for investigating and resolving internal complaints of discrimination, harassment and retaliation. The District encourages all covered individuals to report any conduct they believe violates this Policy as soon as possible. Retaliation against any individual for making a complaint, or for participating in a discrimination or harassment investigation, is also improper and constitutes a violation of the policy. Any discrimination, harassment or retaliation which violates this policy will not be tolerated.

The individuals covered by this Policy are: applicants, employees regardless of rank or title, elected or appointed officials, interns, volunteers, and contractors. This Policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including but not limited to, selection hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.
Employees who violate this policy may be subject to disciplinary action up to and including termination.

XII-A. Definitions

1. Protected Classification
   This policy prohibits harassment, discrimination or retaliation because of an individual's protected classification. "Protected Classification" includes race, religious creed, color, gender, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, age (40 and over), sexual orientation, gender expression, gender identity, or military or veteran status, or any other basis protected by law. This Policy prohibits discrimination, harassment or retaliation because: 1) of an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

2. Protected Activity
   This Policy prohibits discrimination, harassment or retaliation because of an individual's protected activity. Protected activity includes: making a request for or receiving an accommodation for a disability; making a request for or receiving accommodation for religious beliefs or practices; making or supporting a complaint under this Policy; opposing violations of this Policy; or participating in an investigation pursuant to this Policy.

3. Harassment
   Harassment can consist of virtually any form or combination of verbal, physical, visual or environmental conduct. It need not be explicit or even specifically directed at the victim. Sexually harassing conduct can occur between people of the same or different genders.
   Harassment includes, but is not limited to, the following types of behavior that are taken because of a covered individual's actual or perceived protected classification:

   a. Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on actual or perceived race, gender, religious creed, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, gender identity, genetic information or any other basis protected by Federal, State or

local law. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status, pregnancy, sexual orientation, unwelcome flirting or propositioning; demands for sexual favor; verbal abuse, threats or intimidation, or patronizing or ridiculing statements that convey derogatory attitudes about a particular person in a protected category.

b. Physical: Inappropriate or offensive touching, assault, impeding or blocking movement, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, massaging, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

c. Visual or Written: The display or circulation of offensive or derogatory visual or written material related to race, sex, religious creed, national origin, ancestry, disability, medical condition, marital status, age, gender identity, genetic information, sexual orientation or any other basis protected by Federal or State law.. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, e-mail, computer graphics or electronic media transmission.

d. Environmental: A work environment that is permeated with sexually oriented talk, innuendo, insults or abuse. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements. An environment may be hostile if unwelcome sexual behavior is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work. A hostile work environment may also be created by the above-described behavior directed toward employees in other categories protected by state and federal non-discrimination laws. As with sexual harassment, these type of harassing behaviors are prohibited.

Romantic or sexual relationships between supervisors and subordinate employees are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees. A welcomed sexual relationship may change with the result that sexual conduct that was once welcomed becomes unwelcome and harassing.

Harassment, sexual or otherwise, is not within the course and scope of an individual's employment with the District.

4. Discrimination
This Policy prohibits treating covered individuals differently and adversely because of the individual's protected classification, actual or perceived; because the individual associates with a person who is member of a protected classification, actual or perceived; or because the individual participates in a protected activity as defined in this Policy.

5. Retaliation
   Retaliation occurs when adverse conduct is taken against a covered individual because of the individual's protected activity as defined in this Policy. "Adverse conduct" may include but is not limited to: disciplinary action, counseling, taking sides because an individual has reported harassment or discrimination; spreading rumors about a complainant or about someone who supports or assists the complainant; shunning or avoiding an individual who reports harassment or discrimination; or making real or implied threats of intimidation to prevent or deter an individual from reporting harassment or discrimination.

XII-B. Prohibited Supervisory or Managerial Behavior
No supervisor, manager, or other authority figure may condition any employment, employee benefit or continued employment in the Ventura Port District on the applicant or employee's acquiescence to any of the behavior defined above.

No supervisor, manager, or other authority figure may retaliate against any applicant or employee, because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding or hearing conducted by an authorized investigator.

VII-C. Behavior Prohibited by All Persons
No supervisor, manager or any other District employee shall create a hostile or offensive work environment for any other person by engaging in any discriminatory or harassing behavior or by tolerating it on the part of any employee of the District.

No person in the District may retaliate against any employee because that person has opposed a practice prohibited by this policy or has filed a complaint, testified, assisted or participated in any manner in an investigation proceeding or hearing conducted by an authorized investigator.

No person shall destroy evidence relevant to an investigation of discriminatory harassment.

XII-D. Obligations of Supervisors/Managers
Supervisors and Manager shall take all steps necessary to prevent harassment, discrimination and, retaliation from occurring, including monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.

Supervisors and Managers shall receive complaints in a fair and serious manner, and documenting steps taken to resolve complaints and follow up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.

A copy of this policy shall be provided to all employees of the District, as well as displayed in prominent locations throughout the District.

A copy of the information sheet on sexual harassment prepared by the Department of Fair Employment and Housing is available to all District employees upon request.

The District shall periodically notify employees of the procedures for registering a complaint as well as available redress. Such notification shall occur through the normal channels of communication.

The District shall make available upon request information from the Department of Fair Employment and Housing and the Equal Employment Opportunity Commission on the procedures for filing claims of sexual harassment with these entities.

A copy of this Discrimination and Harassment Policy shall appear in any District publication that sets forth the comprehensive rules, regulations, procedures and standards of conduct for employees.

Employees of the District shall receive periodic training on this policy.

XII-E. Complaint Procedure for Discrimination or Harassment

1. Obligations of All Employees
   All employees of the District should immediately report any conduct that they believe violates the District's discrimination, harassment or retaliation policies based on actual or perceived race, religious creed, gender, national origin, ancestry, disability, medical condition, marital status, age, sexual orientation, gender expression, gender identification or any other protected classification. This includes conduct they personally experience or directly observe, whether or not the employee who is the object of the conduct reports the conduct. This also includes conduct by non-employees, such as tenants, contractors, the Board of Port Commissioners, sales representatives or vendors.[1]

   Employees should immediately report the conduct to their supervisor, manager, any other manager or the General Manager. Under no circumstances shall employees of the Ventura Port District who believe they have been the victims of discrimination, harassment or retaliation be required to first report that harassment to a supervisor or other authority figures if that person or authority figure is the individual who has done the harassing. These employees should instead report the conduct to any supervisor, manager, department head or the General Manager. If the subject of the discrimination, harassment or retaliation is the General Manager, the employee should bring the conduct to the attention of any Board member who shall forward the information to the Chair of the Board.

   All employees must cooperate with any investigation of any alleged act of discriminatory harassment conducted by the District or its agents.

2. Responsibilities of Supervisors or Management
   Any supervisor, manager or Department Head who receives a complaint regarding discrimination, harassment or retaliation shall immediately report it to the General Manager or a Board Member if appropriate.

[1] The District's employees must understand that the District cannot prevent members of the General Public from exercising their First Amendment Rights to Free Speech, which includes the right to swear and be disrespectful.

Under no circumstance shall a supervisor, manager Department Head or other authority figure retaliate in any way against an employee who has made a complaint or who has provided information as a witness to an incident of alleged discrimination or harassment.

All supervisors and managers are required to maintain confidentiality to the extent possible in communicating or investigating any claim of alleged discrimination or harassment.

XII-F. Investigation/Corrective Action

A covered individual who believes he or she has been subjected to discrimination, harassment or retaliation may make a complaint -- orally or in writing -- to any supervisor, manager, or department head, without regard to any chain of command. Any supervisory or management employee who receives a harassment complaint should immediately notify the General Manager. Upon receiving notification of a harassment complaint, the General Manager will authorize an investigation or conduct an investigation of the complaint. The investigation will be conducted in a manner that ensures, to the extent feasible, the privacy of the parties involved.

The person designated to investigate shall immediately report in writing the findings of fact to the General Manager. The General Manager will determine whether the policy has been violated and communicate the conclusion to the complainant.

Disciplinary action shall be decided in accordance with the Ventura Port District policy and after consultation with the General Manager.

XIII. EMPLOYEE CONDUCT AND RESPONSIBILITIES

XIII-A. Conduct

District employees are expected to conduct themselves at all times in a manner which will reflect favorably on the District and which engenders the respect of the public.

XIII-B. Job Responsibilities

Employees are expected to be prompt in reporting to work and are further expected to carry out their job duties conscientiously until the end of their shift. As an integral member of the District, every employee should actively seek out ways to improve their job performance, as well as to improve the overall efficiency and effectiveness of the District.

XIII-C. Care of Equipment

District employees must respect District equipment and guard against misuse, abuse, and waste of District supplies, equipment, and other property.

XIII-D. Use of District Equipment Prohibited

Personal use of District equipment is prohibited. Employees are expected to avoid any use of District equipment or communication with District equipment, which is unrelated to District business, destructive, wasteful, or illegal. No employee shall allow any unauthorized person to rent, borrow, or use any Port District equipment.

XIII-E. Personnel Records

Employees must notify the personnel office of any change in information contained in their personnel records, including, but not limited to changes of name, address, marital status, and emergency contacts.

XIII-F. Employee Dress Code

The District has adopted the following standards of dress for its employees:

- All clothing must be neat, clean and in good repair.
- Prescribed uniforms and safety equipment must be worn where applicable;
- Footwear must be appropriate for the work environment and functions being performed;
- Hair must be neat, clean and well groomed;
- Beards, mustaches and sideburns must be maintained in a neat and well-groomed fashion;
- Jewelry is acceptable except in areas where it constitutes a health or safety hazard;
- Good personal hygiene is required;
- Dress must be professionally appropriate to the work setting, particularly if the employee deals with the public;

The General Manager will serve as the final authority on the appropriateness of dress.

XIII-G. Outside Employment

Full-time employees of the District are expected to devote to the District the hard work and commitment that public service demands. As such, the District generally expects its employees to limit their employment efforts to the District alone and not to seek or accept outside employment. However, those employees wishing employment with another employer concurrently with their employment with the District may petition the General Manager for permission to accept outside employment. If the General Manager determines that the outside employment will not interfere with the employee's ability to

carry out his or her District responsibilities and that such employment will not impact negatively on the employee's efficiency or commitment to the District, the General Manager may grant written approval for such outside employment. Additionally, the General Manager will determine whether the outside employment presents a conflict of interest for the employee and may deny permission for outside employment should a conflict of interest arise.

In the event that approval is given, the District may at any time revoke that approval if it becomes evident that the outside employment is affecting the employee's job performance with the District, putting that employee at risk for potential injury or creating a conflict of interest.

XIII-H. Violations and Penalties
Any violation of the provisions contained in the policy on use of District property or unauthorized outside employment constitute sufficient grounds for disciplinary action, up to and including dismissal.

XIII-I. Smoking
In order to maintain a safe, comfortable working environment and to ensure compliance with applicable laws, smoking in District offices and facilities is strictly prohibited. Employees shall not smoke within twenty feet of any entrance or window of a District workplace. Employees may not smoke in any District vehicle or vessel. If an employee observes a non-employee smoking in an enclosed workplace, the employee shall request, when appropriate, that the non-employee who is smoking refrain from smoking in the enclosed workplace. Because the District may be subject to criminal and civil penalties for violations of applicable smoking laws, we must insist on strict adherence to this policy. Employees smoking in a non-smoking area will be subject to disciplinary action.

XIII-J. Safety
Employee safety is a top priority at the Ventura Port District. All employees are expected to take every necessary precaution to ensure a safe work environment and to avoid injury both to themselves as well as to others. Any unsafe working conditions or accidents on the job must be reported to a supervisor immediately, regardless of extent. The District shall furnish each employee appropriate personal safety equipment that shall be used by the employee when conditions warrant or when directed by a supervisor.

XIV. DRUG FREE WORKPLACE

XIV-A. Policy and Purpose

It is the policy of Ventura Port District to create a drug free workplace in keeping with the spirit and intent of the Drug Free Work Place Act of 1988. The use of alcohol and/or controlled substances in the workplace is inconsistent with the behavior expected of District employees and subjects all employees, residents and visitors to unacceptable safety risks, and undermines the District's ability to operate effectively and efficiently.

The Ventura Port District has established this Substance Abuse Policy to provide the greatest degree of protection possible to the public and to District employees. The purpose of this policy is to:

- Establish and maintain the District's high level of achievement in providing a safe and healthy working environment for all employees;
- Ensure worker fitness for duty and protect our employees and the public from risks posed by the use of alcohol and/or controlled substances;
- Reduce accidental injury to persons or property and the additional costs, including medical expenses, associated with such accidents and injuries;
- Ensure the safe and efficient performance of employee duties, to promote productivity, and reduce absenteeism and tardiness and other areas of unacceptable job performance; and
- Cooperate with the rehabilitation of those employees who seek such help.

The District recognizes that drug, alcohol and other controlled substance abuse of employees in the workplace is a serious and growing problem of nation-wide proportions. The District is taking this opportunity to reaffirm its commitment to a drug and alcohol free workplace.

The District’s policy is designed to promote a drug-free workplace and to comply with applicable state and federal laws. In recognition of the public service responsibilities entrusted to District employees, and because drug and alcohol usage can hinder a person’s ability to perform duties safely and effectively.

XIV-B. Applicability

As a condition of employment, all employees are required to comply with all applicable personnel policies and rules.

This substance abuse policy applies to all District employees.

This policy applies at all times while District employees are on District premises, performing District-related business elsewhere or temporarily off-District premises with an expectation to return to the workplace.

This policy applies to use of prohibited substances by District employees while off-duty and off-premises, to the extent that such employees engage in conduct prohibited by this policy and such conduct tends to create a risk to persons or property, or to District efficiency upon the employee's return to work.

XIV-C. Definitions

1. Alcohol
   The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

2. Drug or Drugs
   Any controlled substance that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a prescription by a licensed physician.

3. Prescription Drug
   Any substance that can lawfully be obtained or possessed pursuant to a prescription by a licensed physician.

4. Prohibited Substances
   As used in this policy, "prohibited substances" include, but are not limited to, the following:

   - Drugs: marijuana, amphetamines, cocaine, opiates, and phencyclidine.
   - Illegal Mental and Mind-Altering Substances.

5. Regulated Substances
   Alcohol: The use of beverages or substances, including any medication containing alcohol, such that it is present in the body at a level in excess 0.02% while actually performing, ready to perform, or immediately available to perform any District business, is prohibited.

   Prescription and over-the-counter medications: Medications shall only be used for their designed purposes. An employee who is taking a medication that may cause drowsiness or impair motor function shall report its use to his or her Supervisor. If the employee feels that the medication is affecting his or her ability to perform his or her job, or the employee's supervisor has reasonable concern that the medication is affecting the employee's ability to perform his or her job, the employee shall request sick leave, if available, and leave the premises. The employee shall not be subject to disciplinary action.

6. Safety-Sensitive Position
   Safety sensitive jobs are those that have public safety implications including, but not limited to, peace or safety officer positions, any position requiring the use of a Class "A" or Class "B" commercial driver’s license, any position involving the transport of hazardous materials and requiring a hazardous materials endorsement on their driver's license, or any position involving the operation of a boat or other motorized watercraft. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.

XIV-D. Prohibited Conduct

1. Possession, Use, Manufacture and Trafficking
   No employee shall engage in the unlawful manufacture, distribution, dispensing, possession, receipt, sale, purchase or use of a prohibited substance or alcohol on District premises, in District vehicles, or while conducting District business off the premises.

2. Drug Paraphernalia
   Except for medically approved purposes, no employee shall engage in the possession, distribution, sale, manufacture or use of drug paraphernalia normally used for consumption or use of controlled or prohibited substances on District premises, in District vehicles, or while conducting District business off the premises.

   Possession or use of needles will be permitted for medically approved purposes, i.e., the administration of insulin for a person with diabetes. The employee must submit a written memo to the General Manager requesting permission to possess needles for medically approved purposes. The employee shall use and dispose of said needles in a medically safe manner.

3. Impairment
   All employees are prohibited from being under the influence of alcohol or other prohibited substances during working hours. The use of prescription drugs is prohibited in the workplace by any person other than the person for whom they are prescribed. Such drugs will be used only in the manner, combination and quantity prescribed. The employee shall advise their supervisor prior to operating machinery, vehicles or equipment that they are taking such medication. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or otherwise not fit for duty due to substance abuse shall be removed from their duties and be required to undergo a reasonable suspicion test for alcohol or drugs, as hereinafter provided.

4. Alcohol
   No employee may report for duty or remain on duty when his or her ability to perform assigned function is adversely affected by alcohol or when it has been determined by a District designated lab or a certified testing facility that his or her breath alcohol or blood alcohol concentration is 0.02% or greater. No employee with a commercial vehicle driver's license, who has a 0.01 breath alcohol concentration or greater, may operate a commercial vehicle, and if a driver does he or she must be out of service for 24 hours. No employee shall use alcohol while on duty or while performing safety sensitive functions. No safety sensitive employee shall use alcohol within four hours of reporting for duty nor during hours that he or she is on call. Violation of this provision is prohibited and will subject the employee to removal from duty and referral to a Substance Abuse Professional ("SAP") as defined in section XIII-F "Employee Assessment".

XIV-E. Testing for Prohibited Substances and Alcohol

1. Testing Procedures

   Analytical urine-controlled substance testing and breath testing for alcohol will be conducted in accordance with established industry standards at a District-designated laboratory or a certified testing facility. All employees shall be subject to testing prior to employment (drug testing only), based on reasonable suspicion by a Supervisor trained in drug and alcohol recognition, verified by a second trained Supervisor if one can be obtained within 15 minutes: and following a serious accident. All employees will also be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests as determined by a SAP. Safety sensitive employees who perform safety sensitive functions shall also be subject to testing on a randomly selected, unannounced basis, in addition to the testing outlined above.

   Testing shall be conducted in the manner designed to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which meet all applicable standards. All testing will be conducted consistent with procedures, as established by the laboratory, and consistent with industry standards and any applicable state and federal law. The prohibited substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory gas chromatography/mass spectrometry (GC/MS) test will be performed. The test will be considered positive if the prohibited substance levels present are above the minimum thresholds established in guidelines published from time to time by the Department of Transportation.

   Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test for safety-sensitive employees indicates an alcohol concentration of 0.02 % or greater, a confirmation test will be performed at a District designated laboratory to confirm the results of the initial test. An employee who has a confirmed alcohol concentration above 0.00%, but less than 0.02%, will be removed from his or her position for at least twenty-four hours unless a re-test results in an alcohol concentration of 0.00%. However, unless the alcohol concentration is 0.02% or greater, the fact that an employee was removed from duty in the interests of safety shall not form the basis for any discipline.

   An alcohol concentration of 0.02% or greater will be considered a positive alcohol test and in violation of this policy.

   Any employee who has a confirmed positive prohibited substance or alcohol test will be removed from his or her position, informed of education and rehabilitation programs available, and evaluated by a SAP. The District will make every effort to, and affirms the need to, provide individual employees with dignity, privacy, and confidentiality throughout the testing process.

2. Pre-employment Screening
   Those external applicants who apply for certain jobs where a special need for pre-employment drug and alcohol testing exists must take and pass a drug and alcohol test following a conditional offer of employment. The categories of jobs subject to pre-employment drug and alcohol testing include, but is not limited to safety sensitive jobs that have public safety implications, such as operating heavy trucks to transport hazardous material, protecting national security, enforcing drug laws, and/or jobs that involve the direct influence over children. If the applicant is under the age of 18, the applicant's parent or guardian must sign a consent form authorizing the examination and testing. All offers of employment shall be contingent upon the applicant passing the fitness for duty examination.

3. Reasonable Suspicion Testing
   All employees shall be subject to urine and/or breath testing when a Supervisor or Manager believes there is a reasonable suspicion that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made by the Supervisor or Manager on the basis of documented, objective facts and circumstances, which are consistent with the effects of substance abuse. Examples of reasonable suspicion factors include, but are not limited to, the following:

   - Physical signs and symptoms consistent with substance abuse or prohibited substance abuse use including, but not limited to: unusual behavior, slurred or altered speech, odor of alcohol on the body or breath, unsteady gait, lack of coordination, a pattern of abnormal or erratic behavior, a verbal altercation, needle marks, dilated or constricted pupils, agitation, hostility, confused or incoherent behavior, paranoia, euphoria, disorientation, tremors, or other evidence of recent drug or alcohol use. .
   - The occurrence of a serious or potentially serious accident caused by human error that the District suspects that drugs or alcohol may have played a role in.
   - Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.

   Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled or prohibited substance and alcohol use and abuse and who reasonably concludes that an employee may be adversely effected or impaired in his or her work performance due to prohibited substance abuse or misuse.

4. Post-accident testing
   All employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle or with District equipment while on duty that results in serious bodily injury requiring transportation to a medical treatment facility, death, or when one or more vehicles incurs disabling damage that requires towing from the site, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor. Employees will also be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident involving damage to District property estimated at greater than $5,000.00, or constituting a threat to the public safety and health, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours after the accident for alcohol testing and 32 hours after the accident for controlled substance testing. An employee involved in an accident shall not consume alcohol until they have undergone testing for alcohol. Any employee who leaves the scene of the accident without the appropriate authorization and without submitting to controlled substance or alcohol testing will be considered to have refused the test and subject to disciplinary action up to and including termination. Post-accident testing will include not only the affected employee, but also any other employee whose performance could have contributed to the accident and where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor.

Department of Transportation covered employees (i.e., commercial vehicle drivers) shall be required to undergo controlled substance and/or breath alcohol testing after an accident: where the accident results in loss of human life, if an injured person immediately receives medical treatment away from the accident scene, if the driver is cited for a moving violation within 8 hours of the occurrence, or if one or more vehicles involved in the accident incurs disabling damage.

5. Random Testing
   Those employees working in safety sensitive classifications will be subject to randomly selected unannounced testing. The random selection will be performed using a scientifically valid method. Each safety sensitive employee will have an equal chance of being tested each time selections are made. Safety sensitive employees will be tested either just before, during, or just after the safety sensitive employee is on duty.

6. Return-to-Duty Testing
   All employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released for duty by the Substance Abuse Professional (SAP) before being allowed to return to their jobs. As determined by the SAP, employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following his or her return to duty. The duration of the period during which the employee is subject to such testing, and the frequency of such testing, will be as determined by the SAP. However, it shall not be less than six tests during the first 12 months nor longer than 36 months total, following return to duty.

7. Employee Requested Testing
   Any employee who questions the result of a controlled substance abuse test may request that an additional test be conducted. The additional test may be conducted at the same laboratory or at a different certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee, unless the second test invalidates the original test, in which event, the District will pay the cost of testing. The method of collecting, storing, and testing the split sample will be consistent with established procedures. The employee's request for a re-test must be made to the doctor responsible for analyzing the original laboratory results, within 72 hours of receiving notice of the initial test result. Requests after 72 hours

will be accommodated only where the employee can establish that the delay was due to circumstances beyond the control of the employee.

XIV-F. Employee Assessment

Any employee who tests positive for the presence of controlled prohibited substances or whose breath alcohol concentration is above the 0.02% minimum threshold set forth in this policy, will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge and clinically experienced in the diagnosis and treatment of alcohol and substance abuse related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is to be the responsibility of the employee. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in a prescribed rehabilitation program.

If an employee is returned to duty following rehabilitation, he or she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test, and be subject to unannounced follow-up tests for a period of one to three years, as determined by the SAP.

Employees will be given only one chance for rehabilitation under this policy. The affected employee will be immediately terminated on the occurrence of a second verified positive test result by a District designated lab.

XIV-G. Compliance with Testing Requirements

All employees are subject to controlled substance testing and breath alcohol testing in accordance with this policy. Any employee who refuses to comply with a request for testing, who provides false information in connection with the test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence or tardiness resulting in the inability to conduct the test. Failure to comply with testing requirements or failure to comply with a referral to a SAP will result in immediate termination.

XIV-H. Rehabilitation Programs

The District encourages any employee who may have a controlled substance abuse problem to seek confidential counseling and assistance to a qualified program or professional, or through the District's Employee Assistance Program. The District intends to support those employees who voluntarily seek such assistance, but also intends to promptly and firmly identify and discipline those employees who engage in substance abuse which has a negative effect on job performance. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

1. Mandatory Admittance
   A rehabilitation program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be immediately terminated on the occurrence of a second verified positive test result. The

employee will pay program costs and subsequent controlled substance and/or testing costs. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and/or complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years.

2. Voluntary Admittance
   All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. The employee will pay program costs and subsequent controlled substance and/or alcohol-testing costs. An employee failing to complete the program will be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for 36 months following return to duty. A positive result on a return-to-duty test or on the unannounced follow-up test within a 36-month period will result in termination from employment. Employees may use accumulated sick leave, vacation and floating holidays to participate in a rehabilitation program. An employee's voluntary disclosure of a substance or alcohol abuse problem will not terminate any investigation, criminal or administrative, initiated prior to the disclosure.

XIV-I. Notifying the District of Criminal Drug Conviction

Any employee convicted of a crime involving the manufacture, distribution, possession or use of a controlled substance or convicted of driving under the influence of alcohol or drugs shall notify the District of such conviction not later than five (5) days after such conviction. A plea of no contest shall constitute a conviction for purposes of this rule and for purposes of imposing discipline under District rules and regulations governing employee conduct. Upon conviction of a crime involving alcohol or drugs as specified above, the employee shall be referred to a SAP for rehabilitation assessment. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

XIV-J. Return to Duty Agreement

If an employee is returned to duty following rehabilitation, he or she must agree and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test, and be subject to unannounced follow-up tests for a period of 12 to 60 months. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is to be paid by the employee. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in a prescribed or voluntary rehabilitation program.

XIV-K. Employee Assistance Program

The District has established an Employee Assistance Program ("EAP") to provide all employees with consultation and referral services in order to reduce the effect of employee personal problems on job performance.

An employee's personal problems may manifest themselves in the work environment and seriously impact job performance. In an effort to ameliorate such impacts, the District

makes available to its employees and their immediate family the services of the Employee Assistance Program. All employees are strongly encouraged to utilize the EAP on a self-referral basis. Any employee who persists in deficient job performance as a result of personal problems and does not seek assistance on his or her own initiative may be recommended by the employee's supervisor to the EAP. Participation with the EAP is voluntary, however, and is not part of the District's disciplinary process. Should a supervisor refer the employee to EAP, the employee may request that the EAP release pertinent information to the supervisor making the referral. Such information shall be provided only if the employee signs a conditional waiver of privileged communication allowing for the release of such information.

Confidentiality is of the utmost importance to the District in this regard and is necessary for the ultimate success of the EAP. The EAP is governed by federal and state confidentiality standards and law, and can provide a valuable means for improving both the job performance and personal satisfaction of District employees.

XV. CONTINUING EDUCATION AND TRAINING

The District strongly encourages employees to participate in ongoing education and training programs. The District from time to time offers in-house training programs for the purposes of improving employee efficiency, effectiveness, and professional development.

Certain courses offered by education providers other than the District may be considered appropriate training programs for employees provided the General Manager approves them. All completed in-house training as well as District approved training by an outside provider shall be taken into consideration when making advancements and promotions of employees. It is the responsibility of the employee to notify and provide documentation of completion of such training programs. Such documentation will be made a part of each employee's personnel file.

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

STANDARD AGENDA ITEM 2

APPROVAL OF FINANCIAL STATEMENTS AND CHECKS FOR JULY THROUGH SEPTEMBER 2019

VENTURA PORT DISTRICT **STANDARD AGENDA ITEM 2**

BOARD COMMUNICATION Meeting Date: December 18, 2019

TO: Board of Port Commissioners
FROM: Gloria Adkins, Accounting Manager
SUBJECT: Approval of Financial Statements and Checks for July through September 2019

RECOMMENDATION:

That the Board of Port Commissioners adopts Resolution No. 3382 to:

a) Accept the following financial statements for the Quarter ended September 30, 2019, with the understanding that the accounting for June 30, 2019 year-end GASB 68 and 75 journal entries are still pending; and,
b) Review the payroll and regular checks for July through September 2019.

SUMMARY:

Attached for the Board's review are the financial statements for the quarter ended September 30, 2019 and the check registers for July through September 2019. The attachments reflect the Enterprise Fund and the VSE Aquaculture Grant Fund.

BACKGROUND:

The financial statements for the quarter ending September 30, 2019 consist of Statement of Income and Expenses, Supplementary Notes, Distribution of Cash (includes Grant and Dock Project accounts), Comparison of Lease Rents, and a Three-Year Comparative Statement of Revenue and Expenses.

Staff and White Nelson Diehl Evans (WNDE) continue the work on the FY18-19 financial audit.

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 September 2019 is also included in this attachment. The recap combines grant year one with the first month of grant year two, September 2019. UCSD has reimbursed the year one grant expenses in full.

The Quarterly Treasurer's Report for the period ending September 30, 2019 has been included in the Staff Report section of the Board packet where it has been historically located.

<u>Operational Disbursements</u>

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.

I have 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 2019 -

- Stinnett Law Firm Client Trust was paid $100,000 on 7/12/19 as a settlement for a lease litigation.
- Pueblo Construction, Inc. was paid $99,770 on 7/26/19 as a progress payment for the 1591 Spinnaker Dr. project for ADA restroom remodel and trash enclosure rebuild.

- Bellingham Marine Ind. Inc. was paid $376,866 on 7/26/19 as a progress payment on the Village marina dock renovation project.

August 2019 -

- Bellingham Marine Ind. Inc. was paid $30,790 on 8/09/19 as a progress payment on the Village marina dock renovation project.

September 2019 -

- VPD-Grant Account was paid $45,000 on 9/04/19 to supplement the Shellfish grant checking account until all of the grant reimbursements have been requested and paid.
- Commissioned Desserts, LLC was paid $50,000 on 9/06/19 for the third and final tenant improvement installment for the Top This Chocolate buildout as per the lease.

Details reflecting purchases made through the District's Chase Bank credit cards for July through September 2019 are included as Attachment 5.

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, July and September contained two regular pay periods each. August reflects three regular pay periods. September also includes the quarterly accrued compensation hours pay-off run.

FISCAL IMPACT:

The Statement of Income and Expenses reflects a negative 'Change in Net Position' of $253,426 for the period ended September 30, 2019.

ATTACHMENTS:

Attachment 1 – Resolution No. 3382
Attachment 2 – Statement of Income Expenses – Quarter Ended September 30, 2019
Attachment 3 – Aquaculture Fisheries Grant Fund Financial Statements at September 30, 2019
Attachment 4 – Accounts Payable Check Registers –July - September 2019
Attachment 5 – Chase Credit Card Charges July - September2019

ATTACHMENT 1

VENTURA
PORT DISTRICT
Established 1952

RESOLUTION NO. 3382

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, 2019;

B. The following Checks are hereby reviewed:

1) Payroll Checks #9922-10008 and direct deposits inclusive in the amounts of $148,988 for July 2019 salaries, $216,492 for August 2019 salaries, and $177,790 for September 2019 salaries.

2) Regular Checks #50281-50701, #1085-1090, and #1017-1028, inclusive in the amounts of $986,634 for July 2019 expenditures, $338,621 for August 2019 expenditures, and $3,001,466 for September 2019 expenditures.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on December 18, 2019, Resolution No. 3382 was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest: _____
Chris Stephens, Chairman

_____
Jackie Gardina, Secretary

Ventura Port District
Statement of Income and Expenses
For the Period Ended September 30, 2019

	< - - - - - - - - Quarter (3 mos) - - - - - - - - >			< - - - - - - - Year-to-Date - - - - - - - >		
	Budget	Activity	Variance	Budget	Activity	Variance
OPERATING REVENUES						
Parcel Lease Income	$ 982,300	$ 998,058	$ 15,758	$ 982,300	$ 998,058	$ 15,758
Dry Storage Income	450	450	0	450	450	0
Fisherman's Storage	20,325	20,325	0	20,325	20,325	0
Parking Income	18,500	19,021	521	18,500	19,021	521
Miscellaneous Income/Rentals	48,300	47,284	(1,016)	48,300	47,284	(1,016)
Village Income						
Harbor Village Lease Income	805,000	798,898	(6,102)	805,000	798,898	(6,102)
Commercial Fishing	48,825	43,731	(5,094)	48,825	43,731	(5,094)
Miscellaneous Income	1,450	242	(1,208)	1,450	242	(1,208)
Harbor Event Fees	7,200	10,107	2,907	7,200	10,107	2,907
Marketing Booth/Vendor Income	1,900	2,569	669	1,900	2,569	669
Merchants Promo Fund	27,000	26,804	(196)	27,000	26,804	(196)
Slip Rentals	95,000	95,158	158	95,000	95,158	158
Dock Electrical Income	950	1,040	90	950	1,040	90
C A M Income	84,000	83,975	(25)	84,000	83,975	(25)
Total Oper. Revenues	**$ 2,141,200**	**$ 2,147,662**	**$ 6,462**	**$ 2,141,200**	**$ 2,147,662**	**$ 6,462**
OPERATING EXPENSES						
Personnel Expenses						
Salaries & Wages						
Regular Salaries	$ 680,071	$ 662,023	$ 18,048	$ 680,071	$ 662,023	$ 18,048
Part-time Help	33,115	15,424	17,691	33,115	15,424	17,691
Overtime Pay	26,875	27,625	(750)	26,875	27,625	(750)
Holiday Pay	11,250	7,832	3,418	11,250	7,832	3,418
Total Salaries & Wages	$ 751,311	$ 712,904	$ 38,407	$ 751,311	$ 712,904	$ 38,407
Other personnel expenses						
Retirement Contributions/Exp	$ 159,920	$ 149,571	$ 10,349	$ 159,920	$ 149,571	$ 10,349
Payroll Taxes	13,111	11,386	1,725	13,111	11,386	1,725
Worker's Comp Ins.	37,248	37,248	0	37,248	37,248	0
OPEB Liability	24,330	23,370	960	24,330	23,370	960
Medical & Life Ins.	81,999	74,096	7,903	81,999	74,096	7,903
Optional Benefit Plan	66,996	69,000	(2,004)	66,996	69,000	(2,004)
Uniforms & Tool Allowances	9,527	6,752	2,775	9,527	6,752	2,775
Total - Other Personnel Expenses	$ 393,131	$ 371,423	$ 21,708	$ 393,131	$ 371,423	$ 21,708
Total Personnel Expenses	$ 1,144,442	$ 1,084,327	$ 60,115	$ 1,144,442	$ 1,084,327	$ 60,115

Ventura Port District
Statement of Income and Expenses
For the Period Ended September 30, 2019

	< - - - - - - - Quarter (3 mos) - - - - - - - >			< - - - - - - - Year-to-Date - - - - - - - >		
	Budget	Activity	Variance	Budget	Activity	Variance
General Expenses						
Advertising	$ 3,120	$ 554	$ 2,566	$ 3,120	$ 554	$ 2,566
Leasing & Real Estate	7,755	4,760	2,995	7,755	4,760	2,995
Auto Mileage & Allowance	3,500	2,615	885	3,500	2,615	885
Auto/Boat Equip & Maint	42,600	33,076	9,524	42,600	33,076	9,524
Bad Debt	2,400	181	2,219	2,400	181	2,219
Bank Fees & Other Misc	3,125	2,163	962	3,125	2,163	962
Building Maintenance	102,348	88,002	14,346	102,348	88,002	14,346
Communications	10,375	8,155	2,220	10,375	8,155	2,220
Conferences & Training	14,845	10,080	4,765	14,845	10,080	4,765
Dock Maint. & Repair	15,123	1,155	13,968	15,123	1,155	13,968
Equipment Rental	5,876	5,327	549	5,876	5,327	549
General Insurance	68,001	68,001	0	68,001	68,001	0
Grounds Maintenance	28,749	36,027	(7,278)	28,749	36,027	(7,278)
General Harbor Maintenance	999	0	999	999	0	999
Janitorial Supplies	16,001	14,948	1,053	16,001	14,948	1,053
Judgements & Damages	0	1,122	(1,122)	0	1,122	(1,122)
Land/Building Rental Expense	20,325	19,304	1,021	20,325	19,304	1,021
Marketing & Promotions	79,900	63,884	16,016	79,900	63,884	16,016
Memberships & Subscriptions	11,675	11,385	290	11,675	11,385	290
Office Supplies & Equipment	10,225	8,745	1,480	10,225	8,745	1,480
Computer Equip & Supplies	35,800	36,112	(312)	35,800	36,112	(312)
Operating Supplies	14,499	16,724	(2,225)	14,499	16,724	(2,225)
Other Equipment & Repairs	13,248	15,778	(2,530)	13,248	15,778	(2,530)
Professional Services - Legal	85,000	81,317	3,683	85,000	81,317	3,683
Professional/Outside Services	215,430	188,693	26,737	215,430	188,693	26,737
Prof. Serv.-VSE Aquaculture	41,300	35,722	5,578	41,300	35,722	5,578
Utilities	94,992	98,798	(3,806)	94,992	98,798	(3,806)
Dredging Related Expenses	48,740	47,304	1,436	48,740	47,304	1,436
Total General Expenses	**$ 995,951**	**$ 899,932**	**$ 96,019**	**$ 995,951**	**$ 899,932**	**$ 96,019**
Total Operating Expenses	**$ 2,140,393**	**$ 1,984,259**	**$ 156,134**	**$ 2,140,393**	**$ 1,984,259**	**$ 156,134**
Oper. Income(Loss) Before Deprec	**$ 807**	**$ 163,403**	**$ 162,596**	**$ 807**	**$ 163,403**	**$ 162,596**
Depreciation	$ 234,000	$ 231,044	$ 2,956	$ 234,000	$ 231,044	$ 2,956
Operating Income (Loss)	**$ (233,193)**	**$ (67,641)**	**$ 165,552**	**$ (233,193)**	**$ (67,641)**	**$ 165,552**

Monthly Report
(Unaudited)
2

Ventura Port District
Statement of Income and Expenses
For the Period Ended September 30, 2019

	< - - - - - - - Quarter (3 mos) - - - - - - - >			< - - - - - - - Year-to-Date - - - - - - - >		
	Budget	Activity	Variance	Budget	Activity	Variance
NON-OPERATING REVENUES						
General						
Investment Income (Loss)	$ 87,500	$ 80,022	$ (7,478)	$ 87,500	$ 80,022	$ (7,478)
Tax Income	35,000	36,030	1,030	35,000	36,030	1,030
Total General Non-Oper. Income	$ 122,500	$ 116,052	$ (6,448)	$ 122,500	$ 116,052	$ (6,448)
Special Funding						
DBAW Grants-Misc	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
DBAW Grant-Equipment	0	0	0	0	0	0
Total Special Funding	$ 0	$ 0	$ 0	$ 0	$ 0	$ 0
TOTAL NON-OPER. REVENUES	$ 122,500	$ 116,052	$ (6,448)	$ 122,500	$ 116,052	$ (6,448)
NON-OPERATING EXPENSES						
Interest Expense	$ 309,100	$ 301,837	$ 7,263	$ 309,100	$ 301,837	$ 7,263
Total Non-Oper. Expenses	$ 309,100	$ 301,837	$ 7,263	$ 309,100	$ 301,837	$ 7,263
Non-Operationing Income (Loss)	**$ (186,600)**	**$ (185,785)**	**$ 815**	**$ (186,600)**	**$ (185,785)**	**$ 815**
CHANGES IN NET POSITION	**$ (419,793)**	**$ (253,426)**	**$ 166,367**	**$ (419,793)**	**$ (253,426)**	**$ 166,367**

Supplementary Notes to Statement of Income and Expenses Continued for the quarter ending September 30, 2019 – Budget to Actual Analysis

Staff makes an attempt to follow seasonal patterns when distributing the annual budget by month whenever it is feasibly possible. Many line items are divided equally through the year and it is difficult to pinpoint causes of variances this early in the fiscal year.

Operating Income:

Parcel Lease Income – (exceeds budget $15,758) This category reflects the cumulative balance for master tenant's rents. The variance to date 1.6% of the budget and therefore is reasonable for this time of year.

Harbor Village Lease Income – (under budget $6,102) This category reflects Retail, Restaurant, Office and Charters.

Commercial Fish Offloading – (under budget $5,094) Marina Manager Werneburg has been monitoring the squid migrations and reports that in November/December season picked up a little but in the big picture it is anticipated that this squid season will be slow.

Operating Expenses:

Personnel Expenses – (under budget $60,115)

- Salaries and wages are under budget by $30,407. The primary reason for this variance was due to the timing of hiring new personnel, the timing of salary changes as per MOU's and the need for part-time employee coverage.

    1. The new Accountant I and the Business Operations Manager positions were both budgeted as fulltime for the entire fiscal year. The employment for these individuals began in late July and early September, respectively.
    2. The annual Harbor Patrol salary increase was effective in late August as per their MOU. This department increase was also budgeted as an annual increase and spread out through the entire fiscal year.
    3. The budget for part-time employees is distributed evenly over the twenty-six pay periods in the year although usage of these employees varies as needed.

- Other personnel expenses are under budget by $21,708. This variance is distributed primarily between Retirement Contributions of $10,349 and Medical & Life of $7,903.

    1. The variance in the retirement category is not readily clear at this early stage.

    2. The primary reason for the variance in medical & life insurance in this first quarter is that four new employees were budgeted to utilize the District's health plan. Two of the employees declined as they have coverage elsewhere and the other two were late enrollees.

Auto/Boat Equip & Maint – (exceeds budget $9,524) This variance is primarily in the boat maintenance category. Repairs and maintenance to the boats were performed in the upcoming months.

Building Maintenance – (exceeds budget $14,346) This overage was due to various unforeseen maintenance needs due to turnover in office suites.

Supplementary Notes to Statement of Income and Expenses Continued for the quarter ending September 30, 2019 – Budget to Actual Analysis

Marketing and Promotions – (under budget $16,016) The Marketing Manager attempts to distribute their budget based on scheduled events and advertising promotions. The majority of the variance is in the advertising category. There are sometimes delays in receiving billings from the larger advertising venues.

Professional/Outside Services – (under budget $26,737) In this category, items that can be readily identified as to when they will be expensed are placed in their appropriate budget months. The remaining funds are spread out evenly over the twelve month budget cycle.

Non-operating Revenue:

Nothing major to report on during this first quarter of the fiscal year.

Non-operating Expenses:

Nothing major to report on during this first quarter of the fiscal year.

Ventura Port District
Distribution of Cash as of
September 30, 2019

Enterprise Fund	**Current Balance**
Cash	
Cash on Hand (undeposited)	1,371
Cash in Checking (Wells Fargo Bank)	476,320
Cash in County Treasury	17,965
Total Cash Available for Normal Operations	**$ 495,656**
Investments Unrestricted Reserves	
Local Agency Investment Fund (LAIF)	2,544,326
Total Investments Unrestricted Reserves	**$ 2,544,326**
Dredging Reserves	
Local Agency Investment Fund (LAIF)	3,019,607
Total Dredging Reserves	**$ 3,019,607**
Capital Improvement Reserves	
Local Agency Investment Fund (LAIF)	4,996,754
Total Capital Improvement Reserves	**$ 4,996,754**
Fisheries Complex Reserves	
Local Agency Investment Fund (LAIF)	169,096
Total Fisheries Complex Reserves	**$ 169,096**
Aquaculture Grant Funds	
Cash in Checking (Wells Fargo Bank)	144,050
Total Aquaculture Grant Funds	**$ 144,050**
Project Fund - Village Marina	
Cash in Checking (Wells Fargo Bank)	149,580
Local Agency Investment Fund (LAIF)	894,634
Total Project Fund Village Marina	$ 1,044,214
TOTAL CASH AND INVESTMENTS	**$ 12,413,703**

Monthly Report
(Unaudited)

Ventura Port District
Comparison of Lease Rent

	Year to Date Ended 9/30/2019	Year to Date Ended 9/30/2018	Increase (Decrease)	
Parcel Leases				
Ventura Harbor Marine Assoc	75,646	75,873	(227)	0%
Dave's Fuel Dock	3,684	3,025	659	22%
Sheraton 4 Points-Harbortown	184,052	171,744	12,308	7%
Harbortown Point	2,751	1,795	956	53%
Oceans West Marina	90,445	82,863	7,582	9%
Ventura Isle Marina	215,169	184,520	30,649	17%
Ventura Marina Mobile Park	129,961	125,912	4,049	3%
Ventura West Marina	146,705	134,596	12,109	9%
Ventura Yacht Club	32,392	31,986	406	1%
Vta Harbor Boatyard	42,253	31,568	10,685	34%
Portside Partners Ventura Harbor	75,000	75,000	0	0%
Total Parcel Lease	998,058	918,882	79,176	9%
Appreciation rent & Option Fee	-	-	0	
Total Parcel Leases	998,058	918,882	79,176	9%
Ventura Harbor Village				
Retail Rents	140,472	152,302	(11,830)	-8%
Restaurant Rents	335,369	334,796	573	0%
Office Rents	178,028	173,062	4,966	3%
Charters	145,029	146,892	(1,863)	-1%
Total Village	798,898	807,051	(8,153)	-1%
Commercial Fishing	43,731	69,665	(25,934)	-37%
TOTAL	1,840,687	1,795,598	45,089	3%

Ventura Port District
Three Year Comparative
For the Current Quarter and Year to Date

	Quarter Ending September 30th			Year-To-Date September 30th			
	2017-18	2018-19	Current	2017-18	2018-19	Current	% change FY18-19 to Current Yr
Operating Income							
Parcel Leases	899,948	918,882	998,058	899,948	918,882	998,058	9%
Option Fee							
Dry Storage	30,479	450	450	30,479	450	450	0%
Other Operating	53,817	48,059	86,630	53,817	48,059	86,630	80%
Harbor Village Leases	741,655	807,052	798,898	741,655	807,052	798,898	-1%
Commercial Fishing	74,653	69,665	43,731	74,653	69,665	43,731	-37%
Slips	212,915	208,970	95,158	212,915	208,970	95,158	-54%
CAM	83,624	88,170	83,975	83,624	88,170	83,975	-5%
Marketing	25,671	27,061	26,804	25,671	27,061	26,804	-1%
Electrical Slips	5,031	1,532	1,040	5,031	1,532	1,040	-32%
Other Operating	13,096	15,723	12,918	13,096	15,723	12,918	-18%
Total Operating Income	2,140,889	2,185,564	2,147,662	2,140,889	2,185,564	2,147,662	-2%
Operating Expenses							
Harbor Patrol	364,006	411,017	458,496	364,006	411,017	458,496	12%
Maintenance	255,084	291,302	338,329	255,084	291,302	338,329	16%
Administration	549,248	567,846	617,972	549,248	567,846	617,972	9%
Marina	165,432	166,163	177,802	165,432	166,163	177,802	7%
C A M	203,752	197,534	216,513	203,752	197,534	216,513	10%
Marketing	114,653	112,372	127,844	114,653	112,372	127,844	14%
Dredging	42,515	55,827	47,303	42,515	55,827	47,303	-15%
Total Operating Expenses	1,694,690	1,802,061	1,984,259	1,694,690	1,802,061	1,984,259	10%
NET OPERATING INCOME	446,199	383,503	163,403	446,199	383,503	163,403	-57%
Non-operating Income							
Interest	33,472	60,243	80,022	33,472	60,243	80,022	33%
Taxes	44,121	33,301	36,030	44,121	33,301	36,030	8%
Other	3,863	-	-	3,863	-	-	0%
Total Non-operating Income	81,456	93,544	116,052	81,456	93,544	116,052	24%
Non-Operating Expenses							
Depreciation	206,612	231,010	231,044	206,612	231,010	231,044	0%
Debt Service	217,374	258,184	301,837	217,374	258,184	301,837	17%
Other	-	4,592	-	-	4,592	-	-100%
Total Non-operating Expenses	423,986	493,786	532,881	423,986	493,786	532,881	8%
NET NON-OPER. INCOME	(342,530)	(400,242)	(416,829)	(342,530)	(400,242)	(416,829)	4%
NET CHANGE IN POSITION	103,669	(16,739)	(253,426)	103,669	(16,739)	(253,426)	1414%

Ventura Port District
Aquaculture Fisheries Study Grant Fund
Statement of Income, Expense and Change in Net Position
For the Period Ended September 30, 2019

INCOME	
VSE Grant Reimbursment	56,136
TOTAL INCOME	$56,136
EXPENSES	
Legal-VSE Grant	4,470
Professional Services	30,698
Miscellaneous Expenses	20,968
TOTAL EXPENSES	$56,136
CHANGE IN NET POSITION	-

Monthly Report
(Unaudited)

Ventura Port District
Aquaculture Fisheries Study Grant Fund
Balance Sheet
For the Period Ended September 30, 2019

CURRENT ASSETS		**CURRENT LIABILITIES**	
Cash in Banks	144,050	Accounts Payable	10,240
Accounts Receivable-Grant	56,136	Intercompany Payable-Enterprise Fund	190,615
TOTAL CURRENT ASSETS	**$200,186**	**TOTAL CURRENT LIABILITIES**	**$200,854**
		EQUITY	
LONG TERM ASSETS		Retained Earnings	(668.00)
Long Term Assets	0	Current Year Retained Earnings	0.00
TOTAL LONG TERM ASSETS	**$0**	**TOTAL EQUITY**	**($668.00)**
TOTAL ASSETS	**$200,186**	**TOTAL LIABILITIES AND EQUITY**	**$200,186**

Monthly Report
(Unaudited)

Ventura Port District
Ventura Shellfish Enterprise
2018 Sea Grant - Year 1 & 2
Grant period 9/1/2018 - 8/31/2020

Grant Funding

	Grant	Billed	Remaining	Comments
Plauche Carr-Legal - Task 4	60,000.00	44,470.00	15,530.00	
Dudek - Task 5 - Enviornmental Review	119,410.00	114,694.06	4,715.94	
Coastal Marine Biolabs - Task 6	39,000.00	-	39,000.00	
Scott Lindell - Task 7	20,500.00	10,242.74	10,257.26	Grower/Producer Compliance Training
Blake Stok - Task 7	24,750.00	10,725.00	14,025.00	
CAPS Media - Tasl 7	3,000.00	-	3,000.00	
Recap through 9/30/2019	$ 266,660.00	$ 180,131.80	$ 86,528.20	

Direct costs to District

	Contract/Budget	Billed	Remaining	Comments
Plauche & Carr	29,000.00	24,195.42	4,804.58	
Dudek - 9% & Project Management Support	100,000.00	18,108.39	81,891.61	
Maine Marine Composites - Engineering Serv	15,150.00	15,150.00	-	Evaluate the performance of mussel longline system under specific conditions
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	1,000.00	3,446.86	(2,446.86)	
Recap through 9/30/2019	$ 149,300.00	$ 63,898.67	$ 80,596.75	

Combined In-Kind Contributions and Cost Share Contributions

In-Kind Contributions/Value of Volunteered Time

	Grant Requirement	Reported	Remaining	Comments
Ashworth, Ev & Brooke	97,800.00	46,366.00	51,434.00	Volunteered time
Bush, Doug	54,720.00	4,940.00	49,780.00	Volunteered time
Imondi, Ralph	25,600.00	10,550.00	15,050.00	Volunteered time
Parsons, Richard	20,000.00	5,800.00	14,200.00	Paid only as stipulated in Dredging/Project Manager Professional Service Agreement
Pendleton, Brian	48,490.00	36,385.00	12,105.00	Paid regular salary only
Santschi, Linda	25,600.00	10,650.00	14,950.00	Volunteered time
In-Kind Contribution/Volunteered Time thru 9/30/19	$ 272,210.00	$ 114,691.00	$ 157,519.00	

Cost Share Contributions

	Grant Requirement	Paid	Remaining	Comments
Dudek - 9% & Project Management Support	-	16,055.00	(16,055.00)	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 9/30/19	$ -	$ 34,203.00	$ (34,203.00)	
Total in-Kind and Cost Share Contributions	$ 272,210.00	$ 148,894.00	$ 123,316.00	

Accounts Payable Check Register-July 2019

08/08/19

Ventura Port District
Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50281	07/12/19	1036	Accurate First Aid Services	Replenish first aid stations	359.88	
50282	07/12/19	1045	ADT Security Services	NPS alarm service	179.85	
50283	07/12/19	1154	Alejandra's Nursery	Village landscaping plants and small tools	379.40	
50284	07/12/19	1182	SiteOne Landscape Supply, LLC	Curb repairs @ 1567 Spinnaker	51.99	
50285	07/12/19	1440	Beacon Marine Chandlery Inc	M55 fuel hose repairs, Misc. dock repairs	59.03	
50286	07/12/19	1441	Beacon Marine Electronics	B19 camera system, B1 electrical maintenance	6,926.91	
50287	07/12/19	1679	Carpi & Clay	Washington lobbyist	5,000.00	
50288	07/12/19	1826	Central Coast Tourism Council	Membership	850.00	
50289	07/12/19	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	1,176.71	
50290	07/12/19	2029	Cover 2 Cover Music Inc.	Marketing Village entertainment	640.00	
50291	07/12/19	2093	Cumulus Broadcasting Inc.	Marketing-advertising	1,460.00	
50292	07/12/19	2202	Dave's	Patrol boat fuel	1,492.84	
50293	07/12/19	2331	Dial Security Inc	Courtesy Patrol coverage	1,000.00	
50294	07/12/19	2537	Dunn Edwards	Paint supplies	167.11	
50295	07/12/19	2604	E.J. Harrison & Sons Inc.	Trash service	7,819.94	
50296	07/12/19	2751	Empire Cleaning Supply	Janitorial supplies	168.92	
50297	07/12/19	2936	Fast Signs	VHV elevator sign, street banners, VHV parking lot signage	3,561.91	
50298	07/12/19	3490	Grainger Inc.	Boat air hose	432.66	
50299	07/12/19	3492	Green Thumb International	Village landscaping	36.01	
50300	07/12/19	3655	Herald Printing, Ltd.	Advertising	64.65	
50301	07/12/19	4057	Health & Human Resource Center -	Employee Assistance Program (EAP)	187.56	
50302	07/12/19	4225	J. W. Enterprises	Portable restroom during restroom rehabilitation @ 1591	541.29	
50303	07/12/19	4247	Jani-King of CA Inc.	Janitorial service in Village, VPD headquarters	5,342.90	
50304	07/12/19	4293	Jennifer Talt-Lundin	Event petty cash for Seaside Kids Club	200.00	
50305	07/12/19	4295	Jensen Design & Survey Inc.	Dry Storage facility layout concept & maps	2,650.55	
50306	07/12/19	4410	John Higgins	Reimburse-conference expenses	1,237.87	
50307	07/12/19	4742	Kratos Construction	Fiber optics installation to each suite @ 1449 & 1431 buildings	16,000.00	
50308	07/12/19	4831	LA Partyworks Inc.	Marketing-event production	350.00	
50309	07/12/19	4832	LAFCO	FY 19/20 annual membership dues	6,780.00	
50310	07/12/19	4943	Liebert Cassidy Whitmore	Consortium membership, HR manual review & personnel matters	14,328.50	
50311	07/12/19	4956	Lisa Kelly	Village mural repair	50.00	
50312	07/12/19	5210	McCormix Corp.	Fuel for maintenance vehicles	473.59	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50313	07/12/19	5625	ReadyRefresh	Bottled water service	187.26	
50314	07/12/19	5632	MJP Technologies, Inc	IT services for SPAM filtering	110.00	
50315	07/12/19	5744	Noble Consultants Inc.	Fish pier crane	234.00	
50316	07/12/19	6030	3Digit Media	Marketing-advertising	955.00	
50317	07/12/19	6178	PERS Long Term Care Program	Salary reduction benefit	224.37	
50318	07/12/19	6201	Pamela Griffin	Wellness program instructor	155.00	
50319	07/12/19	6446	PowerHouse Construction Inc.	Replace 5 restroom doors and ADA accessibility hardware	13,200.00	
50320	07/12/19	6850	R P Barricade	Traffic barricades -Village Pirates Day	230.00	
50321	07/12/19	7000	Richard Parsons	Reimburse-mileage CMANC conference	117.16	
50322	07/12/19	7245	Santa Barbara Family Life	Marketing-advertising	385.00	
50323	07/12/19	7296	Searle Creative Group	Marketing-social media web site design	5,332.50	
50324	07/12/19	7410	Smith Pipe & Supply Inc.	Landscaping/irrigation at Village, Parcel 19A, Dry Storage faciity	909.54	
50325	07/12/19	7434	Southern Calif. Edison	Utilities	8,283.71	
50326	07/12/19	7581	Steve Stafford	Entertainment/music	500.00	
50327	07/12/19	7762	The Home Depot Pro	Repair trash enclosure @ 1559 Spinnaker	118.02	
50328	07/12/19	8239	Ventura County Reporter	Marketing-advertising	495.00	
50329	07/12/19	8246	Ventura Locksmiths	Door hardware @ 1575 Spinnaker	139.00	
50330	07/12/19	8250	Ventura Visitors & Convention Center	- Marketing advertising space	250.00	
50331	07/12/19	8251	Ventura Water	Utilities	535.10	
50332	07/12/19	8260	Verizon Wireless	District cell phones/service	1,342.59	
50333	07/12/19	8501	Warren Distributing Inc.	VPD vehicle oil	120.59	
50334	07/12/19	8531	Whisenhunt Communication	Public relations services	3,229.30	
50335	07/12/19	10041	Murrieta Electric, Inc.	Electrical upgrade per lease @ 1591 Spinnaker #117B	529.00	
50336	07/12/19	11415	Alertline Communications	Elevator phone service	630.00	
50337	07/12/19	15785	Blue Tarp Financial Inc.	Boat lights	169.94	
50338	07/12/19	20200	CoStar Realty Information, Inc	Leasing marketing data software	995.60	
50339	07/12/19	25351	Dudek	VSE Aquaculture	907.31	
50340	07/12/19	42419	Jack Peck	Marketing Village entertainment	300.00	
50341	07/12/19	42919	Jessica Howard	Marketing-event production	75.00	
50342	07/12/19	44132	Joseph M. Ramieri	Marketing Village entertainment	300.00	
50343	07/12/19	46141	Kozwel Boatworks	B17, B19 -knock sensors	223.54	
50344	07/12/19	50071	LoopNet	Internet leasing advertising	369.95	
50345	07/12/19	52351	Meredith Corporation	Marketing-advertising	3,050.00	
50346	07/12/19	54455	Mr. Painting, Inc.	Refurbish two Village offices & refurbish trash receptacles	3,965.00	
50347	07/12/19	61991	P & R Paper Supply Co.	Janitorial supplies	627.32	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50348	07/12/19	70075	Ricoh USA, Inc.	Copier page charges - Admin/Marketing	488.89	
50349	07/12/19	72419	SBR Signs & Graphics	VHV parking lot signage	1,969.11	
50350	07/12/19	74343	Somerville Associates	Marketing-advertising	2,000.00	
50351	07/12/19	75910	Stringer Appliance Repair, Inc	Washer #1 repair @ 1691 Spinnaker	325.89	
50352	07/12/19	76018	The Home Depot Pro Institution	VHV restroom signage, VHV janitorial supplies	380.32	
50353	07/12/19	76705	Swift Chip, Inc	Computers parts, July IT service, IT "UG" labor	19,140.27	
50354	07/12/19	77812	Thermal Alliance	HVAC unit - Ventura Harbor Comedy Club	2,000.00	
50355	07/12/19	78692	TBC Media	Marketing-advertising	1,600.00	
50356	07/12/19	82270	Venegas Steel Works, Inc	Fabricate & install six custom design bike racks in the Village	15,000.00	
50357	07/12/19	82322	Ventura County Economic Dev.	Annual membership	400.00	
50358	07/12/19	2985	Fence Factory	50% deposit - Dry Storage lot fencing	18,138.00	
50359	07/12/19	75895	** Voided **	Printing error		0.00
50360	07/12/19	82422	VC Tax Collector	Tenant settlement	1,121.68	
50361	07/12/19	PM One Time	Coffee Dock & Post	Refund Village tenant deposit	2,332.47	
50362	07/12/19	1060	AFLAC	Salary reduction benefit	1,357.11	
50363	07/12/19	7153	Ryan Sutherland	Reimburse qualified medical expense VPD Optional Benefit Plan	2,500.00	
50364	07/12/19	75895	Stinnett Law Firm Client Trust	Restaurant litigation settlement	100,000.00	
50365	07/16/19	76705	Swift Chip, Inc	IT Services - June	9,450.00	
50366	07/16/19	PM One Time	Graham Dawson	Refund deposit & prepaid slip rent to vacated tenant	1,253.36	
50367	07/16/19	PM One Time	John De Lancie	Refund deposit & prepaid slip rent to vacated tenant	1,038.16	
50368	07/22/19	76705	Swift Chip, Inc	9 new computers- priority # 5 as per budget worksheets	10,562.63	
50369	07/26/19	1440	Beacon Marine Chandlery Inc	Boat washing supplies	63.50	
50370	07/26/19	1725	CED (Consolidated Electrical Distributers)	VPD lighting stock	479.32	
50371	07/26/19	1886	Channel Watch Marine, Inc.	moving of vessel	1,100.00	
50372	07/26/19	1892	Chemsearch	VPD shop stock- janitorial supplies	254.67	
50373	07/26/19	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	883.78	
50374	07/26/19	2009	Coastal Occupational Medical	Pre employment physical	115.00	
50375	07/26/19	2029	Cover 2 Cover Music Inc.	Marketing Village entertainment	5,120.00	
50376	07/26/19	2065	** Voided **	Printing error		0.00
50377	07/26/19	2099	Custom Embroidery	Maintenance sun protection gear	487.36	
50378	07/26/19	2100	CyberCopy Inc.	Brochures/event cards	115.24	
50379	07/26/19	2331	Dial Security Inc	Courtesy Patrol coverage	1,100.00	
50380	07/26/19	2448	Downtown Ventura Partners	Marketing-advertising	450.00	
50381	07/26/19	2751	Empire Cleaning Supply	Janitorial supplies	1,179.96	
50382	07/26/19	2935	Farmer Bros. Co	Coffee supplies	274.80	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50383	07/26/19	2980	Fausset Printing, LLC	Marketing - event production - brochures	59.00	
50384	07/26/19	2983	Federal Express Corporation	Postage	74.90	
50385	07/26/19	3050	All That's Fit to Print	Marketing-ad production	1,722.50	
50386	07/26/19	3138	Four Points Sheraton	Rental of conference room on 07/17- board meeting	1,616.30	
50387	07/26/19	3156	Frank Barajas	Marketing Village entertainment	300.00	
50388	07/26/19	3490	Grainger Inc.	Fish pier hoist, window washing tools, VHV toilet parts	812.43	
50389	07/26/19	3491	The Greek Mediterranean Steak	Reimburse water/sewer line repairs	1,600.00	
50390	07/26/19	3655	Herald Printing, Ltd.	Advertising	305.51	
50391	07/26/19	4293	Jennifer Talt-Lundin	Reimbursement for Pirates Day décor	87.00	
50392	07/26/19	4295	Jensen Design & Survey Inc.	Property line verification in Village	537.50	
50393	07/26/19	4742	Kratos Construction	Fiber optics & electrical @ 1583 Spinnaker #105A	9,200.00	
50394	07/26/19	4852	Lagerlof Senecal Gosney	Legal services	51,078.75	
50395	07/26/19	4862	Peopleready Inc	Maintenance temporary labor service	818.75	
50396	07/26/19	5016	Lowe's	Misc. operating supplies - dock parts, building repairs hardware	260.98	
50397	07/26/19	5190	Matilija Water	Reverse osmosis water system	46.00	
50398	07/26/19	5213	McMaster-Carr	Fish pier hoist, hardware -VHV bike rack	391.73	
50399	07/26/19	5231	Mendez Roofing Inc	Roof repairs @ 1583 Spinnaker in Village	500.00	
50400	07/26/19	5744	Noble Consultants Inc.	VSE Mussel farm consulting	1,638.00	
50401	07/26/19	6178	PERS Long Term Care Program	Salary reduction benefit	224.37	
50402	07/26/19	6201	Pamela Griffin	Wellness program instructor	100.00	
50403	07/26/19	6283	Petty Cash Fund	Slip refund, keys, rolled coin	117.23	
50404	07/26/19	6409	Plauche & Carr	VSE Aquaculture	120.00	
50405	07/26/19	6470	LegalShield	Salary reduction benefit	124.55	
50406	07/26/19	7000	Richard Parsons	Dredging/Project Management services	10,296.39	
50407	07/26/19	7029	Robert Weinerth	Reimbursement of work accessories/shoes as per MOU	155.15	
50408	07/26/19	7245	Santa Barbara Family Life	Marketing-advertising	385.00	
50409	07/26/19	7294	Service-Pro Fire Protection	Fire sprinkler repairs/updates - Village office-1583 Spinnaker #105A	500.00	
50410	07/26/19	7410	Smith Pipe & Supply Inc.	VHV landscaping, Parcel 19A landscape	166.27	
50411	07/26/19	7434	Southern Calif. Edison ** Voided **	Check stub used to list invoices		0.00
50412	07/26/19	7434	Southern Calif. Edison	Utilities	12,648.10	
50413	07/26/19	7862	Time To Shine	Village & Port District monthly window washing service	3,055.00	
50414	07/26/19	8233	Venco Power Sweeping, Inc	Monthly fish pier sweeping	130.00	
50415	07/26/19	8239	Ventura County Reporter	Marketing-advertising	150.00	
50416	07/26/19	8241	Ventura County Star	Marketing-advertising	588.08	
50417	07/26/19	8242	Ventura Dive & Sport	Harbor Patrol oxygen tanks and refills	75.00	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50418	07/26/19	8244	Ventura Harbor Storage	Fishermen's storage/net repair area	6,775.00	
50419	07/26/19	8620	XCEL Hawaii, Inc	Safety uniform - Harbor Patrol	98.09	
50420	07/26/19	10041	Murrieta Electric, Inc.	Village dock electrical pedestal repairs	500.00	
50421	07/26/19	11131	AICPA	Annual membership	285.00	
50422	07/26/19	12945	Assurant Employee Benefits	Dental insurance premiums	1,380.01	
50423	07/26/19	13950	Bartel Associates, LLC	Consulting on CalPERS	1,080.00	
50424	07/26/19	15785	Blue Tarp Financial Inc.	Membership	39.99	
50425	07/26/19	16181	Brian Pendleton	Reimburse mileage-CSDA conference	109.97	
50426	07/26/19	17805	Certified Employment Screening	Pre-employment screening	105.90	
50427	07/26/19	19252	City of Ventura	Permit - entertaining	325.92	
50428	07/26/19	25351	Dudek	VSE Aquaculture	499.83	
50429	07/26/19	30495	5 Day Tire Store	H1-tire repair	136.00	
50430	07/26/19	45635	Karen Eden	Marketing Village entertainment	300.00	
50431	07/26/19	46141	Kozwel Boatworks	B17, B19 -oil coolers	538.43	
50432	07/26/19	51891	Matthew Relis	Marketing Village entertainment	300.00	
50433	07/26/19	54455	Mr. Painting, Inc.	Refurbish metal poles in Dry Storage & Village office improvements	9,750.00	
50434	07/26/19	54577	Nathan King	Marketing Village entertainment	100.00	
50435	07/26/19	61991	P & R Paper Supply Co.	Janitorial supplies	2,925.23	
50436	07/26/19	65011	Pueblo Construction, Inc.	ADA restroom project @ 1591 Spinnaker Dr.	99,770.48	
50437	07/26/19	70075	Ricoh USA, Inc.	Copier lease	741.91	
50438	07/26/19	70281	Ring Central Inc	Phone service	1,030.25	
50439	07/26/19	70650	SWCA, Incorporated (Soil and Water	Conservation Assist) - Environmental testing	1,415.00	
50440	07/26/19	74343	Somerville Associates	Marketing-advertising	2,000.00	
50441	07/26/19	76018	The Home Depot Pro Institution	VHV restroom parts	915.55	
50442	07/26/19	76705	Swift Chip, Inc	New computer server	11,934.39	
50443	07/26/19	77921	Tom's Towing	Relocation of vehicle in Village dock construction staging area	80.00	
50444	07/26/19	82201	Valley Scene Magazine	Marketing-advertising	630.00	
50445	07/26/19	84570	Vision Service Plan-(CA)	Employee vision plan	831.93	
50446	07/26/19	85123	WEX Bank	Patrol vehicle fuel	1,149.06	
50447	07/26/19	85522	Wilson Winneguth	Marketing Village entertainment	225.00	
				Total Enterprise Account Check Register	$577,704.82	$0.00

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount

Wells Fargo Grant Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
1085	07/12/19	25351	Dudek	VSE Aquaculture Grant	10,081.21	
1086	07/26/19	6409	Plauche & Carr	VSE Aquaculture Grant	3,180.00	
1087	07/26/19	25351	Dudek	VSE Aquaculture Grant	5,553.58	
				Total Grant Account Check Register	$18,814.79	$0.00

Wells Fargo Project Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
1017	07/12/19	5744	Noble Consultants Inc.	Dock rehab project engineering & oversight- C, D,G,H	1,638.00	
1018	07/12/19	7013	Rincon Consultants, Inc.	Dock rehab project-water monitoring	5,752.75	
1019	07/26/19	1445	Bellingham Marine Ind. Inc.	Dock rehab project progress payment - C, D,G,H	376,866.00	
1020	07/26/19	7013	Rincon Consultants, Inc.	Dock rehab project-water monitoring	5,857.75	
				Total Project Account Check Register	$390,114.50	$0.00
				Total All Check Registers	**$986,634.11**	**$0.00**

Accounts Payable Check Register - August 2019

11/04/19

Ventura Port District
Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50448	08/01/19	2604	E.J. Harrison & Sons Inc.	Trash service	7,700.46	
50449	08/01/19	3592	Hansen's Plumbing, Inc.	Sewer line project-The Greek	8,280.00	
50450	08/01/19	7434	Southern Calif. Edison	Utilities	143.17	
50451	08/01/19	51525	Magic Makers Entertainment	Marketing event production	350.00	
50452	08/02/19	PM OneTime	Anthony Cook	Refund slip deposit to vacated tenant	342.00	
50453	08/09/19	1004	Multi Business Systems	Payroll checks(Live/Comp)	167.12	
50454	08/09/19	1036	Accurate First Aid Services	Replenish first aid stations	203.78	
50455	08/09/19	1060	AFLAC	Salary reduction benefit	1,751.40	
50456	08/09/19	1440	Beacon Marine Chandlery Inc	PVC -dock maintenance	91.72	
50457	08/09/19	1676	Carquest Auto Parts	VPD shop stock	117.80	
50458	08/09/19	1679	Carpi & Clay	Washington Lobbyist	5,000.00	
50459	08/09/19	1725	CED (Consolidated Electrical Distributers)	VPD stock, parking lot light lenses	4,416.09	
50460	08/09/19	1843	Certified Folder Display	Certified rack, advertising	2,927.09	
50461	08/09/19	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	849.18	
50462	08/09/19	2065	Certified Credit Reporting Inc	Prospective tenant screening	35.00	
50463	08/09/19	2093	Cumulus Broadcasting Inc.	Marketing-advertising	1,125.00	
50464	08/09/19	2099	Custom Embroidery	Courtesy Patrol uniforms	333.81	
50465	08/09/19	2100	CyberCopy Inc.	Blueprints - 1449 Spinnaker	319.44	
50466	08/09/19	2331	Dial Security Inc	Courtesy Patrol coverage	1,000.00	
50467	08/09/19	2604	E.J. Harrison & Sons Inc.	Trash service	8,589.29	
50468	08/09/19	2751	Empire Cleaning Supply	VHV janitorial supplies	1,156.15	
50469	08/09/19	3100	Flooring 101	TI @ 1583 # 104A	3,510.35	
50470	08/09/19	3490	Grainger Inc.	LED shop & dock lights, restroom fixtures	543.14	
50471	08/09/19	4247	Jani-King of CA Inc.	Janitorial service in Village, VPD headquarters	5,542.90	
50472	08/09/19	4413	Jose A. Gonzalez	Reimburse seminar travel-mileage, parking	77.19	
50473	08/09/19	4742	Kratos Construction	Electrical improvements Village building 1583 Spinnaker #212	8,930.00	
50474	08/09/19	4862	Peopleready Inc	Temporary part time landscape labor	1,150.00	
50475	08/09/19	4943	Liebert Cassidy Whitmore	HR manual review & personnel matters	3,024.00	
50476	08/09/19	5050	MailFinance	VPD postage machine rental	401.23	
50477	08/09/19	5190	Matilija Water	Reverse osmosis water system	46.00	
50478	08/09/19	5210	McCormix Corp.	Maintenance vehicle fuel	534.02	
50479	08/09/19	5213	McMaster-Carr	Vehicle cargo box-H1, bird signage for Surfers Knoll beach	1,340.67	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50480	08/09/19	5505	Muzicraft Inc.	Ambient music in Village	329.50	
50481	08/09/19	5744	Noble Consultants Inc.	Plan check Portside & Village Marinas, lease lines Parcel 14	1,989.00	
50482	08/09/19	6900	Red Wing Shoe Store	Employee annual safety shoe purchase	319.58	
50483	08/09/19	7581	Steve Stafford	Marketing Village entertainment	300.00	
50484	08/09/19	7768	ThyssenKrupp Elevator Corp	Quarterly elevator maintenance	4,767.16	
50485	08/09/19	8233	Venco Power Sweeping, Inc	Monthly Village parking lot	415.38	
50486	08/09/19	8251	Ventura Water	Utilities	569.39	
50487	08/09/19	8266	Ventura Harbor Marine Fuel	Canopy/awning repair @ 1591 Spinnaker #115	33.56	
50488	08/09/19	8501	Warren Distributing Inc.	Boat transmission fluid	40.54	
50489	08/09/19	11457	Alexandria Pico	Marketing-ad production	165.00	
50490	08/09/19	17805	Certified Employment Screening	Pre-employment screening	20.00	
50491	08/09/19	20200	CoStar Realty Information, Inc	Leasing marketing data software	995.60	
50492	08/09/19	42471	JaniTek Cleaning Solutions	Janitorial service/supplies-National Park Service Offices	1,577.75	
50493	08/09/19	43451	Jim McKeown Inc.	Retainer-Carousel/Lighthouse building re-configuration	15,000.00	
50494	08/09/19	46141	Kozwel Boatworks	Vessel heat exchanger- B17, B19	971.60	
50495	08/09/19	50071	LoopNet	Internet leasing advertising	369.95	
50496	08/09/19	50165	Lynnzee Fraye	Marketing Village entertainment	300.00	
50497	08/09/19	51530	Maine Marine Composites, LLC	Modeling of Longline Mussel Cultivating	6,900.00	
50498	08/09/19	51743	Marilee Ann Stockman	Marketing event production	100.00	
50499	08/09/19	54455	Mr. Painting, Inc.	Refurbish courtyard steps/mold treatment/Village office TI	6,325.00	
50500	08/09/19	61945	Pacific Coast Congress of Harbormasters & Port Managers, Inc	- One additional membership	10.00	
50501	08/09/19	61991	P & R Paper Supply Co.	Janitorial supplies	1,323.28	
50502	08/09/19	70075	Ricoh USA, Inc.	Copier page charges - Admin/Marketing	306.00	
50503	08/09/19	74401	Southland Publishing	Marketing-advertising	150.00	
50504	08/09/19	76012	Sunbelt Rentals, Inc.	Small tractor rental-beach sand removal from parking lot/street	2,546.06	
50505	08/09/19	76018	The Home Depot Pro Institution	Stock - beach restroom	140.10	
50506	08/09/19	76705	Swift Chip, Inc	IT services - AUG	8,858.00	
50507	08/09/19	82201	Valley Scene Magazine	Marketing-advertising	504.00	
50508	08/09/19	85123	WEX Bank	Patrol vehicle fuel	1,403.62	
50509	08/09/19	85219	West Marine Pro	Blue paint for B17, B19	27.41	
50510	08/09/19	PM OneTime	Geoff Cook	Refund slip deposit to vacated tenant	323.75	
50511	08/09/19	PM OneTime	John Christopher Wilbur	Refund slip deposit to vacated tenant	323.40	
50512	08/09/19	PM OneTime	Theodore Rose	Refund slip deposit to vacated tenant	469.66	
50513	08/09/19	PM OneTime	Tony Volaski	Refund slip deposit to vacated tenant	745.00	
50514	08/16/19	PM OneTime	Geoff Cook	Refund prepaid slip rent to vacated tenant	435.80	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50515	08/16/19	PM OneTime	Theodore Rose	Refund prepaid slip rent to vacated tenant	507.23	
50516	08/23/19	1037	Acorn Newspapers	Advertising	1,998.17	
50517	08/23/19	1049	Adams Printing & Graphic	Brochures, event cards	1,781.25	
50518	08/23/19	1440	Beacon Marine Chandlery Inc	Operating supplies	13.49	
50519	08/23/19	1676	Carquest Auto Parts	VPD shop supplies, air filters for trucks	107.16	
50520	08/23/19	1725	CED (Consolidated Electrical Distributers)	-LED staircase fixtures & lights	2,300.46	
50521	08/23/19	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	713.18	
50522	08/23/19	1925	City of S. Buenaventura	Trash service	100.00	
50523	08/23/19	2100	CyberCopy Inc.	Advertising, event cards, brochures	531.47	
50524	08/23/19	2202	Dave's	Patrol boat fuel	5,314.97	
50525	08/23/19	2331	Dial Security Inc	Courtesy Patrol coverage	1,000.00	
50526	08/23/19	2448	Downtown Ventura Partners	Marketing-advertising	450.00	
50527	08/23/19	2604	E.J. Harrison & Sons Inc.	Trash service	9,490.67	
50528	08/23/19	2751	Empire Cleaning Supply	VHV janitorial supplies	720.07	
50529	08/23/19	2935	Farmer Bros. Co	Coffee supplies	362.88	
50530	08/23/19	2985	Fence Factory	Dry Storage facility fencing	18,138.00	
50531	08/23/19	2986	Ferguson Enterprises Inc.	NPS restroom hardware, water heater removal	147.57	
50532	08/23/19	3490	Grainger Inc.	VPD shop tool	93.34	
50533	08/23/19	4057	Health & Human Resource Center	- Employee Assistance Program (EAP)	187.56	
50534	08/23/19	4247	** Voided **	Printer error		0.00
50535	08/23/19	4742	Kratos Construction	Install LED/lantern lighting under balconies & outside building 1583	9,690.00	
50536	08/23/19	4852	Lagerlof Senecal Gosney	Legal services	30,752.75	
50537	08/23/19	4862	Peopleready Inc	Temporary part time landscape labor	3,437.50	
50538	08/23/19	4943	Liebert Cassidy Whitmore	HR manual review & personnel matters	3,484.00	
50539	08/23/19	5210	McCormix Corp.	Maintenance vehicle fuel	1,225.70	
50540	08/23/19	5213	McMaster-Carr	Parts for fish pier hoist	1,126.83	
50541	08/23/19	5505	Muzicraft Inc.	Ambient music in Village	329.50	
50542	08/23/19	6178	PERS Long Term Care Program	Salary reduction benefit	224.37	
50543	08/23/19	6470	LegalShield	Salary reduction benefit	124.55	
50544	08/23/19	7000	Richard Parsons	Dredging/project management services	10,296.39	
50545	08/23/19	7410	Smith Pipe & Supply Inc.	D dock repairs, VHV landscaping	799.87	
50546	08/23/19	7434	Southern Calif. Edison	Utilities	3,226.13	
50547	08/23/19	7965	TUG (Timberline Users Group)	Membership-Sage/Timberline accounting software	395.00	
50548	08/23/19	8233	Venco Power Sweeping, Inc	Monthly Village parking lot & fish pier sweeping	545.38	
50549	08/23/19	8244	Ventura Harbor Storage	Fisherman's gear storage	6,775.00	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50550	08/23/19	8250	Ventura Visitors & Convention	Marketing-advertising	250.00	
50551	08/23/19	8531	Whisenhunt Communication	Public relations services	750.00	
50552	08/23/19	12945	Assurant Employee Benefits	Dental insurance premiums	1,024.51	
50553	08/23/19	15785	Blue Tarp Financial Inc.	New mobile pressure washer	846.90	
50554	08/23/19	25340	Drew William Lurie	Marketing Village entertainment	300.00	
50555	08/23/19	30495	5 Day Tire Store	New tires - M49	700.00	
50556	08/23/19	51891	Matthew Relis	Marketing Village entertainment	300.00	
50557	08/23/19	54455	Mr. Painting, Inc.	Refurbish/repair fiberglass dumpsters & TI firewall install	4,950.00	
50558	08/23/19	61991	P & R Paper Supply Co.	Janitorial supplies	1,211.92	
50559	08/23/19	70075	Ricoh USA, Inc.	Copier lease	741.91	
50560	08/23/19	70281	Ring Central Inc	Phone service	1,030.34	
50561	08/23/19	70505	Ruby Emery	Mileage reimbursement	225.98	
50562	08/23/19	74343	Somerville Associates	Marketing public relations services	2,000.00	
50563	08/23/19	76018	The Home Depot Pro Institution	VHV toilet paper dispensers	229.72	
50564	08/23/19	76311	Sign-A-Rama	Vehicle decal	1,303.36	
50565	08/23/19	76705	Swift Chip, Inc	Shelving for IT server	59.25	
50566	08/23/19	78692	TBC Media	Marketing-advertising	800.00	
50567	08/23/19	79541	Training Resources Maritime	Patrol-Captain's course training	1,545.00	
50568	08/23/19	82230	Vanise Terry	Marketing Village entertainment	400.00	
50569	08/23/19	82351	Ventura Breeze	Marketing-advertising	925.00	
50570	08/23/19	84570	Vision Service Plan-(CA)	Employee vision plan	661.93	
50571	08/23/19	3492	Green Thumb International	Parts to repair small equipment	92.75	
50572	08/23/19	45635	Karen Eden	Marketing Village entertainment	300.00	
50573	08/26/19	8251	Ventura water ** Voided **	Check stub used to list invoices		0.00
50574	08/26/19	8251	Ventura Water	Utilities	42,045.69	
				Total Enterprise Account Check Register	$300,437.33	$0.00

Wells Fargo Grant Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
			No Activity		0.00	0.00
				Total Grant Account Check Register	$0.00	$0.00

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount

Wells Fargo Project Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
1021	08/09/19	2097	** Voided **	Printer error		0.00
1022	08/09/19	1445	Bellingham Marine Ind. Inc	Dock rehab project progress payment - C, D,G,H	30,790.34	
1023	08/09/19	5744	Noble Consultants Inc.	Dock rehab project engineering & oversight- C, D,G,H	2,223.00	
1024	08/09/19	7013	Rincon Consultants, Inc.	Dock rehab project-water monitoring	3,705.12	
1025	08/09/19	17511	CAM Components Co. LLC	Dock rehab project	1,465.00	
				Total Project Account Check Register	$38,183.46	$0.00
				Total All Check Registers	**$338,620.79**	**$0.00**

Accounts Payable Check Register - September 2019

11/04/19

Ventura Port District
Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50575	09/04/19	82823	VPD-Grant Account	Transfer funds	45,000.00	
50576	09/06/19	1036	Accurate First Aid Services	Replenish first aid stations	211.22	
50577	09/06/19	1060	AFLAC	Salary reduction benefit	1,718.56	
50578	09/06/19	1441	Beacon Marine Electronics	Patrol-search and rescue equipment	5,524.00	
50579	09/06/19	1663	Burons Preferred Pumping Inc.	VHV Hydro-jetting	1,485.00	
50580	09/06/19	1674	Card Integrators	Annual fee- ID badges	120.00	
50581	09/06/19	1676	Carquest Auto Parts	Supplies -maintenance trucks	251.94	
50582	09/06/19	1725	C E D (Consolidated Electrical Distributers) - VPD shop stock		64.27	
50583	09/06/19	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	1,011.64	
50584	09/06/19	1925	City of S. Buenaventura	Trash service	100.00	
50585	09/06/19	2093	Cumulus Broadcasting Inc.	Marketing-advertising	1,125.00	
50586	09/06/19	2331	Dial Security Inc	Courtesy Patrol coverage	1,612.00	
50587	09/06/19	2751	Empire Cleaning Supply	Janitorial supplies	454.42	
50588	09/06/19	3050	All That's Fit to Print	Marketing-ad production	705.00	
50589	09/06/19	3100	Flooring 101	Village office suite new floor install 1583 Spinnaker #212	2,374.73	
50590	09/06/19	3490	Grainger Inc.	VHV oil station supplies, safety supplies	690.04	
50591	09/06/19	4225	J. W. Enterprises	ADA restroom project @ 1591 Spinnaker Dr.	541.29	
50592	09/06/19	4247	Jani-King of CA Inc.	Janitorial service in Village, VPD headquarters	5,917.90	
50593	09/06/19	4293	Jennifer Talt-Lundin	Mileage reimbursement	238.96	
50594	09/06/19	4862	Peopleready Inc	Temporary part time labor	1,000.00	
50595	09/06/19	5011	Los Angeles Tourism & Convention Board - Annual membership dues		800.00	
50596	09/06/19	5190	Matilija Water	Reverse osmosis water system	46.00	
50597	09/06/19	5213	McMaster-Carr	Misc. small hardware	18.44	
50598	09/06/19	5625	ReadyRefresh	Bottled water service	522.91	
50599	09/06/19	6030	3Digit Media	Marketing-advertising	2,486.00	
50600	09/06/19	6194	Pacific Oil Company	Waste oil disposal	120.00	
50601	09/06/19	6201	Pamela Griffin	Wellness program	140.00	
50602	09/06/19	6409	Plauche & Carr	VSE Aquaculture	12,038.00	
50603	09/06/19	6865	Rasmussen & Associates Inc	Professional service - ADA restrooms - 1591 Spinnaker Dr.	8,085.00	
50604	09/06/19	7410	Smith Pipe & Supply Inc.	Materials for low voltage lighting	96.98	
50605	09/06/19	7434	Southern Calif. Edison ** Voided **	Stub used to list invoices		0.00
50606	09/06/19	7434	Southern Calif. Edison	Utilities	9,868.49	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50607	09/06/19	7572	Standard Insurance Company	Group Term Life/Long-term Disability	6,233.81	
50608	09/06/19	7777	The Signal	Marketing-advertising	970.00	
50609	09/06/19	7818	TOTALFUNDS	Postage	500.00	
50610	09/06/19	7862	Time To Shine	VHV/VPD-Monthly window washing	3,055.00	
50611	09/06/19	8232	Ventura County APCD (Air Pollution Control District) - Permit		377.00	
50612	09/06/19	8243	Ventura Harbor Boat Yard	B1-engine repair, hardware @ Harbor Cove	1,507.35	
50613	09/06/19	8251	Ventura Water	Utilities	552.40	
50614	09/06/19	8267	Ventura Harbor Marina & Yacht	B19-hydrowash	144.45	
50615	09/06/19	8501	Warren Distributing Inc.	Oil/service parts-Boats	631.57	
50616	09/06/19	11457	Alexandria Pico	Marketing-ad production	412.50	
50617	09/06/19	12851	Arion Global, Inc.	Light bulb recycling	457.33	
50618	09/06/19	17690	Cali USA Acoustics, Inc	TI-office suite ceiling tiles 1583 Spinnaker #212	2,980.00	
50619	09/06/19	17805	Certified Employment Screening	Pre-employment screening	48.00	
50620	09/06/19	20200	CoStar Realty Information, Inc	Leasing marketing data software	995.60	
50621	09/06/19	25351	Dudek	VSE Aquaculture	3,844.22	
50622	09/06/19	26531	eDistsecurity	Key cards-Marina, Dry Storage Facility	1,288.83	
50623	09/06/19	40852	Interstate Restoration	Damage mitigation to Harbor Market & Liquor in Village	8,973.22	
50624	09/06/19	42471	JaniTek Cleaning Solutions	Janitorial service/supplies-National Park Service Offices	1,577.75	
50625	09/06/19	50165	Lynnzee Fraye	Marketing Village entertainment	300.00	
50626	09/06/19	51620	Management Partners	Goal setting workshop	5,500.00	
50627	09/06/19	51891	Matthew Relis	Marketing Village entertainment	300.00	
50628	09/06/19	54455	Mr. Painting, Inc.	Refurbish/repair fiberglass dumpsters & misc. door rust mitigation	5,805.00	
50629	09/06/19	61954	Pacific Marine Repair	Service/oil change-all 3 boats	1,293.12	
50630	09/06/19	61991	P & R Paper Supply Co.	Janitorial supplies	1,538.17	
50631	09/06/19	70075	Ricoh USA, Inc.	Copier page charges - Admin/Marketing	216.64	
50632	09/06/19	75980	Stryker Sales Corporation	AED medical supply-Patrol	858.81	
50633	09/06/19	76015	Sunridge Landscape Maint., Inc	Village landscape clean-up, Parcel 19A clean-up	2,250.00	
50634	09/06/19	82270	Venegas Steel Works, Inc	Deposit-Custom fabricated bike rack for Village	1,000.00	
50635	09/06/19	85214	Wendell Ward	Marketing-advertising	240.00	
50636	09/06/19	85219	West Marine Pro	Patrol exterior speaker, radio replacement	846.76	
50637	09/06/19	85261	West Coast Air Conditioning	VHV/VPD preventative HVAC maintenance	620.00	
50638	09/06/19	PM One Time	Coastwide Corporation	Refund Village office tenant deposit	655.00	
50639	09/06/19	20042	Commissioned Desserts LLC	Top This Chocolate Improvements -3rd and final install	50,000.00	
50640	09/13/19	44132	Joseph M. Ramieri	Marketing Village entertainment	300.00	
50641	09/13/19	72805	Sean L Wiggins	Marketing Village entertainment	300.00	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50642	09/13/19	76705	Swift Chip, Inc	Budgeted IT priorities #1 & #4, 16GB ram, 2 year firewall	3,243.25	
50643	09/24/19	1321	Avalon Door & Windows Inc.	Water damage repair @ 1575 # 106A	168.16	
50644	09/24/19	1377	B & R Tool Supply Co.	Custom engraved locks-Maintenance, Patrol	1,303.24	
50645	09/24/19	1679	Carpi & Clay	Washington Lobbyist	15,000.00	
50646	09/24/19	1737	C.M.A.N.C.(Calif. Marine Affairs & Navigation Conference)	- Annual membership dues	2,100.00	
50647	09/24/19	1915	Cintas Corp #684	Uniform rental/cleaning, door mats, rags	849.18	
50648	09/24/19	2009	Coastal Occupational Medical	Pre-employment screening	160.00	
50649	09/24/19	2099	Custom Embroidery	Courtesy Patrol uniforms	46.92	
50650	09/24/19	2100	CyberCopy Inc.	Marketing event production	120.09	
50651	09/24/19	2331	Dial Security Inc	Courtesy Patrol coverage	400.00	
50652	09/24/19	2448	Downtown Ventura Partners	Marketing-advertising	450.00	
50653	09/24/19	2751	Empire Cleaning Supply	Janitorial supplies	40.59	
50654	09/24/19	2935	Farmer Bros. Co	Coffee supplies	303.06	
50655	09/24/19	2936	Fast Signs	Village vacant & tenant signage	1,137.58	
50656	09/24/19	2986	Ferguson Enterprises Inc.	Village restroom repair parts	67.74	
50657	09/24/19	3050	All That's Fit to Print	Business cards, Marketing-ad production	1,594.90	
50658	09/24/19	3203	Fuller Paint & Glass	VHV glass wall pane replacement	1,398.00	
50659	09/24/19	3457	Gov't Finance Officers Assoc.	Annual GAAP update, revised GAAFR book	334.00	
50660	09/24/19	4225	** Voided **	Printing error		0.00
50661	09/24/19	4411	John Collins	Reimburse conference travel - CA Building Officials conference	999.17	
50662	09/24/19	4742	Kratos Construction	Additional fiber optics install; replace LED/additional lighting in stairways	15,010.00	
50663	09/24/19	4862	Peopleready Inc	Temporary part time labor	1,837.50	
50664	09/24/19	4897	PORAC Legal Defense Fund	Patrol-salary reduction benefit	168.00	
50665	09/24/19	4943	Liebert Cassidy Whitmore	HR Manual review	543.80	
50666	09/24/19	5016	Lowe's	VPD shop stock, dock parts, pest control items	717.95	
50667	09/24/19	5213	McMaster-Carr	Parts-mobile pressure washer, parts -water heater	81.92	
50668	09/24/19	5632	MJP Technologies, Inc	IT services for SPAM filtering	220.00	
50669	09/24/19	6284	Peace Officers Research Assoc.	Quarterly membership-salary reduction benefit	138.00	
50670	09/24/19	6361	Pitney Bowes	Village postage meter lease	154.25	
50671	09/24/19	6409	Plauche & Carr	VSE Aquaculture	5,735.64	
50672	09/24/19	6470	LegalShield	Salary reduction benefit	124.55	
50673	09/24/19	7000	Richard Parsons	Dredging/project management services	10,296.39	
50674	09/24/19	7294	Service-Pro Fire Protection	Fire sprinkler repairs/updates for Village office -1583 Spinnaker #212	914.05	
50675	09/24/19	7410	Smith Pipe & Supply Inc.	Materials for irrigation @ 1583 Spinnaker	114.34	
50676	09/24/19	7434	Southern Calif. Edison	Utilities	1,664.06	

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
50677	09/24/19	7762	The Home Depot Pro	Parts/material-entryway feature and landscape	47.86	
50678	09/24/19	7777	The Signal	Marketing-advertising	670.00	
50679	09/24/19	8233	Venco Power Sweeping, Inc	Monthly fish pier sweeping	130.00	
50680	09/24/19	8239	Ventura County Reporter	Marketing-advertising	975.00	
50681	09/24/19	8244	Ventura Harbor Storage	Fisherman's gear storage	6,775.00	
50682	09/24/19	8501	Warren Distributing Inc.	Truck battery - H10	242.86	
50683	09/24/19	10041	Murrieta Electric, Inc.	Repairs @ launch ramp	855.89	
50684	09/24/19	11471	All Surface Construction Inc	Dry Storage facility - parking stencils	650.00	
50685	09/24/19	20021	Coastal View News	Marketing-advertising	399.00	
50686	09/24/19	31350	Foothill Communications, LLC	Patrol-portable radios	3,714.18	
50687	09/24/19	43451	Jim McKeown Inc.	Progress payment-Carousel/Lighthouse building re-configuration	15,000.00	
50688	09/24/19	50071	LoopNet	Internet leasing advertising	369.95	
50689	09/24/19	54430	Motionloft, Inc.	Year 2 of a 3 year contract for pedestrian & vehicle count in Harbor	10,446.00	
50690	09/24/19	54455	Mr. Painting, Inc.	4 jobs including dry rot/stucco/fiberglass dumpster repairs	5,060.00	
50691	09/24/19	61963	Pal Productions	Marketing Village entertainment	300.00	
50692	09/24/19	70075	Ricoh USA, Inc.	Copier lease	741.91	
50693	09/24/19	70281	Ring Central Inc	Phone service	1,030.34	
50694	09/24/19	74343	Somerville Associates	Marketing public relations services	2,000.00	
50695	09/24/19	76018	The Home Depot Pro Institution	VPD shop stock	168.00	
50696	09/24/19	82201	Valley Scene Magazine	Marketing-advertising	630.00	
50697	09/24/19	82230	Vanise Terry	Marketing Village entertainment	300.00	
50698	09/24/19	85123	WEX Bank	Patrol vehicle fuel	1,484.13	
50699	09/24/19	85219	West Marine Pro	H1-inverter, H10-back up battery	343.08	
50700	09/24/19	PM One Time	Sandelin, LLC	Refund slip deposit to vacated tenant	600.30	
50701	09/24/19	3655	Herald Printing, Ltd.	Street banners	129.30	
				Total Enterprise Account Check Register	$331,439.45	$0.00

Wells Fargo Enterprise Account

Check	Date	Payee	Name	Description	Amount	Voided Amount

Wells Fargo Grant Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
1088	09/06/19	25351	Dudek	VSE Aquaculture Grant	14,314.04	
1089	09/06/19	72760	Scott Lindell	VSE Aquaculture Grant	10,242.74	
1090	09/09/19	14580	Blake Stok	VSE Aquaculture Grant	10,725.00	
				Total Grant Account Check Register	$35,281.78	$0.00

Wells Project Fund Account

Check	Date	Payee	Name	Description	Amount	Voided Amount
1026	09/04/19	1445	Bellingham Marine Ind. Inc.	Dock rehab project progress payment - C, D,G,H	2,992,003.15	
1027	09/06/19	8261	Ventura Port District	Dock Rehab Project expenses paid from Enterprise Fund in error	4,392.91	
1028	09/24/19	5744	Noble Consultants Inc.	Dock rehab project engineering & oversight- C, D,G,H	5,070.00	
				Total Project Account Check Register	$3,001,466.06	$0.00
				Total All Check Registers	**$3,368,187.29**	**$0.00**

Ventura Port District
Chase Business Credit Card Charges
July 2019

Chase Credit Card holders
Brian Pendleton, General Manager
Jessica Rauch, Administrative Assistant/Clerk
Robin Baer, Property Manager
Joe Gonzalez, Facilities Manager
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Brian Pendleton	07/17/19	Four Points by Sheraton	Business meal	7/11/19 Closed Session dinner	187.54
Brian Pendleton	07/23/19	Boatyard Pub	Business meal	Lunch meeting w/ workshop facilitator	50.62
Brian Pendleton	07/17/19	Brophy Brothers Restaurant	Business meal	Lunch meeting w/ VSE collaborators	84.57
Brian Pendleton	07/24/19	Alaska Air	Conference	Pendleton transportation to PCSGA conference	242.60
Brian Pendleton	07/09/19	Coastal Postal and Video	Legal notices	Notary for Portside loan modification documents	30.00
				Total General Manager's Expenses	595.33
Jessica Rauch	07/10/19	Custom Awards and Engraving	Board meeting	Blumenberg head shot name tag	23.71
Jessica Rauch	07/29/19	Image Source	Board meeting	Blumenberg head shot	73.74
Jessica Rauch	07/03/19	Andria's Seafood	Business meal	7/3/19 Closed session dinner	170.78
Jessica Rauch	07/03/19	Game Over Catering	Business meal	Deposit for Pena's retirement lunch catering	200.00
Jessica Rauch	07/11/19	Café Ficelle - Ventura	Business meal	Business Operations Manager interview lunch snacks	38.50
Jessica Rauch	07/11/19	Brio Café	Business meal	Business Operations Manager Interview panel lunch	63.99
Jessica Rauch	07/31/19	Game Over Catering	Business meal	Pena's retirement lunch catering	535.80
Jessica Rauch	07/31/19	Ralphs 0664	Business meal	Pena's retirement lunch supplies	56.07
Jessica Rauch	07/09/19	LogMeIn, Inc.*GoToMeeting	Communications	Port District teleconference charge	49.00
Jessica Rauch	07/22/19	Amazon.com*MA3JB54X1	Communications	Pendleton conference call speaker	102.34
Jessica Rauch	07/31/19	Camarillo Chamber of Commerce	Conference	Pendleton registration for State of the County Address	50.00
Jessica Rauch	07/10/19	Office Depot #931 - return	Office supplies	Accountant keyboard/mouse return	(45.27)
Jessica Rauch	07/12/19	Michaels 4800	Office supplies	Frame for Pena's retirement proclamation	9.69
Jessica Rauch	07/30/19	Aatrix Software	Office supplies	2nd Quarter PR tax state filing	25.00

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jessica Rauch	07/30/19	Aatrix Software	Office supplies	2nd Quarter PR tax federal filing	25.00
Jessica Rauch	07/12/19	The UPS Store #6587	Office supplies	Certified postage for Portside loan modification documents	6.67
Jessica Rauch	07/24/19	Pacific Coast Shellfish	Professional services	Commissioner's Stephens & Gardina PCSGA conference registry.	550.00
				Total Administrative Assistant's Expenses	1,935.02
Robin Baer	07/12/19	Ventura Chamber of Commerce	Business meal	Chamber breakfast meeting	35.00
				Total Property Manager's Expenses	35.00
Joe Gonzalez	07/17/19	Novelty Lights Inc.	Grounds maintenance	Entry feature lighting (Harbor entrance)	268.08
Joe Gonzalez	08/01/19	Landscape Lighting World	Grounds maintenance	VHV landscaping low voltage lighting	931.32
Joe Gonzalez	07/23/19	Hilton Pasadena	Training	Prevailing Wage seminar in Pasadena (lunch)	21.74
				Total Facilities Manager's Expenses	1,221.14
Jennifer Talt-Lundin	07/31/19	Fratelli's Pizza & Brew	Business meal	Media Host Visit - lunch	40.00
Jennifer Talt-Lundin	07/23/19	Embassy Suites San Luis-return	Conference	Central Coast lunch credit	(2.98)
Jennifer Talt-Lundin	07/17/19	Sprout Social	E-Advertising	Social metrics	99.00
Jennifer Talt-Lundin	07/21/19	Mailchimp *Monthly	E-Advertising	Village enewsletter	75.00
Jennifer Talt-Lundin	07/31/19	Facebook Boost Post	E-Advertising	Facebook boosted post	110.00
Jennifer Talt-Lundin	07/03/19	Target 00002980	Event production	Bubbles for promenade	32.22
Jennifer Talt-Lundin	07/05/19	Alpha Thrift Store	Event production	Event container for booth	9.99
Jennifer Talt-Lundin	07/08/19	Lakeshore Learning #38	Event production	Seaside Kids Club	382.58
Jennifer Talt-Lundin	07/10/19	Best Buy	Event production	Portable outdoor bluetooth speaker	106.18
Jennifer Talt-Lundin	07/11/19	Lakeshore Learning #38	Event production	Seaside Kids Club	32.29
Jennifer Talt-Lundin	07/11/19	Smart and Final 915	Event production	Seaside Kids Club	6.53
Jennifer Talt-Lundin	07/13/19	Amazon Marketplace	Event production	Seaside Kids Club	127.74
Jennifer Talt-Lundin	07/17/19	Lakeshore Learning #38	Event production	Seaside Kids Club	45.19
Jennifer Talt-Lundin	07/17/19	K&M International Inc.	Event production	Seaside Kids Club	325.00
Jennifer Talt-Lundin	07/18/19	Smart and Final 915	Event production	Seaside Kids Club	13.04
Jennifer Talt-Lundin	07/18/19	K&M International Inc.	Event production	Seaside Kids Club	20.03
Jennifer Talt-Lundin	07/24/19	Michaels Stores 4800	Event production	Seaside Kids Club	23.40
Jennifer Talt-Lundin	07/26/19	Hobby Lobby #606	Event production	Seaside Kids Club	37.66
Jennifer Talt-Lundin	07/30/19	Dollar Tree	Event production	Seaside Kids Club	5.39
Jennifer Talt-Lundin	07/30/19	Dollar Tree	Event production	Bubbles for promenade	7.64
Jennifer Talt-Lundin	07/11/19	Lakeshore Learning #38	Event production	Seaside Kids Club return	(5.12)

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	07/31/19	Amazon Marketplace	Event production	Seaside Kids Club	30.34
Jennifer Talt-Lundin	07/02/19	PayPal Web Camera	Security camera	Harbor Web camera	18.00
				Total Marketing Manager's Expenses	1,539.12
Dave Werneburg	07/11/19	Undercurrent News Ltd	Operating supplies	Monthly marine subscription	31.00
Dave Werneburg	07/20/19	Avery Products Corp.	Operating supplies	Labels	27.78
Dave Werneburg	07/27/19	Office Depot #931	Operating supplies	Misc. supplies	33.39
				Total Marina Manager's Expenses	92.17
John Higgins	07/18/19	PayPal *Miketec4	Boat maintenance	Emergency radio	1,879.96
John Higgins	07/06/19	PayPal *RoverracLLC	Boat maintenance	Outboard motor book	15.84
John Higgins	07/14/19	DTV*Direct TV Service	Communications	News/Media access	61.99
John Higgins	07/15/19	Wolfe communications	Operating supplies	Emergency pagers	1,068.50
John Higgins	07/12/19	www.iFit.com	Operating supplies	Gym equipment sub	16.16
John Higgins	07/22/19	Fry's Electronics # 44	Operating supplies	Miscellaneous connectors	32.29
John Higgins	07/26/19	APL*ITunes.Com/Bill	Operating supplies	Phone storage	0.99
John Higgins	07/27/19	APL*ITunes.Com/Bill	Operating supplies	Phone storage	0.99
John Higgins	07/21/19	Amazon Marketplace US	Operating supplies	Truck keypads	314.32
John Higgins	07/30/19	Ford of Ventura Service/Parts	Operating supplies	Keypad installation	135.00
John Higgins	07/22/19	Ventura County EMS	Operating supplies	EMT license	94.00
John Higgins	07/11/19	CA Assoc of Harbormasters & Port Captains	Training	Conference registration	375.00
				Total Harbormaster's Expenses	3,995.04
				Total Chase Credit Card Expenses	$ 9,412.82

Ventura Port District
Chase Business Credit Card Charges
August 2019

Chase Credit Card holders
Brian Pendleton, General Manager
Jessica Rauch, Administrative Assistant/Clerk
Robin Baer, Property Manager
Joe Gonzalez, Facilities Manager
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Brian Pendleton	No Activity				-
				Total General Manager's Expenses	-
Jessica Rauch	08/09/19	LogMeIn, Inc.*GoToMeeting	Communications	Port District teleconference charge	49.00
Jessica Rauch	08/22/19	Office Depot	Office supplies	Rauch pew printer	193.94
Jessica Rauch	08/23/19	Tri-County Office Furniture	Office supplies	Business Operations Manager duel monitor arm	367.08
Jessica Rauch	08/15/19	Target	Office supplies	Cleaning supplies	27.99
				Total Administrative Assistant's Expenses	638.01
Robin Baer	08/28/19	Ventura Chamber of Commerce	Business meal	Taste of Ventura event - tenants	40.00
				Total Property Manager's Expenses	40.00
Joe Gonzalez	08/08/19	Diversified Lighting Supply	Grounds maintenance	VHV exterior light lanterns fixtures	1,463.51
Joe Gonzalez	08/27/19	Diversified Lighting Supply	Grounds maintenance	VHV buildings exterior lighting glass replacements	227.96
Joe Gonzalez	08/25/19	Google *Ws Infotech	Operating supplies	Fraudulent purchases reversed by Chase Bank	4.33
Joe Gonzalez	08/28/19	Google *Play	Operating supplies	Fraudulent purchases reversed by Chase Bank	1.29
Joe Gonzalez	08/09/19	California Building Officials	Training	John Collins electrical training (CALBO)	830.00
				Total Facilities Manager's Expenses	2,527.09

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	08/21/19	The Greek at the Harbor	Business meal	Tenant meeting coffee	43.10
Jennifer Talt-Lundin	08/21/19	Albertsons 0355	Business meal	Tenant meeting - tangerines	5.00
Jennifer Talt-Lundin	08/21/19	Tyler's Donuts	Business meal	Tenant meeting donuts	18.75
Jennifer Talt-Lundin	08/20/19	LA Live- JW Marriott	Conference	Parking for LA Tourism Outlook meeting	25.30
Jennifer Talt-Lundin	08/26/19	Embassy Suites San Luis	Conference	Central Coast Tourism Board meeting	23.00
Jennifer Talt-Lundin	08/17/19	Sprout Social	E-Advertising	Social media tracking	99.00
Jennifer Talt-Lundin	08/21/19	Mailchimp *Monthly	E-Advertising	Monthly E-newsletter	80.00
Jennifer Talt-Lundin	08/31/19	Facebook Boosted Paid Posts	E-Advertising	Social media tracking	134.12
Jennifer Talt-Lundin	08/05/19	Lakeshore Learning #38	Event production	Returns for Seaside Kids	(42.89)
Jennifer Talt-Lundin	08/05/19	Just 4 Dreamers Inc	Event production	Journalist hosted visit	28.00
Jennifer Talt-Lundin	08/05/19	Lakeshore Learning #38	Event production	Event supplies	6.43
Jennifer Talt-Lundin	08/05/19	Target 00002980	Event production	Seaside Kids supply - ribbon	5.39
Jennifer Talt-Lundin	08/12/19	Hats Unlimited	Event production	Visit Ventura hats	18.30
Jennifer Talt-Lundin	08/12/19	Ventura Village Carousel	Event production	Media gifts - taffy	15.00
Jennifer Talt-Lundin	08/14/19	Just 4 Dreamers Inc	Event production	Journalist Visit - paid itinerary	67.00
Jennifer Talt-Lundin	08/16/19	Holiday Inn Express & Suites	Event production	Journalist Visit - paid hotel stay	289.46
Jennifer Talt-Lundin	08/26/19	Target 00002980	Event production	Bubbles for Village	42.36
Jennifer Talt-Lundin	08/05/19	Smart and Final 390	Office supplies	Office supplies for staff	19.45
Jennifer Talt-Lundin	08/05/19	PayPal *IP Camera Live	Security camera	Web camera	18.00
				Total Marketing Manager's Expenses	894.77
Dave Werneburg	08/06/19	Office Depot #931	Office supplies	Sharpies, Avery labels	47.17
Dave Werneburg	08/07/19	Office Depot #931	Office supplies	File folders	58.80
Dave Werneburg	08/21/19	Custom Awards & Engraving	Operating supplies	Name badges for Courtesy Patrol	58.19
Dave Werneburg	08/08/19	Office Depot #931	Operating supplies	Supplies for dock project	50.06
Dave Werneburg	08/22/19	Office Depot #931	Operating supplies	Supplies for Courtesy Patrol	24.22
Dave Werneburg	08/22/19	Office Depot #931	Operating supplies	Rubber stamps for parking citations	64.62
Dave Werneburg	08/11/19	Undercurrents News	Operating supplies	Monthly trade journal	31.00
				Total Marina Manager's Expenses	334.06

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
John Higgins	08/28/19	Hodges Marine	Boat maintenance	GPS antenna	196.39
John Higgins	08/05/19	Power works	Communications	Radio belt holder	103.04
John Higgins	08/25/19	PayPal *Police supply	Communications	Water radio communication	214.00
John Higgins	08/14/19	DTV*Direct TV Service	Communications	Communication/news TV service *Harbor Patrol	61.99
John Higgins	08/12/19	www.iFit.com	Operating supplies	Gym equipment subscription	16.16
John Higgins	08/27/19	APL*ITunes.Com/Bill	Operating supplies	Phone storage	0.99
John Higgins	08/27/19	APL*ITunes.Com/Bill	Operating supplies	Phone storage	0.99
John Higgins	08/06/19	American Communications System	Operating supplies	Programming cable	132.25
John Higgins	08/08/19	AutoZone #5719	Operating supplies	Miscellaneous supply	16.13
John Higgins	08/08/19	Ford of Ventura	Operating supplies	Vehicle repair	270.00
John Higgins	08/29/19	Seat Covers Unlimited	Operating supplies	Truck seat covers	263.70
John Higgins	08/30/19	Weathertech Direct LLC	Operating supplies	Truck mats	136.47
John Higgins	08/19/19	EMT & Fire training	Training	EMT online training	249.00
				Total Harbormaster's Expenses	1,661.11
				Total Chase Credit Card Expenses	$ 6,095.04

Ventura Port District
Chase Business Credit Card Charges
September 2019

Chase Credit Card holders
Brian Pendleton, General Manager
Jessica Rauch, Administrative Assistant/Clerk
Robin Baer, Property Manager
Joe Gonzalez, Facilities Manager
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager
John Higgins, Harbormaster

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Brian Pendleton	09/12/19	Margarita Villa	Business meal	Lunch meeting	86.46
Brian Pendleton	09/23/19	The Greek at the Harbor	Business meal	Lunch meeting	79.22
Brian Pendleton	09/15/19	Alaska Air	Conference	Baggage fee	30.00
Brian Pendleton	09/17/19	Uber	Conference	Transportation	25.35
Brian Pendleton	09/18/19	Pacific Coast Shellfish Growers Association	Conference	PCSGA Banquet ticket	65.00
Brian Pendleton	09/19/19	Bambuza Airport	Conference	Lunch	16.80
Brian Pendleton	09/19/19	Alaska Air	Conference	Dinner	8.50
Brian Pendleton	09/19/19	Red Lion on the River	Conference	PCSGA Conference hotel and meals	673.73
Brian Pendleton	09/19/19	Alaska Air	Conference	Baggage fee	30.00
Brian Pendleton	09/19/19	Uber	Conference	Transportation	25.54
Brian Pendleton	09/20/19	Uber	Conference	Transportation	65.26
				Total General Manager's Expenses	1,105.86
Jessica Rauch	09/05/19	Boatyard Pub	Business meal	9/04/19 Closed session dinner	115.48
Jessica Rauch	09/06/19	Boatyard Pub	Business meal	Reimbursement for missed meal	(13.72)
Jessica Rauch	09/05/19	Ventura County Recorders Office	Capital project	Notice of Completion - ADA restrooms and trash enclosure project	101.50
Jessica Rauch	09/09/19	LogMeIn, Inc.*GoToMeeting	Communications	Port District teleconference charge	49.00
Jessica Rauch	09/25/19	Nitro PDF	Computer supplies	Business Operations Manager PDF software	127.20
Jessica Rauch	09/05/19	Marriott Ventura Beach	Conference	9/14/19 goal setting workshop	1,241.61
Jessica Rauch	09/18/19	California Marine Affairs & Navigation	Conference	Fall meeting registration-Business Operations Mgr. & Mr. Parsons	890.00
Jessica Rauch	09/19/19	Red Lion on the River	Conference	Commissioner Gardina's PCSGA hotel and meals	665.59

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jessica Rauch	09/11/19	Office Depot	Office supplies	Office supplies	263.20
Jessica Rauch	09/18/19	Office Depot	Office supplies	Returned markers	(25.62)
Jessica Rauch	09/13/19	Custom Awards and Engraving	Operating supplies	Name badges for commissioners	137.92
				Total Administrative Assistant's Expenses	3,552.16
Robin Baer	No Activity				-
				Total Property Manager's Expenses	-
Joe Gonzalez	09/16/19	SmartSign	Grounds maintenance	VHV bike racks signage	90.29
Joe Gonzalez	09/24/19	SmartSign	Grounds maintenance	Exterior signage for public restrooms	527.60
Joe Gonzalez	09/11/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent activity- reversed	(3.23)
Joe Gonzalez	09/11/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent activity- reversed	(5.39)
Joe Gonzalez	09/11/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent purchases reversed by Chase Bank	5.39
Joe Gonzalez	09/11/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent purchases reversed by Chase Bank	3.23
Joe Gonzalez	09/12/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent activity- reversed	(3.23)
Joe Gonzalez	09/12/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent activity- reversed	(3.23)
Joe Gonzalez	09/12/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent activity- reversed	(3.23)
Joe Gonzalez	09/12/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent purchases reversed by Chase Bank	3.23
Joe Gonzalez	09/12/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent purchases reversed by Chase Bank	3.23
Joe Gonzalez	09/12/19	GOOGLE *Warner Bros	Operating supplies	Fraudulent purchases reversed by Chase Bank	3.23
Joe Gonzalez	09/25/19	CA Toxic Main/US EPA Fee	Operating supplies	DTSC annual filing fee	22.50
				Total Facilities Manager's Expenses	640.39
Jennifer Talt-Lundin	09/26/19	Top This Chocolate	Advertising	Media gifts / Visit Ventura gifts	44.00
Jennifer Talt-Lundin	09/04/19	Ventura Chamber of Commerce	Business meal	Connection Breakfast	30.00
Jennifer Talt-Lundin	09/12/19	Holiday Inn Express & Suites	Business meal	Media hosted visit for The Log newspaper	144.73
Jennifer Talt-Lundin	09/13/19	Boatyard Pub	Business meal	Journalist lunch host The Log newspaper	43.61
Jennifer Talt-Lundin	09/12/19	Marriott JW LA Live	Conference	Breakfast California Travel Summit	3.56
Jennifer Talt-Lundin	09/13/19	Hotel Figueroa	Conference	Overnight/parking/breakfast 2 nights - California Travel Summit	770.99
Jennifer Talt-Lundin	09/06/19	Pay Pal - Web camera	E-Advertising	Live web cam on venturaharbor.com	18.00
Jennifer Talt-Lundin	09/17/19	Sprout Social Inc	E-Advertising	Social media tracking	99.00
Jennifer Talt-Lundin	09/21/19	Mailchimp *Monthly	E-Advertising	Monthly enewsletter	80.00
Jennifer Talt-Lundin	09/30/19	Facebook Boost Post	E-Advertising	Social media post boosts	185.10

Type	Trans Date	Vendor	Category	Detailed Descriptions	Amount
Jennifer Talt-Lundin	09/06/19	Lakeshore Learning	Event production	Event paper	8.61
Jennifer Talt-Lundin	09/20/19	Ventura Swimwear	Event production	California Surf Day contest prize social	25.00
Jennifer Talt-Lundin	09/20/19	Lost in Socks	Event production	California Surf Day contest prize social	17.22
Jennifer Talt-Lundin	09/26/19	All That's Fit to Print	Event production	Postcard printing	219.73
				Total Marketing Manager's Expenses	1,689.55
Dave Werneburg	09/11/19	Undercurrent News Ltd	Operating supplies	Monthly marine subscription	31.00
				Total Marina Manager's Expenses	31.00
John Higgins	09/14/19	DTV*Direct TV Service	Communications	TV/News source	61.99
John Higgins	09/09/19	Harbor Freight Tools	Operating supplies	Miscellaneous tools for boats	155.48
John Higgins	09/10/19	Performance - Powersports	Operating supplies	Jet ski part	27.19
John Higgins	09/18/19	Hodges Marine	Operating supplies	Boat electronics	(176.44)
John Higgins	09/18/19	HAIX	Operating supplies	Work uniform	91.60
John Higgins	09/19/19	Best Buy	Operating supplies	Computer cable	37.70
John Higgins	09/26/19	APL*Itunes.com/bill	Operating supplies	Phone storage	0.99
John Higgins	09/27/19	APL*Itunes.com/bill	Operating supplies	Phone storage	0.99
John Higgins	09/04/19	Embassy Suites	Training	Will dispute charge	189.00
John Higgins	09/06/19	Embassy Suites	Training	CAHM&PC Conference	755.07
John Higgins	09/19/19	FEDEX Office 50000050039	Training	Printed training manuals	152.96
John Higgins	09/20/19	CPR Savers & First Aid	Training	Online EMT recertification	398.68
				Total Harbormaster's Expenses	1,695.21
				Total Chase Credit Card Expenses	$ 8,714.17

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

STANDARD AGENDA ITEM 3

ADOPTION OF RESOLUTION NO. 3383 FOR THE CREATION OF A PROJECT MANAGER POSITION AND RESCIND RESOLUTION NO. 3375

VENTURA PORT DISTRICT **STANDARD AGENDA ITEM 3**

BOARD COMMUNICATION Meeting Date: December 18, 2019

TO:	Board of Port Commissioners
FROM:	Brian Pendleton, General Manager Gloria Adkins, Accounting Manager
SUBJECT:	Adoption of Resolution No. 3383 for the Creation of a Project Manager Position and Rescind Resolution No. 3375

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3383 for the creation of a Project Manager position in the non-represented salary schedule and to rescind Resolution No. 3375 approved on June 19, 2019.

SUMMARY:

With the implementation of California Assembly Bill 5 on January 1, 2020, the District needs to create a project manager position for consultant, Richard Parsons, who is currently under a Professional Services Agreement for capital project and dredging management. California Assembly Bill 5 is a California law which limits the use of classifying workers as independent contractors rather than employees by companies in the state.

BACKGROUND:

Since approximately July 1996, R.W.P. Dredging Management (owned and operated by Mr. Parsons) has been engaged as an independent contractor to the District to oversee dredging management. Dredging is necessary to maintain a healthy and functional harbor. The service provider must oversee the use of heavy machinery and have specialized knowledge of marine biological processes. R.W.P.'s agreement has been revised and renegotiated several times since 1996. As of 2005, R.W.P.'s agreement was expanded to include large capital improvements project management.

From 1996 to present, no District employee has had the requisite expertise in dredging management, thereby necessitating R.W.P. Dredging Management's services. Further, it was determined in 2005 that no District employee had the institutional knowledge needed for large capital improvements project management and accordingly, R.W.P. Dredging Management's agreement was expanded to include this service.

AB5 creates more stringent rules on who can be classified as an independent contractor. Given the circumstances of Mr. Parsons' duties under his agreement with the District, it is likely he would be considered an employee when AB5 takes effect. Management, in consultation with legal counsel, has determined that it would be best to create a part-time position for Mr. Parsons.

The creation of a Project Manager position will serve the dual purpose of continuing to meet the District's need of management in specialized areas (dredging and large capital improvement projects) and compliance with AB5.

FISCAL IMPACT:
The proposed hourly range of the Project Manager position is $40.00 - $80.00. To be competitive with the other agencies, this hourly rate range is consistent with the City of Ventura. In addition, the District will reduce its expenditure in the professional services agreement category through the termination of the R.W.P. Dredging Management agreement.

ATTACHMENTS:
Attachment 1 – Resolution No. 3383
Attachment 2 – Project Manager Job Description

VENTURA
PORT DISTRICT
Established 1952

RESOLUTION NO. 3383

RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF THE VENTURA PORT DISTRICT ESTABLISHING THE SALARY SCHEDULE FOR NON-REPRESENTED EMPLOYEES OF THE DISTRICT FOR THE FISCAL YEAR 2019-2020

WHEREAS, on June 19, 2019, the Board of Port Commissioners (the "Board) passed, approved, and adopted at a regular meeting of the Board, Resolution No. 3375, wherein the Board established a salary schedule for non-represented employees for Fiscal Year 2019-20;

WHEREAS, as a result of California Assembly Bill 5 on January 1, 2020, the Board finds it appropriate to create a temporary Project Manager position in the non-represented salary schedule.

WHEREAS, the Board finds it desirable and in the best interest of the District to rescind Resolution No. 3375 and to adopt the revised Resolution No.3383 in the manner set forth herein; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Port Commissioners of the Ventura Port District that the Salary Schedules set forth below shall become effective December 18, 2019:

Classification	Monthly Range
Accountant I	$4,348 - $6,086
Accountant II	$4,831 - $6,763
Accounting Manager*	$6,239 - $9,549
Accounting Technician	$3,653 - $5,590
Administrative Assistant/Clerk*	$4,297 - $6,575
Business Operations Manager*	$8,826 - $11,494
Custodian I	$2,656 - $4,066
Deputy General Manager*	$10,221 - $13,778

Electrical Technician	$4,073	-	$6,231
Facilities Manager*	$6,113	-	$8,908
Gardener	$2,923	-	$4,473
Harbormaster	$6,009	-	$9,197
Landscaper	$3,505	-	$5,367
Maintenance Supervisor*	$5,198	-	$7,956
Maintenance Worker I	$2,923	-	$4,473
Maintenance Worker II	$3,505	-	$5,367
Management Assistant	$2,978	-	$4,556
Marina Manager*	$5,145	-	$7,873
Marketing & Event Coordinator	$3,687	-	$4,890
Marketing Manager*	$5,605	-	$8,579
Mechanical Technician	$4,073	-	$6,231
Property Manager*	$6,113	-	$8,908
Senior Harbor Patrol Officer	$5,225	-	$7,997

*Exempt Employee Status

Temporary Employee	**Hourly Range**		
Dispatcher	$15.00	-	$19.85
Administrative/Marketing Services	$12.00	-	$24.85
Project Manager	$40.00		$80.00

BE IT FURTHER RESOLVED, that the General Manager's salary shall be negotiated with the Board. Any employee with an employment agreement shall have his or her rate of pay or salary established annually through negotiation with the General Manager and/or the Board in conjunction with the annual District budget; and

BE IT FURTHER RESOLVED, that all other rates of pay shall be confined to a Salary Resolution established by the Board and will be based on a range, and

BE IT FURTHER RESOLVED, that adjustments within a Pay Range will be based on individual merit. Merit encompasses an employee's knowledge, experience, ability, and performance, among other factors. A merit increase is considered as being earned by an employee. A merit increase is advancement to a higher rate in the employee’s classification pay range. A merit increase is based on satisfactory or better work performance and must be accompanied by a current employee evaluation prepared and signed by the employee’s supervisor and signed and approved by the General Manager. The employee shall acknowledge receipt of such evaluation and such salary increase on merit shall be subject to Board approval through the budget process; and

BE IT FURTHER RESOLVED that the District shall continue to contribute a maximum of $600.00 per month toward the employee's cost of health and dental insurance. The District's Optional Benefit Plan shall continue to be $475.00 per month. Those employees who choose not to participate in the District's health and dental insurance plans will receive $216.00 as additional salary.

BE IT FURTHER RESOLVED that on July 1, 2018, the District implemented an employee vision plan. The District shall contribute the monthly premiums for said vision plan for the employees and their dependents, as appropriate; and

BE IT FURTHER RESOLVED that the District no longer pays a percentage of the CalPERS Employer Paid Member contribution (EPMC) for the Non-represented Classic Miscellaneous employee group effective July 4, 2018; and

BE IT FURTHER RESOLVED that each year during the budget process and at such other times as the Board of Port Commissioners shall determine in its discretion, the Board of Port Commissioners shall review the Salary Range Plan to ensure that the specified salary ranges are appropriate for identified positions given the duties and responsibilities of such positions.

PASSED, APPROVED and ADOPTED this 18th day of December, 2019 at the regular meeting of the Board of Port Commissioners of the Ventura Port District, Resolution No. 3383 was adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
Chris Stephens, Chairman

Attest:

_____
Jackie Gardina, Secretary

(Seal)

Ventura Port District **Classification Specification**

Date Implemented: December 18, 2019

JOB TITLE: Project Manager
REPORTS TO: Business Operations Manager
FLSA: Hourly – Non-Exempt

JOB SCOPE:

Under general direction, responsible for construction project oversight of both in-house and outsourced projects, as well as contract administration and oversight of vendor performance for compliance with established scope of work including all necessary permits, drawings, and regulations. Also acts as liaison between the District and the contractor, engineer, and/or supplier to ensure minimal disruption to operations and District satisfaction with end product. Works actively to resolve disputes and problems. Ensures supplier compliance with all safety and code regulations.

DISTINGUISHING CHARACTERISTICS:

Projects, tasks, and assignments undertaken are large in scope and complexity, with construction values of at least $150,000. In addition, the manager directly supervises project vendors, consultants, and contractors. At the manager level, responsibility also includes overall unit performance goals and reporting as well as budget preparation and monitoring for assigned projects. Incumbents are assigned various projects and will perform duties listed below among others.

ESSENTIAL FUNCTIONS:

Duties may include but are not limited to the following:

- Plan, organize, coordinate and administer complex engineering and/or construction projects.
- Work with various stakeholders including US Army Corps of Engineers to facilitate annual dredging within Ventura Harbor and the Federal entrance channel
- Communicate with stakeholders, consultants, regulatory agencies, and presentations at Board meetings and/or Commission hearings.
- Obtain and evaluate proposals from contractors and other suppliers on approved construction projects.
- Secure necessary permits which may include conditional use permits, coastal development permits, environmental dredging permits, and building permits.
- Manage supplier/contractor schedules
- Review and approve supplier/contractor invoices
- Manage supplier/contractor change orders
- Ensure supplier/contractor compliance with all environmental, health, safety and code regulations.
- Contract review/negotiation with engineers, contractors, and other vendors
- Provide other project management service as required.

QUALIFICATION GUIDELINES:

Knowledge, Skills, and Abilities:

Thorough to Comprehensive knowledge of: current principles of marine construction management, project management, and/or engineering and their application to engineering/construction problems; comprehensive knowledge of one of architecture and/or one of the engineering disciplines (mechanical, electrical, civil, structural, etc.) is desirable. Experience with modern construction methods, materials and equipment used in the construction of marinas, buildings, building remodeling, sewer systems, air-conditioning systems, asphalt, concrete, fire/life/safety systems, climate control systems, security systems, and computer system application is desirable. Experience with marine construction is a significant asset. Knowledge of common office environment software sufficient to produce required reports and other materials is required.

The incumbent must have the ability to evaluate engineering studies and recommend solutions, prepare reports and make recommendations for the planning of work, write technical reports, manage and coordinate work of outside consultants and contractors; inspect plans and methods of construction; estimate cost of construction projects and use or obtain good engineering judgement in development, evaluation, selection, and implementation of both agency and contract resources to get the work done. Must also possess the ability to practice effective customer service and manage a large workload while remaining flexible in response to project changes and deadlines. Must possess the ability to resolve conflicts and problems in a creative and positive way as well as have the ability to communicate effectively and develop and maintain productive, professional and collegial relationships with employees, management, and outside consultants and vendors. Working knowledge of office computer systems and the ability to read print construction drawings and specifications.

EXPERIENCE, EDUCATION, LICENSES, AND CERTIFICATIONS:

Valid Class C driver's license.

Considerable experience performing construction project management which has led to the acquisition of the required knowledge, skills and abilities. The required knowledge, skills and abilities can also be obtained by completion of a bachelor's degree in engineering, architecture, construction management or a related field and five (5) years project management experience of construction projects with construction values of at least $150,000. Five (5) years to include at least two (2) years of supervisory experience. Two (2) years of project management experience including budgetary responsibility are highly desirable. Marine construction project management is a significant asset.

PHYSICAL, MENTAL AND ENVIRONMENTAL WORKING CONDITIONS:

The person in this position works primarily in an indoor office environment but may be required to travel to meet with others or for training purposes. Position requires prolonged sitting, standing, walking, reaching, twisting, turning, kneeling, bending, squatting, and stooping in the performance of daily activities. The position also requires grasping, repetitive hand movement and fine coordination in preparing statistical reports and data using a computer keyboard. Additionally, the position requires near vision in reading correspondence, statistical data and using a computer.

Acute hearing is required when providing phone and personal service. The need to lift, drag, and push files, paper, and documents weighing up to 25 pounds also is required.

Some of these requirements may be accommodated for otherwise qualified individuals requiring and requesting such accommodations.

During the execution of critical projects, the incumbent may be required to be on-call to respond to contractor or stakeholder questions.

This position description is not a contract, and it is not intended to show every detail of the duties and responsibilities of the job. It is provided only to supply a general idea of what the position entails.

BOARD OF PORT COMMISSIONERS

DECEMBER 18, 2019

STANDARD AGENDA ITEM 4

VENTURA PORT DISTRICT FIVE YEAR GOALS AND OBJECTIVES

VENTURA PORT DISTRICT **STANDARD AGENDA ITEM 4**
BOARD COMMUNICATION Meeting Date: December 18, 2019

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Ventura Port District Five Year Goals and Objectives

RECOMMENDATION:
That the Board of Port Commissioners approve the Ventura Port District Five Year Goals and Objectives.

SUMMARY:
The Board provided direction to the General Manager to conduct a Goal Setting Workshop. The Goal Setting Workshop was conducted by Management Partners on Saturday, September 14th at the Marriott Ventura Beach. In attendance were the Board, District staff and legal counsel, Harbor tenants, a member of city council and staff, community leaders and members of the public. The workshop was well attended based on the prior experience of Management Partners in hosting such events.

As a follow-up to the Goal Setting Workshop, Management Partners prepared a written report for the District as attached, which was presented at the November 20th Board meeting for Commission consideration and stakeholder input. The Board requested staff return on December 18th with a follow-up report.

BACKGROUND:
The District entered into a Professional Services Agreement (PSA) with Management Partners (MP) to facilitate the September 14, 2019 Goal Setting Workshop. Management Partners is a professional management consulting firm specializing in helping government organizations improve their operations for more than 20 years. They identify problems and best practices that reveal ways to improve operations and take pride in delivering a quality product designed for implementation.

In advance of the Goal Setting Workshop, District staff conducted outreach efforts to the District's Master and Village tenants, City Council and executive staff, Chamber of Commerce, Downtown Ventura Partners, Ventura Visitors and Convention Bureau, the Keys Neighborhood Association, Pierpont Neighborhood Council, commercial fishing community and VSE stakeholders.

As background information for the Goal Setting Workshop staff provided the District's mission statement and long-term goals:

Ventura Port District Mission Statement
The Ventura Port District, home to the Channel Islands National Park, provides a safe and navigable harbor and a seaside destination that benefits residents, visitors, fishermen and boaters to enjoy Ventura Harbor's exceptional facilities, events and services.

Ventura Port District Goals
The District will provide a rewarding and vibrant coastal marine experience to our residents and visitors through efficient and timely execution of these District Goals.

1) Maintain and enhance a safe and navigable harbor by:

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) Support and promote commercial and recreational boating and fishing.
3) Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.
4) Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups.
5) Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.
6) 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.

Additionally, the District prioritizes programs and projects through adoption of an annual budget and related 5-year Capital Improvement Plan. The District adopted the FY19-20 budget on June 19, 2019 which can be viewed at https://venturaharbor.com – Port District Business – Transparency Reports.

FISCAL IMPACT:
Funding in the amount $11,000 has been included in the FY19-20 budget to conduct a District Goal Setting Workshop. The District entered a PSA with Management Partners in the amount of $8,900, which was subsequently increased by $1,900 for a total of $10,800.

In establishing and implementing five-year goals and objectives, the District will need to evaluate financial impacts on an on-going basis to help inform annual and mid-year budget decisions and five-year capital improvements plans. This is not a one-time analysis, but rather on-going in nature over the five-year period.

ATTACHMENTS:
Attachment 1 – Management Partners Workshop Report
Attachment 2 – Ventura Port District Mission Statement, Five Year Goals and Objectives

Ventura Port District
Board of Port Commissioners Workshop
Held September 14, 2019

October 2019

Management Partners

Table of Contents

Workshop Report **1**
Workshop Overview 1
Welcome and Opening Comments 3
Icebreaker Exercise 3
Review of District Accomplishments and Factors Contributing to Them 4
Input Regarding the Board's Two- to Five-Year Goals 6
Commissioners' Comments on Priorities *8*
Brainstorming Methods of Communicating with Stakeholders 9
Wrap Up and Next Steps 12
Attachment A – Potential List of Goals From Commissioners **13**
Attachment B – Workshop Evaluations: Commissioners and Staff **14**
Attachment C – Workshop Evaluations: Members of Public **16**

Workshop Report

The Ventura Port District held a public participation workshop on Saturday, September 14, 2019, from 1:00 p.m. to 5:00 p.m. at the Marriott Ventura Beach Hotel.

The workshop provided an opportunity for Port Commissioners to discuss District priorities for the coming year and to strengthen communication between the Commissioners, staff, and stakeholders. This report contains a summary of the results of the workshop.

John Bramble, Special Advisor with Management Partners, facilitated the workshop with support from Julie Hernandez, Senior Management Advisor.

Workshop Overview

Objectives

- To identify the Ventura Port District's preliminary list of two- to five-year goals.
- To identify methods to increase and improve communication between Ventura Port District and stakeholders.

Agenda

- Welcome by the Chair
- Comments by the General Manager
- Review of the agenda
- Icebreaker
- Review District accomplishments and discuss factors contributing to them
- Public comments
- Gather public input regarding the Board's two- to five-year goals
- Brainstorm methods to communicate with stakeholders
- Wrap up and next steps

Participants

Board Commissioners

Chairman
Chris Stephens

Vice-Chairman
Brian Brennan

Secretary
Jackie Gardina

Commissioner
Everard Ashworth

Commissioner
Mike Blumenberg

Management Staff

- Brian Pendleton, General Manager
- Robin Baer, Property Manager
- Joe Gonzalez, Facility Manager
- John Higgins, Harbor Master
- Todd Mitchell, Business Operations Manager
- Richard Parsons, District Consultant
- Jessica Rauch, Executive Secretary/Clerk of the Commissioner
- Jennifer Talt-Lundin, Marketing Manager
- Dave Werenburg, Marina Manager

Stakeholders

The workshop was open to the public and they were encouraged to participate by outreach efforts prior to the event. Approximately 34 members of the public attended.

Ground Rules

At the start of the workshop, the facilitator suggested several ground rules to help the group have a successful workshop.

- Participate
- Seek consensus
- Listen to understand
- Assume good intent
- Stay focused
- Speak up if we need course correction
- Enjoy the day!

Bike Rack

The bike rack includes topics that were raised during the workshop but require additional time and attention or were not relevant to the agenda of the day.

Workshop Preparation

In preparation for the workshop, John Bramble held individual interviews with each Commissioner to learn about their priorities for the coming year. An agenda and PowerPoint presentation were prepared based on the information gathered.

Welcome and Opening Comments

The workshop began by Chairman Chris Stephens welcoming the attendees, conducting a Board roll call, and explaining the importance of the workshop, followed by comments from General Manager, Brian Pendleton.

General Manager Pendleton had helped set the context for the day by further explaining why the workshop is important, reviewing the District's mission statement, and introducing Management Partners facilitators by sharing why the firm had been selected as part of their strategic planning process.

The Chair then held a lottery as to which table the Commissioners and General Manager would sit. The end result was that Commissioners, staff members and members of the public were mixed together in small groups.

Icebreaker Exercise

John Bramble led a bingo icebreaker as a way for the participants to warm-up and get to know each other.

Review of District Accomplishments and Factors Contributing to Them

The participants (which included Commissioners, staff and members of the public) in the small groups discussed and celebrated some of the accomplishments their District has made.

After their small group discussions, John asked the groups to share some of the factors they thought had either contributed to their success or on the contrary, have hindered them. Below are notes of the discussion.

Contributing Factors

- Keeping the Harbor open for boating and fishing.
- The District's plan on painting the buildings; public meetings were held regarding the color palete; partners' support and advocacy agreement.
- Having in-house marketing for the Channel Islands.
- Public engagement and a sense of community.
- Portside Ventura project; the developer's tenacity for 15 years to develop Portside.
- District and business partnerships.
- A variety of restaurants and places to eat with different cuisines.
- A variety of retail stores.
- Public energy – people who are committed to the Harbor.
- The ability to obtain grant funding for needed research and studies.
- Implementation of lifeguard services.
- Restaurants promoting live music and entertainment.
- The Harbor community work well together.
- The ability to keep the Port as a top commercial fishing place in the state.

Hindering Factors

- Lack of a Parking and Traffic Master Plan, particularly for special events; there needs to be a better traffic flow. It takes two hours to exit from the Parade of Lights which is sometimes the reason why people decide not to come back.
- Lack of public information or the sharing of knowledge about tsunami emergency preparedness.
- Environmental review creates challenges.
- A large number of vacant spaces in the Port's retail area.
- The Harbor is made up of two separate sections, and it is hard to walk or commute between the two places.
- Where's Ventura Harbor Village? Need marketing to promote the Harbor.
- No public transportation to the Harbor.

Additional Public Comments

After the discussion of the District's successes, Chairman Chris Stephens opened the meeting for public comments. Below are highlights from the 10 individuals who spoke at this time.

- The need for the Port District to develop an annual strategic plan with a vision and a set of values.
- Traffic and parking is an issue which creates a loss of customers.
- Speeding traffic is an issue.
- Political flags are not appreciated.
- Businesses who are leasing do not like having a month-to-month lease. They want longer-term leases.
- Common area maintenance is unfair in application; accounting information is not available in terms of what is paid, what is received, and who receives it.
- Partnerships – several of the tenants believe they are Anchor stores and should be appreciated as such.
- Visit Ventura and City of Ventura are proposing to bring X-games (ESPN) to Ventura, and in which the Fairgrounds and Port may become potential partners.
- Take advantage of Ventura's art community by bringing more events to the Harbor.
- History can be used to evaluate current services, such as:
    - Vision study in late 90's – where is it?
    - Study for a Beach Plan should be reviewed.
    - Secure a clear title for parcels to be developed, before marketing them.

    - Shellfish project needs to add inclusion for commercial fishermen.
- Be more inclusive by including tenants to help market events; make the financial plan and marketing plan public
- Maintain existing murals.
- Outrigger canoe race annually; need room to grow and store more equipment.
- Given that the weekends are busy and are peak time for businesses, public workshops should be held during the weekday instead of on the weekend – so that businesses can have the opportunity to attend and participate.
- Communication between tenants and Harbor District; tenants feeling constrained in the past and are not always open.
- The Port's infrastructure is outdated and needs maintenance.
- Need more information on Master Plan for Parcel 20.
- September 4, 2019 pledge request:
    - "Are Leaseholder revenues being used for Shellfish project?"
    - Public stakeholders want commitment for signed pledge by District stating that they will not use leasehold revenues for shellfish project.
- Cooperative working environment between the District and tenants.

Input Regarding the Board's Two- to Five-Year Goals

This section of the workshop was to provide Commissioners with public input and develop a consensus on two- to five-year goals at a future Board meeting.

John began with a review of the importance of goal setting and its correlation to establishing team consensus, timing, and performance measurements.

John then reviewed the list of potential goals he had heard during his interviews with Commissioners and the General Manager. The list of potential goals is numbered and detailed in a handout that was distributed for discussion (see ***Attachment A)***.

After reviewing that list, John asked all workshop participants whether there are any other "potential goals" that should be added to the list before they begin their discussions in small groups. No additional comments were made, so John began the discussion exercise.

Process. Each small group was asked to refer to the handout of potential goals *(Attachment A)* and create their list of goals, and then to identify their top eight priorities out of the list they have created.

Table 1 highlights what each team has identified as a priority for the District.

Table 1. Group Report Outs of District Priorities

Group One
• Build a stronger relationship between the City and District (#6 and #10)
• Develop year-round plans for the Harbor as a sustainable gathering place (#9)
• Beautification and update Village buildings
• Update the painting and landscaping of the Village (#4)
• Strengthen relationships with stakeholders (#1)
  ○ Give recognition and a level playing field
• Modernize marketing plans
  ○ Prioritize calendar
	Group Two
	• Weekend parking and as it relates to goal #10
	• Teamwork and communication with stakeholders (#1)
	• Cooperation with the City of Ventura (#6)
	• Make the Harbor an entertainment attraction seven days a week (#10)
	• Increase marketing to locals and diversifying District entertainment for all ages (#9)
	• Encourage growth of new liveaboards
	• Consideration of sea-level change (#8)
	• Use #7 (diversity of commercial fishing)
	• Shelve Parcel 5 and 8 (#11)

Group Three
• Increase communication with the City along with greater integration of services (i.e., Police Department and Fire)
  ○ Speeding
  ○ Enforcement
• Develop a strong relationship between the town and Port Commissioners
• Improve traffic congestion (i.e., transportation), so it can attract more visitors to the Harbor
• Wetland awareness – river and harbor ecological tours
• Increase visitor foot traffic during off-season times
• Vagrancy issues – consider taking humane/effective actions; be assertive with voicing Harbor concerns
• Harbor businesses; consider opening businesses at an earlier time
• Planning and transparency of the money the District has spent regarding the Shellfish Enterprise project
• Parcel 5 and 8 assessment and establishment of goals before furthering the project with more concrete steps
• Balancing revenue generation with quality
• Continue to engage in Harbor stakeholder meetings on a regular basis
	Group Four
	• Equity among tenants
	• Parking: access to parking, shuttle
	• Transparency on tenant fees
	• Addressing tenants fear of retribution if they speak up
	• Leases – consider an easier renewal process
	• Improve communication between the District and all other stakeholders
	• Aligning the Districts goals with tenant goals – currently, they are not aligned
	• Dredging/commercial fishing

Group Five	***Group Six***

• Improve infrastructure for commercial fishing in order to attract aquatic shellfish operations
• #11 – Development of Parcel 5 and 8, and consider continued implementation of Parking Management Strategy
• #9 – Develop a plan to make the Village sustainable throughout the year with a diversity in business, entertainment, events and attractions
• #1 – Strengthen, teamwork, communications relationships between stakeholders, tenants, Commissioners and staff with more informal community/public engagement opportunities
• Increase/enhance merchant meetings to encourage collaboration among businesses; discuss timing and frequency; "Squid days" farmers market, seafood market
• Parking and alternate transportation
	• Transportation
	  ○ Parking
	  ○ Pedestrian safety
	  ○ Speed reduction
	• Building stronger partnerships
	  ○ City cycling community
	  ○ Marketing groups

Commissioners' Comments on Priorities

After each small group had reported out their priorities, Commissioners then shared their comments about the potential priorities they had heard from the exercise.

Below are the Commissioner's comments on what they consider to be potential priorities for the District

- Plug-ins for electric vehicles
- Shelve Parcel 5 and 8 development until a Master Plan is created
- Improve the tone of communication and cooperation with other stakeholders; helps with equity; helps with relationships
- Parking and transportation
- More community/public engagement meetings
- Economic vitality
- Marketing
- Sustainable public gathering place (Consider Parcel 5 as potential place)
- Improving and building a relationship with the City
- Sustain fishing operations
- Ventura style – operate within its "mantra"

Brainstorming Methods of Communicating with Stakeholders

This section of the workshop focused on gathering input about ways of communicating and enhancing transparency between the District and stakeholders. Working in small groups, workshop participants discussed the following questions

1. *What is presently being done by the District to keep the public informed?*
2. *Discuss ideas to communicate and enhance transparency with stakeholders.*

Table 2 provides notes from the discussions.

Table 2. Group Input on District – Stakeholder Communication

Group One
• Consider having a point person of contact for District tenants
• Consider having "coffee with the Commissioner"
• Face-to-face bi-monthly meetings with key District personnel
• Provide more master tenant meetings
• Improve monthly newsletter – snail mail maybe
• Increase accountability
	Group Two
	• Staff and commissioners – walk the Harbor; make it a Commissioner goal to meet one person a week
	• Ventura Harbor in all social media
	  ○ Who is monitoring it?
	  ○ Who is reporting it and what kinds of reporting?
	  ○ What kind of action(s) are being done? Or what type of action needs to be done?
	  ○ Is the name Ventura Port District confusing to our identity?
	• Reconsider business hours in terms of the times they open
	  ○ Niche
	  ○ Restaurants
	• Outreach, by targeting the following: fishermen, businesses, retail, activities, liveaboards
	• Newsletter frequency
	• Digital notifications (push) parking notifications
	• Parking monitor system
	• Create a platform or a place for the public to provide anonymous comments
	• Need for transparency of common area maintenance fees

Group Three
• How to better communicate:
• Harbor Community Council and community group
  ○ Revive/activate/meaning?
  ○ Have goals for casual meetings and make it issue-driven
• Inclusion of ad hoc meetings along with more formal meetings
• Suggest a City of Ventura liaison to the Port District and have a representative from the voting district where the Port is located
	Group Four
	• Need to understand how we can "communicate"
	• Cannot have an atmosphere of "retribution"
	• Continue to host more public meetings; there is a need for more open forums
	• Staff should be specific, direct, non-punishing
	• Find new path for City Council

Group Five • Collaboration with the City of Ventura, Harbor/ Village tenants, chamber, committees, visit Ventura, and regional • Non-formal discussions should be communicated and marketed in terms of time and frequency, workshops, town hall style, electronic news (E-news) • Tenant to Port District communication • General Manager update – report back to tenants • Connect City of Ventura and Harbor marketing efforts to build on each effort and tie City-Harbor • Harbor Community Council • Keep dialogue open with inter-government relations (city-county-state-federal)	***Group Six*** • Regular communications between tenants and commissioners (walk-arounds) • Email communications regarding Port activities/actions

Wrap Up and Next Steps

The workshop concluded with John indicating that a workshop summary report will be prepared by Management Partners to document the discussions and outcomes of the day.

Closing Comments

John invited everyone in the room to share one thing they gained from the session. Brief highlights are provided below.

- New insight
- People care and are involved
- New information
- Commissioners participation and openness (not just listening)
- Broader awareness of issues from all members of the Harbor
- Perceptions of stakeholders
- Information on opportunities and challenges
- Open dialogue
- Format conducive
- Sustainable development principals used
- Surprised and informed by priorities
- Everyone came together
- Communications opened
- Okay not to continually produce – may be too fast to gain feedback (listen)
- Workshop operated well
- Communication improvements seem sincere
    - Increase ethnic public representation in the room
- Focus on solutions
- Communication improvements and being non-judgmental
- Encouraged to see commitment in resolving issues

Workshop Evaluations

At the end of the meeting, participants were invited to complete an evaluation form. ***Attachment B*** contains a consolidation of the responses from Port Commissioners and staff, and ***Attachment C*** contains a consolidation of responses from members of the public.

Attachment A – Potential List of Goals From Commissioners

The table includes the goals expressed by each Commissioner in their interviews with Management Partners in preparation for the workshop.

Table 3. List of Commisioner Goals Identified in the Interviews

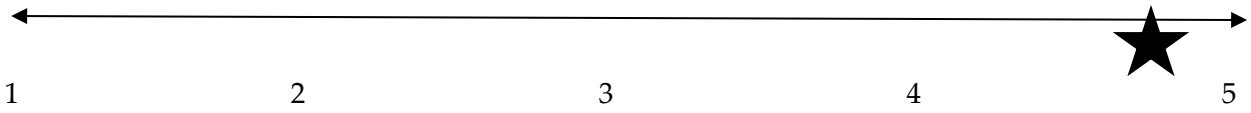
Goals
1. Strengthen teamwork between Commissioners, staff and stakeholders and expand transparency with stakeholders.
2. Complete the Board's policies and procedures update.
3. Improve technology for the businesses and residents.
4. Complete the painting of the Village buildings.
5. Develop methods to maintain the financial and economic stability of the District balancing the needs of the harbor, village and fishing equally.
6. Build a plan for stronger relationship between the City of Ventura and the District. This includes: a. Restart of trolley from downtown to Port. b. Meshing the City's General Plan with the Port's strategic plans. c. Wayfinding signage. d. Improvement of bicycle connections. e. Use of the Wastewater Treatment plant property for bird watching.
7. Implement the Ventura Shellfish Enterprise.
8. Evaluate the risks of the rising sea and increased temperatures on plans for the developments in the harbor.
9. Develop plans that will make the Village a sustainable gathering place both on and off season.
10. Evaluate plans to make the Harbor District a quality entertainment attraction with offsite parking and methods to transport people to the Village.
11. Begin marketing Parcels 5 and 8.
12. Evaluate the possible connections of the wetlands, river and harbor as an attraction.
13. Attract low-cost temporary accommodations to capitalize on the Channel Island visitors.
14. Prepare a master plan for Parcel 20 to maximize its economic potential.
15. Develop a marketing plan to obtain an anchor tenant for the Village.
16. Assess the potential for Portside commercial space.

Attachment B – Workshop Evaluations: Commissioners and Staff

The following is a compilation of eight evaluations from Commissioners and staff members who participated in the workshop.

Overall *usefulness* of the workshop (4.75 average score)

Not Useful **Very Useful**

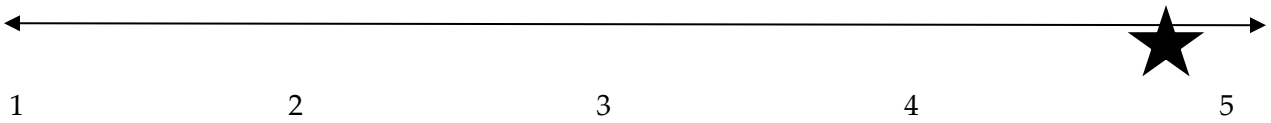


Workshop participant ratings for the overall usefulness of the workshop

Rating	1	2	3	4	5
No. of Responses	0	0	0	2	6

Overall *quality* of the workshop (4.63 average score)

Poor Quality **High Quality**



Workshop participant ratings for the overall quality of the workshop

Rating	1	2	3	4	5
No. of Responses	0	0	0	3	5

The best thing about this workshop was…

- Input from diverse group of stakeholders.
- It was extremely informative.
- Good amount of time with a good plan to move through. Good to have staff and commissioners at each table.
- Enhanced dialogue.
- Honesty.
- Talking to understand our colleagues.
- Hearing the perceptions of stakeholders.
- Opportunity for open dialogue about important projets/programs

Something that could have been better...

- More participation from all stakeholder groups.
- Need a few more breaks.
- It was about right.
- Outline how we will follow up or act. More time.
- Did a great job.

Other Comments

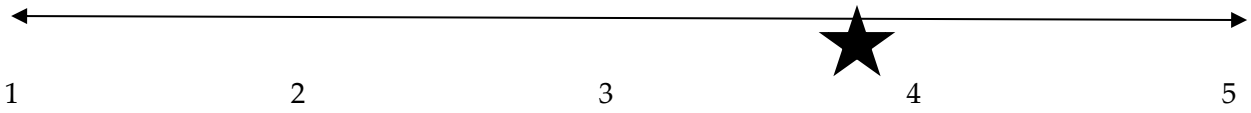
- We had a good turnout but several key stakeholder groups including commercial fisherman, weren't represented.

Attachment C – Workshop Evaluations: Members of Public

The following is a compilation of responses from 10 members of the public who participated in the workshop and completed the evaluation form.

Overall *usefulness* of the workshop (3.85 average score)

Not Useful **Very Useful**

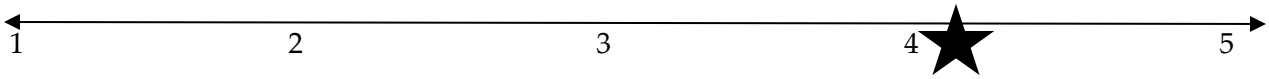


Workshop participant ratings for the overall usefulness of the workshop

Rating	0	1	2	3	4	4.5	5
No. of Responses	1	0	0	1	4	1	3

Overall *quality* of the workshop (4.15 average score)

Poor Quality **High Quality**



Workshop participant ratings for the overall quality of the workshop

Rating	1	2	3	4	4.5	5
No. of Responses	0	0	1	6	1	2

The best thing about this workshop was…

- Feeling that things will improve
- Opportunity for many to express their desire for an amazing Harbor and what can make it true, and the consistency of opinion.
- Open dialogue across the spectrum of attendees
- Commissioners really participated by hearing our comments.
- Discussion of ideas, priorities, areas of better cooperation between City.
- Learning about the future of communication with the Ventura Port District Commissioners and [how it] will turn out.
- Change for open communication with Port Commissions.
- Communication between stakeholders, Port staff and Commissioners in an open format.
- Conversation.

- Open discussion of all issues.
- Apparent willingness to work with others. Common themes regarding parking/transportation.

Something that could have been better...

- All is going perfect. Clearly define the next step with many new ideas.
- Not much – objectives were achieved.
- I don't think you need to do better, the time was worthwhile.
- Usefulness of workshop: "time will tell"
- None.
- Have future meetings on a day that is not on a weekend during peak business hours.
- Change table for breakout position, rotate table?
- Shorter workshop, more frequent, bi-yearly?
- More time.
- Drawing conclusions for icebreaker, small table [exercise], large table [exercise was] presented well, [but could have done the following format] "so…now…could be better"

Other Comments

- Thank you!
- Maybe offer prizes for attending to encourage more public participation.
- Nice to see the dialogue.
- Next meeting should be a weekday afternoon or evening. Hold these regularly – want to see if things actually improve as a result of this workshop.
- Communication skills are not a given – probably would benefit from training in conflict resolution.

VENTURA PORT DISTRICT

FIVE YEAR GOALS AND OBJECTIVES

December 18, 2019

Mission Statement (No Change)

The Ventura Port District, home to the Channel Islands National Park, provides a safe and navigable harbor and a seaside destination that benefits residents, visitors, fishermen and boaters to enjoy Ventura Harbor's exceptional facilities, events and services.

Port District Goals (No Change)

The District will provide a rewarding and vibrant coastal marine experience to our residents and visitors through efficient and timely execution of these District Goals.

1) Maintain and enhance a safe and navigable harbor by:
   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) Support and promote commercial and recreational boating and fishing.
3) Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.
4) Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups.
5) Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.
6) 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.

Port District Objectives (New)

In its continuing effort to fulfill its mission and achieve the goals set out above, while managing the daily Harbor operations, the District establishes the following objectives to guide its Commission and staff through the fiscal year 2023-2024:

- Harbor Dredging
    - Ensure that annual dredging occurs at the federal Harbor entrance and as needed in the inner Harbor.
        - Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program.
            - Annually: FY20-21 to FY23-24
        - 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
            - Annually: FY20-21 to FY23-24
        - Develop an inner Harbor dredging strategy
            - FY20-21

- Commercial Fishing
    - Support current commercial fishing industry central to Ventura's premier working waterfront through stakeholder engagement and infrastructure improvements
        - Help reactivate Ventura's commercial fishing association and/or establish fishermen working group as part of improved stakeholder engagement
            - FY20-21
        - Complete fishermen storage improvements and install new hoist at fish pier
            - FY20-21
        - Evaluate Harbor infrastructure and related amenities to continue to meet commercial fishing needs
            - Annually: FY20-21 to FY23-24

- Harbor Village
    - Maintain and improve Harbor Village infrastructure and enhance the overall visitor experience
        - Complete Harbor Village painting, signage, awnings, wayfinding, ADA and roof improvements
            - FY20-21 to FY23-24

        - Prepare, approve and implement annual action plan for commercial leasing and property management (lease renewals, vacancies – E.g. former Coffee Dock, Blackbeards, tenant mix)
            - Annually: FY20-21 to FY23-24
        - Prepare, approve and implement annual action plan for marketing (advertising, annual and special events, and on-going entertainment)
            - Annually: FY20-21 to FY23-24

- Aquaculture
    - Pursue new sustainable aquaculture opportunities to diversify Ventura's commercial fishing industry in support of Ventura's premier working waterfront and continued justification for dredging of the federal Harbor entrance
        - Manage the 2018 CA Sea Grant subaward for the proposed Ventura Shellfish Enterprise (VSE) project
            - FY20-21 to FY21-22
        - Complete permitting, regulatory and legislative approvals for the proposed VSE project
            - FY20-21 to FY21-22
        - Prepare, approve (local, state, federal) and implement project operations plan including administration, oversight and enforcement
            - FY20-21 to FY23-24

- Harbor Parking Study & Traffic Circulation
    - Evaluate pedestrian, bicycling, transit networks and parking within and around the Harbor and pursue needed improvements and management plans
        - Update the 2017 Parking Management Study for the Ventura Harbor and continue implementation for daily and special event needs
            - FY21-22
        - Evaluate pedestrian, bicycling, transit networks and pursue needed improvements, enforcement strategies in partnership with the City
            - FY21-22 to FY23-24

- Channel Islands National Park Visitor Center
    - Secure long-term agreement with the federal government to retain and improve the Channel Islands National Park Service (NPS) Visitor Center and related NPS operations

        - Coordinate with Channel Islands National Park Superintendent and General Services Administration (GSA) to secure long-term leases for NPS personnel currently located at 1441 and 1691 Spinnaker Dr.
            - FY20-21 to FY21-22
        - Coordinate with Channel Islands National Park Superintendent and General Services Administration (GSA) to evaluate long-term goals and improvement needs for the Channel Islands National Park Visitor Center
            - FY21-22 to FY23-24

- Master Tenants & Development Parcels 5, 8
    - Collaborate with master tenants in pursuit of leasehold plans and improvements, develop a masterplan for Parcels 5, 8 development
        - Evaluate studies, reports previously prepared as part of development due diligence efforts for Parcels 5, 8
            - FY22-23 to FY23-24
        - Collaborate with City, CA Coastal Commission and stakeholders including NPS to prepare a master plan for Parcels 5, 8
            - FY22-23 to FY23-24

- Public and Civic Engagement Plan
    - Strengthen communication and develop close working relationships with stakeholders, business partners, and civic leaders
        - Develop Public and Civic Engagement Plan
            - FY20-21
        - Collaborate with City, regional, state, and federal agency officials in pursuit of mutually beneficial projects, programs
            - Annually: FY20-21 to FY23-24
        - Collaborate with business partners and stakeholders through increased engagement, communication, and participation in budget and goal-setting workshops, tenant meetings
            - Annually: FY20-21 to FY23-24