



VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS

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

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

PORT COMMISSION AGENDA

REGULAR MEETING
WEDNESDAY, SEPTEMBER 15, 2021

TELECONFERENCE
5 TELECONFERENCE LOCATIONS

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

CLOSED SESSION – 6:00PM

REGULAR MEETING – 7:00PM

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

PUBLIC PARTICIPATION OPTIONS

WATCH THE MEETING LIVE

Join a Zoom meeting LIVE:

<https://us02web.zoom.us/j/88471248400>

Webinar ID: 884 7124 8400

1-669-900-6833

1-253-215-8782

SUBMIT PUBLIC COMMENT VIA EMAIL

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

When sending an email, please indicate in the subject line, the agenda item number (i.e. General Public Comment or Consent Item A). Written comments should be no more than 1000 characters in length. Written comments will be distributed to the Commissioners and will be posted as a supplemental packet on the District's website at <https://venturaharbor.com/board-meetings-minutes/>.

PROVIDE PUBLIC COMMENT LIVE AT THE MEETING USING ZOOM

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

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

CLOSED SESSION – 6:00PM

CALL TO ORDER: *By Chairman Chris Stephens.*

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

PUBLIC COMMUNICATIONS (3 minutes)

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

CONVENE IN CLOSED SESSION – 6:05PM

CLOSED SESSION AGENDA

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

- a) Property: **1559 Spinnaker Drive #201**
Negotiating Parties: Brian D. Pendleton, Todd Mitchell, Andy Turner
John Howard dba Power & Process Engineers
Under Negotiation: **Terms of Office Lease Agreement** (renewal)

2. Public Employee Performance Evaluation per Government Code Section 54957(b)(1):

General Counsel: Andy Turner, Lagerlof LLP.

ADJOURNMENT

OPEN SESSION – 7:00PM

CALL TO ORDER: *By Chairman Chris Stephens.*

PLEDGE OF ALLEGIANCE: *By Chairman Chris Stephens.*

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

ADOPTION OF AGENDA (3 minutes)

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

APPROVAL OF MINUTES (3 minutes)

The Minutes of the September 1, 2021 Regular Meeting will be considered for approval.

PUBLIC COMMUNICATIONS (3 minutes)

*The Public Communications period is set aside to allow public testimony on items not on today's agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair. Attendees can dial *9 or use the 'raise hand' function in Zoom if they would like to speak during public comment periods.*

CLOSED SESSION REPORT (3 minutes)

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

BOARD COMMUNICATIONS (5 minutes)

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

STAFF AND GENERAL MANAGER REPORTS (5 minutes)

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

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 an Out-of-Town Travel Request

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve an out-of-town travel request for Jennifer Talt-Lundin, Marketing Manager, to attend the Central Coast Tourism Council Board Meeting and Workshop in Monterey, CA.

B) Approval of a New Office Lease Agreement for John Howard DBA Power & Process Engineers at 1559 Spinnaker Drive #201

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and John Howard DBA Power & Process Engineers for space located at 1559 Spinnaker Drive #201 consisting of approximately 350 square feet for a two (2) year term.

C) Approval of Lease Amendment No. 4 to the Ventura Isle Marina Ground Lease

Recommended Action: Roll Call vote.

That the Board of Port Commissioners approve Lease Amendment No. 4 to the Ground Lease for Ventura Isle Marina between the Ventura Port District dba Ventura Harbor Village and SHM Ventura Isle, LLC.

STANDARD AGENDA:

1) Adoption of Resolution No. 3428, Approving the Revisions to the Ventura Port District Procurement and Purchasing Policy

Recommended Action: Roll Call vote.

That the Board of Port Commissioners adopt Resolution No. 3428 approving the revisions to Ventura Port District's Procurement and Purchasing Policy and rescind Resolution No. 3330.

2) Parcels 14 and 20 Development Planning Status Report

Recommended Action: Informational.

That the Board of Port Commissioners receive an informational report to discuss potential future development of Parcels 14 and 20 located at 1404 through 1644 Anchors Way Drive.

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

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

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

ADJOURNMENT

*This agenda was posted on Friday, September 10, 2021 by 5:00 p.m. at the Port District Office
and online at www.venturaharbor.com - Port District Business - Meetings and Agendas.*

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Ventura Port District at (805) 642-8538 or the California Relay Service at 711 or (800) 855-7100. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)



BOARD OF PORT COMMISSIONERS

SEPTEMBER 15, 2021

APPROVAL OF MINUTES

SEPTEMBER 1, 2021 REGULAR MEETING

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF SEPTEMBER 1, 2021



CLOSED SESSION

CALL TO ORDER:

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

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

Everard Ashworth

Port District Staff:

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

Legal Counsel:

Andy Turner via teleconference

City of Ventura Liaisons

Deputy Mayor Joe Schroeder, City Council Liaison – Absent
Michael Coon, Administrative Liaison – Absent

Number of interested persons: 2

PUBLIC COMMUNICATIONS: Sam Sadove commented on item 1e, stating that he supports Andy moving forward, but recommended that the Commission should consider all monies owed, including COVID back rent before entering into a new lease.

CONVENED TO CLOSED SESSION AT 6:02PM.

ADJOURNMENT: Closed Session was adjourned at 6:52PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE: By Gloria Adkins, Accounting Manager

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

Everard Ashworth

Port District Staff:

Brian Pendleton, General Manager via teleconference
Todd Mitchell, Business Operations Manager
Jessica Rauch, Clerk of the Board
Gloria Adkins, Accounting Manager
Jessica Perkins, Accountant I via teleconference
John Higgins, Harbormaster via teleconference
Pat Hummer, Senior Harbor Patrolman via teleconference
Dave Werneburg, Marina Manager via teleconference
Sergio Gonzalez, Maintenance Supervisor via teleconference
Joe Gonzalez, Facilities Manager via teleconference

Legal Counsel:

Andy Turner via teleconference

City of Ventura Liaisons

Deputy Mayor Joe Schroeder, City Council Liaison – Absent
Michael Coon, Administrative Liaison – Absent

Number of interested persons: 3

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved to adopt the September 1, 2021 agenda.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina
NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

APPROVAL OF MINUTES

The Minutes of the July 21, 2021 Regular Meeting were considered as follows:

ACTION: Commissioner Brennan moved to approve the minutes of the July 21, 2021 Regular Meeting.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

PUBLIC COMMUNICATIONS: None. Closed at 7:03PM.

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

BOARD COMMUNICATIONS: Vice-Chairman Blumenberg and Commissioner Gardina both spoke about the August 2nd City Council meeting. See attachment 1 for full comments.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton reported on the CSDA Annual Conference he was currently attending.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Approval of Out-of-Town Travel Requests

Recommended Action: Roll Call Vote.

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

- a) John Higgins, Harbormaster, to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- b) Sergio Gonzalez, Maintenance Supervisor to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- c) Todd Mitchell, Business Operations Manager, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA; and,
- d) John Higgins, Harbormaster, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA.

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

- a) John Higgins, Harbormaster, to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- b) Sergio Gonzalez, Maintenance Supervisor to attend the Annual California JPIA Risk Management Educational Forum in San Diego, CA;
- c) Todd Mitchell, Business Operations Manager, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA; and,
- d) John Higgins, Harbormaster, to attend the Annual Training and Conference with the California Association of Harbormasters and Port Captains and Marine Recreation Association in San Diego, CA.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

B) Approval of Updated Conflict of Interest and Disclosure Code

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3424 to approve the updated Conflict of Interest Code Policy and rescind Resolution No. 3361.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3424 to approve the updated Conflict of Interest Code Policy and rescind Resolution No. 3361.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

C) Approval of Updated Records Retention Policy

Recommended Action: Roll Call vote.

That the Board of Port Commissioners adopt Resolution No. 3425, approving the new Records Retention Policy for the Ventura Port District and rescinding Resolution No. 3314.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3425, approving the new Records Retention Policy for the Ventura Port District and rescinding Resolution No. 3314.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

D) Approval of a New Office Lease Agreement for Julianne Martin at 1575 Spinnaker Drive #206A

Recommended Action: Roll Call vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Julianne Martin for space located at 1575 Spinnaker Drive #206A consisting of approximately 247 square feet for a two (2) year term with two (2) options each for one (1) additional year.

ACTION: Commissioner Brennan moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Julianne Martin for space located at 1575 Spinnaker Drive #206A consisting of approximately 247 square feet for a two (2) year term with two (2) options each for one (1) additional year.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

E) Approval of a New Retail Lease Agreement for Katherine Adams and James Adams dba Lemon & Lei at 1583 Spinnaker Drive #104A

Recommended Action: Roll Call vote.

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Katherine Adams and James Adams DBA Lemon & Lei for space located at 1583 Spinnaker Drive #104A consisting of approximately 500 square feet for a two (2) year term.

ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Katherine Adams and James Adams DBA Lemon & Lei for space located at 1583 Spinnaker Drive #104A consisting of approximately 500 square feet for a two (2) year term.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

F) Approval of a New Office Lease Agreement for Heather Yarian and Barbara Holden dba Miramar International, Inc. at 1575 Spinnaker Drive #206B

Recommended Action: Roll Call vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Heather Yarian and Barbara Holden dba Miramar International, Inc. for space located at 1575 Spinnaker Drive #206B consisting of approximately 247 square feet for a four (4) year term with two (2) options each for two (2) additional years.

ACTION: Commissioner Brennan moved to approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Heather Yarian and Barbara Holden dba Miramar International, Inc. for space located at 1575 Spinnaker Drive #206B consisting of approximately 247 square feet for a four (4) year term with two (2) options each for two (2) additional years.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

G) Approval of a New Retail Lease Agreement for Hilda Wann dba Treasure Cove at 1567 Spinnaker Drive #103

Recommended Action: Roll Call vote.

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Hilda Wann DBA Treasure Cove for space located at 1567 Spinnaker Drive #103 consisting of approximately 342 square feet for an eighteen (18) month term with two (2) options each for one (1) additional year.

ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Hilda Wann DBA Treasure Cove for space located at 1567 Spinnaker Drive #103 consisting of approximately 342 square feet for an eighteen (18) month term with two (2) options each for one (1) additional year.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

H) Approval of a New Restaurant Lease Agreement for Andres Fernandez LLC dba The 805 Bar & Grilled Cheese/Copa Cubana at 1575 Spinnaker Drive #101, #102, and #103

Recommended Action: Roll Call vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Andres Fernandez LLC DBA The 805 Bar & Grilled Cheese/Copa Cubana for space located at 1575 Spinnaker Drive #101, #102, and #103

consisting of approximately 2,390 square feet for a three (3) year term with two (2) options each for three (3) additional years.

ACTION: Commissioner Brennan moved to approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Andres Fernandez LLC DBA The 805 Bar & Grilled Cheese/Copa Cubana for space located at 1575 Spinnaker Drive #101, #102, and #103 consisting of approximately 2,390 square feet for a three (3) year term with two (2) options each for three (3) additional years.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

STANDARD AGENDA:

1) Approval of Financial Statements and Checks for April through June 2021

Recommended Action: Roll Call vote.

That the Board of Port Commissioners adopts Resolution No. 3426 to:

- a) Accept the following draft financial statements for the Quarter ending June 30, 2021, pending final year-end reconciliations and audit adjustments; and,
- b) Review the payroll and regular checks for April through June 2021.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None. Closed at 7:18PM.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3426 to:
a) Accept the following draft financial statements for the Quarter ending June 30, 2021, pending final year-end reconciliations and audit adjustments; and,
b) Review the payroll and regular checks for April through June 2021.

Vice-Chairman Blumenberg seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

2) Approval of Resolution No. 3427 Designating Applicant's Agents for Non-State Agencies for Obtaining Certain Federal Financial Assistance

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3427 approving the designation of applicant's agent for non-state agencies for obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

Report by John Higgins, Harbormaster.

Public Comment: None. Closed at 7:26PM.

ACTION: Commissioner Brennan moved to adopt Resolution No. 3427 approving the designation of applicant's agent for non-state agencies for obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

Commissioner Gardina seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan

NOES: None

ABSENT: Commissioner Ashworth

Motion carried 4-0.

3) Conduct of Meetings Pursuant to Executive Order N-08-21

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Return to in-person meetings beginning October 1, 2021, pursuant to Executive Order N-08-21;
- b) Continue virtual participation by Zoom through December 31, 2021; and,
- c) Return to the Board in December to determine meeting schedule and format for 2022.

Report by Brian D. Pendleton, General Manager.

Public Comment: Annie stated that when Board members return to in-person meetings, their tone of voice becomes lower making it difficult for Zoom participants to hear. Closed at 7:39PM.

ACTION: Vice-Chairman Blumenberg moved to:

- a) Return to in-person meetings beginning October 1, 2021, pursuant to Executive Order N-08-21;
- b) Continue virtual participation by Zoom through December 31, 2021; and,
- c) Return to the Board in December to determine meeting schedule and format for 2022.

Commissioner Brennan seconded. The vote was as follows:

AYES: Commissioners Stephens, Blumenberg, Gardina, Brennan
NOES: None
ABSENT: Commissioner Ashworth

Motion carried 4-0.

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

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an update on:

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

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 7:45PM.

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

ADJOURNMENT: The meeting was adjourned at

The next meeting is Wednesday, September 15, 2021.

Brian Brennan, Secretary

ATTACHMENT 1

Vice-Chairman Blumenberg's Board Communication from the 9/1/2021 Commission meeting

I want to discuss the City Council's recent re-appointment of Commissioners Gardina and Stephens on August 2nd. Most importantly, I want to applaud the Council's decision to re-appoint both to the Port District Board. That was the right decision.

But the old adage that "All's well that ends well" doesn't apply to this situation. The re-appointment process, including the Council meeting on August 2nd, generated many "ugly allegations" (Councilman Mike Johnson's words) that reflect poorly on the Port District and undermine the District's mission.

Recall the Ventura Port District's 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.

The ugly allegations made last month undermine our mission by casting doubt about this Board's ability to function effectively. I want to address a few especially egregious comments.

1. False statement #1: Commission Chris Stephens is "not a nice person" nor is he "ethical". These were the most scandalous comments that I heard, and they are completely false.
2. False statement #2: There were many times when the public, including District tenants, were silenced and not given an opportunity to address the Board. This is also false. As we have done tonight, this Board has consistently given the public opportunities to address the Board on issues not on our agenda and on items that are on the agenda. To the best of my knowledge, we comply with the Brown Act which requires us to allow for public comment. I welcome public comments and promise to always listen with an open mind, and seek to understand your perspective. I won't, however, promise to follow the speaker's recommendation. After all, it is each Commissioner's responsibility to come to their own conclusions and vote their own conscious.
3. False statement #3: Tenants who spoke out against Commissioner Stephens' re-appointment were taking a risk and will be subject to retribution for speaking out. This allegation undermines the entire District, so I want to publicly state that I have not witnessed, nor will I not tolerate any retribution by the District staff or Board. Our mission to enhance the harbor as "seaside destination" will be achieved by attracting, promoting and retaining successful businesses; there is no room for personal vendettas nor retribution.

We could discuss these allegations for hours, but it is more important for us to look forward. In that spirit, I want to accept Mayor Rubalcava's invitation to work with the Public and our tenants to address and resolve these concerns. We can start tonight. I invite public comments. The upcoming public workshop on Saturday 4 December will provide another opportunity for the public to help us update our District goals and pursue the District's mission. I invite everyone to put it on your calendar, and plan to attend and participate. Lastly, I want to accept the Mayor's invitation to give the Council periodic updates on the District. I envision monthly updates by the Commissioners and an annual, agendaized update by the General Manager. The Chairman has been providing informal updates on an ad hoc basis; I suggest that we rotate this role through all the Commissioners, so each update the Council 2 or 3 times per year. That's my suggestion. I want to task the General Manager to evaluate options to increase our dialogue with the Council and provide recommendations to the Board. I look forward to feedback from my fellow Commissioners and recommendations from the General Manager.

Commissioner Gardina's Board Communication from the 9/1/2021 Commission meeting

I am someone who believes deeply in public engagement. As a member of the public, I have been involved in advocating for change at the state and national level. When I approach elected or appointed officials, even those with whom I disagree, I assume good faith. I assume that they believe they are acting in the best interests of their constituents based on the information available. As a Commissioner, I have tried to bring that same assumption of good faith when interacting with members of the public. I believe that we are all working towards the same goal—a vibrant, thriving, and financially sound harbor—even if we disagree on how best to reach that goal.

I hope that the tenants dissatisfied with the Commission's decision or the District's direction will vigorously debate the policies and ideas presented. But I also hope that if the Board makes a decision that is counter to what you believe is in the best interest of the District that you assume good faith on the part of the Commissioners making the decision and not allow our public discourse to sink into baseless attacks or unsupported allegations against individuals.

The VSE project is consistently raised as point of contention. I wasn't here when the Board made the decision to launch the project. I understand why they did it, however. We all know that climate change is affecting the harbor. Fish are being affected by rising ocean temperatures and ocean acidification. Fish landings at the harbor are declining, affecting the commercial fishing industry and the harbor's vitality. An aquaculture project near the harbor would create a sustainable mussel farm that could benefit the harbor and the fishing industry, among other businesses. Is it a complicated project with a lot of unknowns? It is. Do we know if it would be successful? We do not, although there are examples of successful aquaculture farms across the country and the globe. Is it an innovative solution to address a real problem facing the harbor? It is.

The VSE project is currently on hold, but the problem isn't. Climate change and its affect on the ocean isn't going away. So how can we work together to solve this collective problem. If you are dissatisfied with the solution, then I encourage you to come with your own. Be a partner with the Board in creating the vibrant, thriving, and financially sound harbor that I know we all want.

I look forward continuing to work with my fellow Commissioners, the District staff, the tenants, and the public. Like all the Commissioners, my Harbor email is available on the website, and I welcome communication as well as public comment at all meetings. Thank you.



BOARD OF PORT COMMISSIONERS

SEPTEMBER 15, 2021

DEPARTMENTAL STAFF REPORTS

JULY/AUGUST 2021

&

LONG TERM GOALS

5-YEAR OBJECTIVES

INDEX

Ventura Port District - Long Term Goals 5-Year Objectives

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

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

DEPARTMENTAL STAFF REPORTS

CAPITAL PROJECTS

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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

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

Goal 3: Economic Vitality

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

Goal 4: Sustainability

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

Goal 5: Relationships

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

Goal 6: Public Service

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

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

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

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

Objective F: Commercial Fishing

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

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

Objective V: Harbor Village

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

1: Complete Harbor Village refresh programs

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Joe A. Gonzalez, Capital Projects Manager
SUBJECT: July/August 2021 Capital Projects Report

CALIFORNIA COASTAL CONSERVANCY FISHERIES GRANT

Status: Completed

Budget: On Budget

On September 29, 2020, the District received grant documentation from the California Coastal Conservancy for a \$318,600 Fisheries Grant which was accepted by the Board at its October 7th meeting. The final grant award contract makes relevant costs incurred by the District after May 1, 2020, reimbursable up to \$318,600. The grant is being used to fund two projects: 1) the modernization of the Fishermen's Storage Yard and, 2) the procurement and installation of a second derrick crane for the fish pier. With the work complete, Staff are working on final invoices to the Coastal Conservancy for reimbursement of the grant costs.

1) Modernization of the Fishermen's Storage Yard

The Fishermen's storage yard project was 100% complete in June of 2021.

2) Procurement and Installation of a Second Derrick Crane

The crane had been assembled and set in place by June and waterproofing of the base, construction of a wooden deck around the base, and final electrical connections were completed over the past two months.

On August 24, the new Derrick Crane passed its certification and officially went into service. All work for the project is now complete.



1575 TRASH ENCLOSURE CONSTRUCTION

Status: Ongoing

Budget: Under Budget

The Port District's proposed FY21-22 Capital Improvement Budget includes \$90,000 for new construction of a trash enclosure adjacent to 1575 Spinnaker Drive. Utilizing procedures of public bidding, the District received three bids for the work and staff recommended acceptance of the bid from JTEC Corporation, Inc. to accomplish the new build project for \$75,500.

District staff and the consulting architect, Rasmussen & Associates, reviewed the three bids and made the determination that the lowest bidder was responsive, holds all required licenses, and has multiple positive reviews for past work. On June 16, the Board of Port Commissioners awarded the contract to JTEC Corporation.

After receiving the required bonds and insurance from the contractor, saw cutting began on July 7th, 2021. The contractor made some unauthorized changes to the design during construction which required review and approval by the architect. These changes resulted in delays and some rework by the contractor but no changes in construction cost have been incurred. The project is anticipated to be complete in mid-September.



ADA ACCESS IMPROVEMENTS PROJECT WITH SIX ADDITIVE ALTERNATES

Status: Ongoing

Budget: On Budget

The Port District's proposed FY21-22 TI's Budget includes \$47,000 for constructing ADA access improvements to the main entrance of the restaurant suite at 1591 Spinnaker Drive Suite #112 (Le Petit Café and Bakery). Utilizing a public bidding process, the District received three bids for the project with the lowest responsive bid from JTEC Corporation, Inc. to accomplish the ADA improvements and six additives alternates project for \$46,800.

Additive alternates consist of the following:

- 1) Additional improvements for Le Petit Café entry
- 2) Wooden staircase removal, replace with concrete at 1591 building
- 3) Concrete replacement at 1449 building (sidewalk)
- 4) Concrete replacement at 1431 building (sidewalk)

- 5) Concrete curbs replacements adjacent to building 1559 promenade planters
- 6) Concrete curb replacement at 1449 buildings planters

District staff and the consulting engineer, Jensen Design & Survey, reviewed the three bids and made the determination that the lowest bidder was responsive, holds all required licenses, and has multiple positive reviews for past work. On June 16, the Board of Port Commissioners awarded the contract to JTEC Corporation.

Due to busy summer visitation to the harbor, only select locations (2, 3, and 4) have undergone construction at this time. This was done to mitigate any impacts to customer experience during the summer season and JTEC was accommodating to this requirement. Areas 1, 5, and 6 will be completed in late September and early October.



WAYFINDING SIGN PROJECT

Status: Not Started

Budget: Under Budget

The Port District's proposed FY21-22 Capital Improvement Budget includes \$150,000 for new manufacture and installation of 11 Wayfinding signage within the Ventura Harbor Village. Utilizing procedures for advertised public bidding, six contractors attended the pre-bid meeting and the

District received two bids for the work with the lowest bid from JTEC Corporation, Inc. to perform the Wayfinding signage project (which includes fabrication and installation) for \$90,000.

District Staff and the consulting architect, Coastal Architects, reviewed the two bids and made the determination that the lowest bidder was responsive, holds all required licenses, and has multiple positive reviews for past work. On July 21st, 2021, the Board of Port Commissioners awarded the contract to JTEC Corporation.

Due to the project having impacts to the visitor experience (i.e. construction in multiple locations including along the Promenade), the project will commence after the summer season has ended. Currently, the contractor is working with their design subcontractor to model the first sign, which must be completed and approved by the District before fabrication and installation of any additional signs.

1567 RE-ROOFING PROJECT

Status: Ongoing

Budget: On Budget

The Ventura Port District entered into a contract utilizing OMNIA Partners, one of the largest and most trusted cooperative purchasing organizations for public sector procurement. OMNIA has brought together the nation's two leading cooperative purchasing organizations – National IPA and U.S. Communities – under one roof to form OMNIA Partners, Public Sector. The collective buying power of these unified purchasing cooperatives delivers superior value and savings for public agencies nationwide and Special Districts. The Ventura Port District has utilized U.S. Communities on several of our projects in the past, resulting in significant savings. Using the U.S. Communities service, the 1567 re-roofing project was awarded to lowest bidder Garland/DBS, Inc. on February 26th.

The re-roofing began on April 27th and was about 95% completed by June. Completion of the project was delayed for one portion of the roof and will be completed in September.

District is currently using U.S. Communities to solicit for re-roofing of the other two 1567 Spinnaker buildings and anticipates bringing a recommendation for contract award to the Board in October.

ADDITIONAL PROJECTS:

- | | |
|-------------------------------------|---|
| • 1575 Suite 206A/206B (TI's) | Status: Completed |
| • 1591 Suite 112 ADA entry upgrades | Status: Architect preparing bid documents |
| • NPS 1691 & 1431 (TI's) | Status: Coordinating with contractors |
| • 1591 elevator refurbishment | Status: Receiving estimates |

DEPARTMENTAL STAFF REPORTS

DREDGING

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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

Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing

Goal 5: Relationships

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

5-YEAR OBJECTIVES:

Objective D: Harbor Dredging

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

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

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: July/August 2021 Dredging Report

POLITICAL ACTIVITIES

Congress Energy & Water Committee Recommends \$5.516M for Ventura Harbor

For the coming fiscal year, the US House of Representatives has decided to allow for earmarks to be requested in the FY2022 appropriations process. Now called "Community Project Funding", each Congressional District may request no more than ten projects within the entire District in any given Fiscal Year.

Congresswoman Julia Brownley included Ventura Harbor dredging as one of her ten projects within her jurisdiction. Senators Feinstein and Padilla both supported the project in their recommendations.

District staff had initially been using the figure of \$5.8M as the funding request but after a visit from the Los Angeles District of the US Army Corps of Engineers, coordination between the Corps and Congresswoman Brownley's office revised the request to \$5.516M to meet the Corps' maximum capacity.

On July 16, the House's Energy & Water Appropriations Committee conferred and is recommending the inclusion of Ventura Harbor for \$5.516M. If approved as part of the Federal Budget (likely not approved until December), this will fully fund the Corps to perform the harbor entrance and sand trap dredging.

Because the President's Budget (released May 28, 2021) includes Ventura Harbor, even if the budget is passed relatively late, the Corps can "borrow against" the budget figure to contract the dredging work. At this point, the biggest risk to the harbor dredging being fully executed would be if the budget were not passed by early January.

INNER HARBOR DREDGING – PERMIT AMENDMENTS (Long Term)

Both the Ventura Port District and the City of Ventura seek to amend the permits which allow the agencies to perform inner harbor maintenance dredging. The amendment would allow placement of inner harbor dredge material south of the harbor entrance on the beach even when the Santa Clara River mouth is closed.

District staff and Rincon Consultants (Rincon) met with the US Army Corps of Engineers, the Environmental Protection Agency (EPA), and the Los Angeles Regional Water Quality Board (Water Board) on July 15, 2021 to discuss the District's proposed amendment and alignment of the timing of permits issued by the Corps and the Water Board. During the meeting, EPA asserted that although the Corps could modify its permit to allow for inner harbor dredge material placement on the beach when the Santa Clara River mouth is closed, EPA believed that they had jurisdiction over the material placement (Section 103) and would oppose placement of inner harbor material at the beach if it could runoff directly to the ocean (which, being 80% water, is what happens). Possible solutions were proposed by EPA and discussed by the parties on the call, but all of those solutions would be effectively impossible to implement in a timely fashion and at great cost (millions of dollars) to both the District and all involved agencies. No pathway forward was immediately apparent.

Derek Lerma of Rincon proposed a solution that, after some deliberation was deemed by all parties to be a very workable solution. Mr. Lerma's proposal is to form a berm with the Corps

heavier, coarser grain sand (that is removed from the channel and sand trap) to facilitate indirect discharge of the inner harbor dredge material into the surf-zone. Although overtopping of the constructed beach berms is likely, both the EPA and the Corps noted that overtopping was allowable under existing nation-wide permit conditions and could be written inclusive of the Corps' permit amendment. After dredge material beach placement, the beach would be groomed to mix the fine grain dredge material with the existing beach sediments to satisfy the EPA and other regulatory agency concerns.

Having obtained tentative agreement from the Corps, EPA, and the Water Board, a meeting was set up with the California Coastal Commission (CCC) to seek their input and concurrence. On August 19th, the District, City of Ventura (City), CCC and Rincon met to update the CCC on the proposed methodology while also broaching the subject of amending some of the monitoring conditions associated with both the District's and City's permits. The Coastal Development Permit requires that both the District and the City perform annual monitoring for areas from near the Ventura Pier to McGrath State Beach, south of the Santa Clara River, even when no dredging is being performed by the District or the City (although it is being done by the Corps). The District and the City wish to reduce the scope (and thus cost) of the monitoring as well as to better separate the responsibilities of the two agencies for the prescribed monitoring. CCC staff provided constructive comments on the proposed changes and recommended further meetings to discuss after CCC staff have performed a detailed analysis of the 2021 dredging report (submitted by Rincon on behalf of the District and City on June 30).

Port District staff also had the opportunity to meet (virtually) with a new member of the California Coastal Commission on August 18th. Commissioner Meagan Harmon was briefed on many aspects of the District's activities including dredging and the permit amendments being pursued. Commissioner Harmon expressed a sincere, positive interest in following our activities and to participate as needed.

As a next step, District staff and Rincon intend to meet with Manson Construction (existing dredging contractor) to develop a suitable beach berm design and methods, possible impediments, and ascertain the costs associated with the additional handling of sand on the beach. Additional environmental and safety monitoring costs are anticipated to be required for this proposed action as the material movement involves use of heavy equipment on the beach, which needs to be monitored to protect the general public and sensitive resources. Despite the additional cost this will likely impose, the amended permits will allow for greater operational flexibility to perform inner harbor dredging on an as-needed basis independent of the river being open to the ocean or maintaining suitable flow rates that are currently stipulated in both the District and City's various dredging permits. This is critical considering the Ventura Water Clean project will be significantly reducing water input into the Santa Clara River.

While the new placement methodology is being explored and since new amendment language is still many months away, the Water Board staff has recommended and is preparing an extension of the District's existing permit (which expires September 30, 2021) to be coterminous with the current Corps permit (expires January 2023). The Water Board will hear testimony and likely take action on September 9, 2021. If approved, this extension will allow inner harbor dredging to continue under the current conditions (that the Santa Clara River is open and flowing at 100 cubic feet per second). This will remain the current pathway for inner harbor dredging until the agencies approve an amendment.

ATTACHMENTS:

Attachment 1 – July/August Federal Advocacy Reports by Carpi and Clay

Bipartisan Infrastructure Framework Reached

After months of deliberation, a key coalition of Republican and Democrat Senators announced a deal on a new infrastructure bill that calls for \$550 billion in new spending. The Bipartisan Infrastructure Deal (BID) builds on the President's American Jobs Plan and also represents one piece of the Biden's Build Back Better Agenda.

Overall, the proposal tops out at \$1.2 trillion with \$550 billion in new spending for physical infrastructure.

The framework proposes \$284.5 billion for transportation including:

- \$110 billion for roads, bridges, and major projects;
- \$66 billion for passenger and freight rail;
- \$39.2 billion for public transit;
- \$25 billion for airports;
- \$17.3 billion for ports and waterways;
- \$15 billion for electric vehicle infrastructure and busses/transit;
- \$11 billion for safety; and
- \$1 billion for reconnecting communities.

The framework would also provide \$265 billion for non-transportation infrastructure, including:

- \$73 billion for power infrastructure;
- \$65 billion for broadband infrastructure;
- \$55 billion for water infrastructure;
- \$46 billion for resiliency;
- \$16 billion for orphan wells and abandoned mines;
- \$5 billion for remediation of superfund sites; and
- \$5 billion for western water storage.

The deal specifies 13 different financing sources for the new spending:

- \$205 billion for Repurposed COVID aid
- \$49 billion for Medicare rebate rule

- \$53 billion for Reclaimed unused COVID UI \$
- \$20 billion for Spectrum auction
- \$56 billion for Dynamic scoring
- \$28 billion for Cryptocurrency reporting
- \$21 billion for GSE fee extension
- \$13 billion for Superfund fee extension
- \$8.7 billion Mandatory sequester extension
- \$6 billion for Custom user fee extension
- \$5 billion for SPR sales
- \$3 billion for Medicare drug trials
- \$2.9 billion for Pension smoothing
- TBD for UI fraud recoupment
- Total: \$470.6 billion

On Wednesday evening, the Senate took its first procedural vote to set up debate on the package. 17 Senate Republicans joined all 50 Democrats to support the motion. Over the coming days, the Senate will work to finalize the text of the package. Senate Majority Leader Chuck Schumer is aiming to pass the entire proposal in the Senate before the upcoming August recess. Action in the House may not occur until the fall.

House Passes INVEST in America Act

Early this month, the House passed the “Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act” (H.R. 3684), by a vote of 221–201. The bill reauthorizes surface transportation programs for five years and provides \$715 billion in federal funding for surface transportation and water infrastructure. The INVEST Act includes the following:

- \$343 billion for roads, bridges, and safety
- \$109 billion for transit
- \$95 billion for passenger and freight rail
- \$117 billion for drinking water infrastructure and assistance
- \$51.25 billion for wastewater infrastructure

The Senate still has not made much progress on its surface transportation reauthorization bill with only the Environment and Public Works Committee and Commerce Committee approving their titles. The Banking Committee – responsible for the transit title – still has not drafted its title.

More information, including details on the amendments that were accepted, can be found [HERE](#).

Fiscal Year 2022 Appropriations Update

Over the past month, the House Appropriations Committee has been busy working on their twelve Fiscal Year 2022 (FY22) appropriations bills. The chart below outlines the status of these bills in the House:

Appropriations Bill	Status
Agriculture	Approved by the full House as part of a seven-bill minibus package on 7/29/21
Commerce, Justice, Science	Approved by the House Appropriations Committee on 7/15/21
Defense	Approved by the House Appropriations Committee on 7/13/21
Energy and Water	Approved by the full House as part of a seven-bill minibus package on 7/29/21
Financial Services	Approved by the full House as part of a seven-bill minibus package on 7/29/21
Homeland Security	Approved by the House Appropriations Committee on 7/13/21
Interior and the Environment	Approved by the full House as part of a seven-bill minibus package on 7/29/21
Labor, HHS, Education	Approved by the full House as part of a seven-bill minibus package on 7/29/21
Legislative Branch	Approved by the full House on 7/28/21
Military Construction/VA	Approved by the full House as part of a seven-bill minibus package on 7/29/21
State/Foreign Operations	Approved by the full House on 7/28/21
Transportation/Housing	Approved by the full House as part of a seven-bill minibus package on 7/29/21

Over on the Senate side, the Senate Appropriations Committee has yet to begin working on their FY22 appropriations bills. The current federal fiscal year ends on September 30th, and given the upcoming Congressional recess, it is all but certain that Congress will need to pass a Continuing Resolution when they return to Washington, D.C. in September.

House Energy & Water Appropriations

In late July the House advanced the Fiscal Year 2022 Energy & Water Appropriations bill through the Subcommittee and Full Committee process. Despite a restoration of earmarks, the bill passed along party lines with only democratic votes.

Specifically for the Harbor's civil works priorities, the House FY22 E&W Report reflects the funding levels proposed in the President's FY22 Budget Proposal:

- **Ventura Harbor, CA \$5.516M**

Overall, the FY22 E&W bill continues the subcommittee's track record for increasing annual funding for the Corps by providing a total of \$8.6 billion for the Corps' civil works mission. For comparison, Congress provided \$8 billion in FY21 and \$7.855 billion in FY20 for the Corps. Funding for the major accounts is as follows:

- **General Investigations (GI):** \$155M
- **Construction General (CG):** \$2.6B
- **Operation & Maintenance (O&M):** \$4.8B
- **WIFIA:** \$5.7M for non-federal dams
- **Flood Control and Coastal Emergencies (FCCE):** \$35M
- **Harbor Maintenance Trust Fund (HMT):** \$2.05B which is an increase of \$370M over FY21 and \$424M about the FY22 PBUD. According to the Subcommittee press release, "The bill provides these funds in accordance with the budgetary adjustments made by the CARES Act and the Water Resources Development Act of 2020."

With respect to policy items, the report includes the following items of interest to the maritime community:

- **Opening statement on climate** - The agencies funded in this bill are also on the front lines of the federal response to climate change. A changing climate and increasing variability in weather patterns across the United States is already impacting water infrastructure, often with catastrophic results. The 2020 hurricane season had 30 named storms, the most ever recorded, while the West continued to experience exceptional drought and a record-breaking wildfire season. This recommendation represents a commitment to ensure that the nation's water resource infrastructure is resilient and able to meet the challenges posed by a changing climate.
- **Opening statement on resiliency** - The Committee believes that more needs to be done to increase the resiliency of infrastructure funded by this Act and that every new construction or major rehabilitation project must be constructed to the most current relevant standards. These projects should address the risk of structural failure or loss of use from natural hazards or natural disasters throughout the lifetime of each project. As a measure of responsible fiscal prudence, resilient construction and related project management practices should be integrated into all programs funded by this Act.
- **Beneficial Use of Dredged Material Pilot Program.**—The Committee provides \$4,300,000 to continue the pilot projects to demonstrate the economic benefits and impacts of environmentally sustainable maintenance dredging methods that provide for ecosystem restoration and resilient protective measures. AND Beneficial Use of Dredged Material.—Section 125 of WRDA 2020 directs the Corps to include the economic benefits and efficiencies of beneficial use of dredged material, including the use of alternative dredging equipment and dredging disposal methods, when calculating economic and environmental benefits of the beneficial use of dredged

material. The Corps is directed to provide to the Committee not later than 90 days after enactment of this Act a briefing on its efforts to comply with this provision.

- **Engineering with Nature.**—The recommendation provides \$20,000,000 for the Engineering With Nature initiative which enables more sustainable delivery of economic, social, and environmental benefits associated with water resources infrastructure and involves the intentional alignment of natural and engineering processes to efficiently and sustainably deliver economic, environmental, and social benefits through collaborative processes.
- **Federal Breakwaters and Jetties.**—The Corps is directed to continue to assess the inventory of the structural condition of federal breakwaters and jetties protecting harbors and inland harbors using available funds from fiscal year 2021. The Corps is directed to provide to the Committee not later than 90 days after enactment of this Act an update on the status of the report and inventory that summarizes the available data.

US Army Corps Releases Natural Resources Management Strategic Plan

The US Army Corps of Engineers (Corps) released their Natural Resources Management (NRM) Strategic Plan for the years 2021-2023. The NRM strategic plan identifies workforce, communications, resourcing, and program delivery as the four main strategic priorities for the Corps and provides guidance for Corps Recreation and Environmental Stewardship programs. The Corps will now take input from stakeholders and partners as it works through the implementation process.

Administration Releases Justice40 Interim Guidance

Environmental justice, equity and climate change are among the top priorities for the Biden Administration and just how these priorities play out with respect to federal grant programs and policies is beginning to take shape. In late July the Administration released interim implementation guidance for the Justice40 Initiative, the Administration's effort to ensure that 40% of benefits for certain federal investments flow to disadvantaged communities. This interim guidance was preceded by [Executive Order 14008](#) issued by President Biden on January 27th to tackle the climate crisis at home and abroad.

The interim guidance does the following:

- Identifies categories of covered projects: climate change, clean energy and energy efficiency, clean transportation, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, and the development of critical clean water infrastructure;
- Identifies covered investment categories;
- Provides an interim definition of disadvantaged communities;

- Directs federal agencies to develop benefits methodology and to consult stakeholders in this process;
- Sets forth 60-day and 150-day reporting requirements to OMB;
- States that this guidance covers FY21 enacted appropriations, supplemental appropriations, prior year carryover from unobligated balances and future appropriations.

Water Conservation Tax Rebate Legislation Introduced in Both House and Senate

Earlier this month, legislation was introduced in both the House and the Senate to make rebates that homeowners receive from water utilities for water conservation and water runoff management improvements to their homes exempt from federal taxes. The “Water Conservation Rebate Tax Parity Act” was introduced in the Senate by Senators Dianne Feinstein (D-CA) and Alex Padilla (D-CA), and in the House by Representatives Jared Huffman (D-CA) and Judy Chu (D-CA). The legislation would clarify that these rebates are not taxable income but rather an effort to defray up-front consumer costs for a public benefit.

Administration Nominations and Personnel

During July, President Biden nominated and confirmed notable officials, including:

Department of the Interior	Shannon Estenoz was sworn in as Assistant Secretary
Federal Emergency Management Agency	Erin Hooks was nominated as Deputy Administrator
Department of Homeland Security	Jen Easterly was sworn in as Director of the Cybersecurity and Infrastructure Agency

Federal Grant Opportunities/Announcements

EPA Unveils \$50 Million in ARP Funding to Enhance Air Pollution Monitoring. The Environmental Protection Agency (EPA) announced it will make \$50 million in funding available from the American Rescue Plan to improve air quality monitoring for state and local clean air agencies. The \$50 million is awarded through grants to support community and local efforts to monitor their own air quality, direct awards to localities to support monitoring in and near communities with environmental justice concerns, investments in mobile monitoring labs, and programs for oversight and administration activities. More information can be found [HERE](#).

EDA Details Programs Eligible for \$3 Billion in ARP Investments. The Department of Commerce's Economic Development Administration (EDA) announced that the \$3 billion in funding from the American Rescue Plan would be allocated to six different programs within EDA. The funding will support infrastructure development, workforce training, access to capital, revitalization of tourism and travel, and technical assistance for new and existing grantees. More information about the programs can be [HERE](#).

DHS Announces Final Allocations for \$475 Million for FY21 Preparedness Grants. DHS announced the final allocation of Preparedness Grant funding for FY21. The \$475 million was allocated to seven different state and local grant programs. More information about the grants can be found [HERE](#).

DOT Announces \$905.25 Million in INFRA Grant Awards. The Department of Transportation (DOT) has announced that it is awarding \$905.25 million to 24 projects in 18 states under the Infrastructure for Rebuilding America (INFRA) discretionary grant program. A full list of grant awards can be found [HERE](#).

Federal Agency Regulatory Announcements

EPA Releases Water Infrastructure Improvement Act of 2019 Report to Congress. EPA released their report to Congress on implementation of the 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework. EPA was required to put together this report as part of the Water Infrastructure Improvement Act of 2019 (H.R. 7279). The report is the outcome of a study conducted by the EPA from March 2019 to July 2020 to determine how many municipalities have developed an integrated plan and implemented them through permits, orders, or judicial consent decrees. These findings aim to help municipalities address clean water infrastructure investment needs and meet water quality goals. The full report can be found [HERE](#).

EPA & Forest Service Update AirNow Fire and Smoke Map with Improved Information on Wildfire Smoke. The U.S. Forest Service and the EPA announced key additions to the 2020 pilot project Fire and Smoke Map. The improvements include a dashboard that features access to key information such as the current Air Quality Index category at the monitor/sensor location; information showing whether air quality is getting better or worse; and information about action to consider taking. The Fire and Smoke Map can be found [HERE](#).

Federal Update

September 1, 2021

Senate Passes Bipartisan Infrastructure Package

After months of negotiation, the Senate passed a bipartisan infrastructure package entitled the “Infrastructure Investment and Jobs Act” (IIJA). The bill passed by a vote of 69-30, which included 19 Senate Republicans. The bill provides \$550 billion in new infrastructure investments. Following passage in the Senate, the bill was sent to the House for consideration.

On August 24th, House Democrats came together to move the bipartisan infrastructure package one step closer to landing on President Biden’s desk. The House passed by a vote of 220-212 a rule outlining specific floor procedures for several bills. This rule included a provision that will require the House to vote on the Senate-passed bipartisan infrastructure package no later than September 27th. Additionally, the rule includes language that “deemed” the \$3.5 trillion budget resolution approved.

The bipartisan infrastructure bill includes \$284.5B for transportation including:

- \$110B for roads, bridges and major projects
- \$66B for passenger and freight rail
- \$39.2B for public transit
- \$25B for airports
- \$17.3B for ports and waterways
- \$15B for EV charging infrastructure and buses/transit
- \$11B for safety
- \$1B for reconnecting communities

The bill also proposes funding for non-transportation infrastructure including:

- \$73B for power infrastructure
- \$16.251B for the Corps civil works mission
- \$65B for broadband infrastructure
- \$55B for water infrastructure
- \$46B for resiliency
- \$16B for orphan wells and abandoned mines
- \$5B for remediation of Superfund sites
- \$5B for western water storage

Fiscal Year 2022 Budget Reconciliation

The same rule that was approved on a party line vote in the House on August 24th to advance IIJA has unlocked the Fiscal Year 2022 budget reconciliation process whereby committees can begin to draft the legislation for the \$3.5 trillion package of social spending better known as the American Families Plan portion of President Biden's Build Back Better Agenda. The budget resolution requires committees to have approved their portions of the reconciliation package by September 15th. The House intends to vote on IIJA and reconciliation by September 27th.

Fiscal Year 2022 Appropriations Update

On August 4th the Senate Appropriations Committee held its first markup of Fiscal Year (FY) 2022 Appropriations bills. This markup focused on three of the twelve annual appropriations bills including Energy & Water. The chart below outlines the status of the FY22 appropriations bills in the House and the Senate:

Appropriations Bill	House of Representatives	Senate
Agriculture	Approved by the full House on 7/29/21	Approved by Senate Appropriations Committee on 8/4/21
Commerce, Justice, Science	Approved by the House Appropriations Committee on 7/15/21	No Senate Action
Defense	Approved by the House Appropriations Committee on 7/13/21	No Senate Action
Energy and Water	Approved by the full House on 7/29/21	Approved by Senate Appropriations Committee on 8/4/21
Financial Services	Approved by the full House on 7/29/21	No Senate Action
Homeland Security	Approved by the House Appropriations Committee on 7/13/21	No Senate Action
Interior and the Environment	Approved by the full House on 7/29/21	No Senate Action
Labor, HHS, Education	Approved by the full House on 7/29/21	No Senate Action
Legislative Branch	Approved by the full House on 7/28/21	No Senate Action
Military Construction/VA	Approved by the full House on 7/29/21	Approved by Senate Appropriations Committee on 8/4/21

State/Foreign Operations	Approved by the full House on 7/28/21	No Senate Action
Transportation/Housing	Approved by the full House on 7/29/21	No Senate Action

With the federal fiscal year ending on September 30th, Congress will need to pass a Continuing Resolution (CR) in order to keep the federal government funded.

With respect to the Energy & Water bill which funds the US Army Corps of Engineers and its civil works mission, the Senate bill proposes to boost overall funding for the Corps. This action is similar to the House's position which should make for smooth conference negotiations when the time comes. Below is a comparison of House and Senate funding for the Corps' major accounts:

- **Total Funding** - House: \$8.6B VS Senate: \$8.7B
- **General Investigations (GI)** - House: \$155M VS Senate: \$153M
- **Construction General (CG)** - House: \$2.6B VS Senate: \$3.002B
- **Operation & Maintenance (O&M)** - House: \$4.8B VS Senate: \$4.682B
- **WIFIA** (for non-federal dams) - House: \$5.7M VS Senate: \$5.7M
- **Flood Control and Coastal Emergencies (FCCE)**- House: \$35M VS Senate: \$35M
- **Harbor Maintenance Trust Fund (HMT)** - House: \$2.05B VS Senate: \$2.05B

The Senate bill, like the House and the President's budget, includes \$5.516M for the Ventura Harbor annual O&M dredging. In addition, the Senate proposal carries forward project funding identified in the President's Budget request, includes a limited number of earmarks and continues the annual work plan process to allow for projects that have not been funded by the President's Budget or an earmark to seek Corps funding in the work plan process.

Update on US Army Corps of Engineers ASA Nomination

The Senate Environment and Public Works Committee announced that it will vote on Mike Connor's nomination to serve as the Assistant Secretary for the Army for Civil Works on Wednesday, September 15th. The Senate Armed Services Committee has already approved his nomination. Once the EPW Committee approves Connor's nomination, his nomination will go before the full Senate for consideration.

A Look Ahead: Congress Faces a Busy September

When Members of Congress return to Washington, D.C. in September, they will be greeted with a long list of legislative items that will need to be acted on by the end of the month, including the following:

- Enhanced federal unemployment in response to impacts of COVID-19 (expires September 6th)

- House Committees self-imposed deadline to submit their portions of the reconciliation bill (September 15th)
- House consideration of the bipartisan infrastructure package (September 27th)
- Ending of the current federal fiscal year (September 30th)
- Debt limit (Treasury indicated will likely be reached in October)
- National Flood Insurance Program authorization (expires September 30th)
- Federal highway program authorization (expires September 30th)
- Temporary Assistance for Needy Families (TANF) (expires September 30th)
- Increased benefits under the Supplemental Nutrition Assistance Program (SNAP) (expires September 30th)

Currently, Congress is scheduled to return to Washington, D.C. the week of September 13th, setting up a busy three weeks of Congressional activity to address significant legislative deadlines.

Federal Grant Announcements

FEMA Announces \$3.46 Billion in Hazard Mitigation Funds. The Federal Emergency Management Agency (FEMA) announced the approval of more than \$3.46 billion for the Hazard Mitigation Grant Program. Every state, tribe, and territory that received a major disaster declaration in response to the COVID-19 pandemic will be eligible to receive 4% of disaster costs to invest in mitigation projects. These projects can help address effects of climate change and other unmet mitigation needs. More information can be found [HERE](#).

FTA Issues NOFO for \$38 Million for Passenger Ferries and Facilities. The Federal Transit Administration (FTA) issued a notice of funding opportunity (NOFO) for \$38 million in competitive grant funds for the Passenger Ferry Grant Program, which funds capital projects to improve existing passenger ferry service, establish new ferry service, and repair and modernize ferry boats, terminals, and related facilities and equipment. Applications are due by October 5, 2021. More information can be found [HERE](#).

Federal Agency Personnel/Regulatory Announcements

Treasury Department Releases Template Recovery Plan for State and Local Recovery Funds. In late June, the Treasury Department outlined reporting requirements for the Coronavirus State and Local Fiscal Recovery Funds that were included in the American Rescue Plan Act (ARPA). The first annual recovery plan is due on August 31st. This plan must provide information on how the County is using the funds to achieve outcomes in effective, efficient, and equitable manner. The Treasury Department released a template for this report that can be found [HERE](#).

Reclamation Announces New Regional Director. The Bureau of Reclamation announced that Jacklynn Gould has been named as regional director for the Lower Colorado Basin Region. Gould has been with Reclamation for more than 29 years and is currently serving as the deputy regional director.

DOT Principal Deputy Assistant Secretary Nomination Approved. The Senate has approved the nomination of Carol Petsonk to serve as the Principal Deputy Assistant Secretary for Aviation and International Affairs for the Department of Transportation.

EPA Announces Appointment of LGAC Members. The Environmental Protection Agency (EPA) announced the appointment of 34 members to the Local Government Advisory Committee (LGAC) as well as also the appointment of 16 members to the LGAC's Small Communities Advisory Subcommittee. The LGAC provides independent policy advice to the EPA Administrator on a broad range of issues affecting local governments while the Small Community Advisory Subcommittee was established to advise the Administrator on environmental issues of concern to the residents of smaller communities. The full list of appointees can be accessed [HERE](#).

Census Bureau Releases Redistricting Data. The U.S. Census Bureau released the redistricting data from the 2020 census. The data reveals that U.S. metro areas grew by 9% with 86% of the population now living in U.S. metro areas in 2020. States may use these data in redrawing congressional, legislative, and local district boundaries. More information can be found [HERE](#).

HHS Announces Plan to Distribute COVID-19 Vaccine Boosters. The Department of Health and Human Services (HHS) announced a plan to provide COVID-19 booster shots to all Americans beginning the week of September 20th. HHS intends to make booster shots available for individuals who are at least 8 months out from their second dose of the Pfizer-BioNTech and Moderna COVID-19 vaccines. The administration of booster shots would closely mirror the initial vaccine rollout, with individuals in certain population groups – such as health care providers, nursing home residents, and other seniors – given priority.

DHS Extends Travel Restrictions to Mexico and Canada Across Land Borders. DHS announced that it will continue to temporarily limit the travel of individuals from Canada and Mexico into the United States at land ports of entry to only “essential travel” as defined by the agency. The notice extends this restriction until September 21, 2021. More information on the restrictions from Canada can be found [HERE](#) and restrictions from Mexico can be found [HERE](#).

DEPARTMENTAL STAFF REPORTS

FACILITIES

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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

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

Goal 3: Economic Vitality

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

Goal 4: Sustainability

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

Goal 5: Relationships

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

Goal 6: Public Service

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

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

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

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

Objective F: Commercial Fishing

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

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

Objective V: Harbor Village

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

1: Complete Harbor Village refresh programs

**VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT**

Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Sergio Gonzalez, Maintenance Supervisor
SUBJECT: July/August 2021 Facilities Report

MAINTENANCE ACTIVITIES

COVID-19 MAINTENANCE RESPONSE /UPDATE

Status: Ongoing

Budget: Over normal operating budget

The Maintenance Department continues to maintain increased janitorial services throughout the District with ongoing concentration on high-touch surfaces, including restrooms, door handles, etc. in response to the COVID-19 pandemic. Maintenance staff continues to work with shifts staggered to minimize overlap in arrival and departure times. Staff has been provided ready access to reusable washable face coverings and surgical masks, nitrile gloves and disinfectant wipes as required. Staff has continued to self-screen. Morale remains good and Village facilities are kept at a high standard of cleanliness.

All restrooms throughout the Village are open. Hours were adjusted based on restaurant/tenant's hours and to discourage issues with vandalism and theft. As of September 1st, restroom hours have been adjusted to close at 10:30PM Sunday thru Thursday and at 11:30PM Friday thru Saturday and will continue to be adjusted as necessary to suit the operations of village businesses.

VHV 1591 TREE TRIMMING

Status: Completed

Budget: Budgeted

Three trees directly inside the Le Petit patio courtyard were trimmed and crowned. Two additional trees located next to the Le Petit Bakery and inner courtyard were also trimmed and crowned

Tree before crowning



Trimmed Tree



Trees before crowning



Trimmed Trees



VHV HOIST # 2 INSTALATION

Status: Completed

Budget: Budgeted

Due to extensive experience in previous installations and supporting daily operations, the Maintenance Department has been supporting the Capital Projects Manager and Marina Manager for the completion of the installation of the second fish hoist on the fish pier. Working in conjunction with the contractor, in-house personnel assisted with constructing the wooden support deck around the hoist. The Maintenance Department has also configured and installed the key card controller and has overseen the final testing and certification.

As of August 24th, the hoist has been operational and placed on full service. Commendation to John Collins (Electrical Tech) for all his efforts in manufacturing, designing, and installing the key card controller box and coordinating the entire install in conjunction with our contractors.

Key card controller



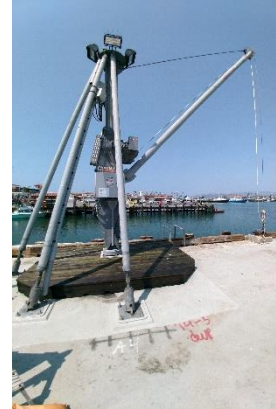
Deck installation



Hoist in service



Hoist in service



VHV PARKING LOT BOLLARD REMOVAL AND REPAINTING

Status: Completed

Budget: Budgeted

We identified a few unnecessary and rusted bollards at the entrances to the VHV parking lot that were removed as a safety precaution. We also painted bollards in need of safety paint throughout the village parking lots.

Rusted bollards



Removed bollards



Faded bollard



Repainted bollard



ENTRY FEATURE ICE PLANT TRIMMING

Status: Completed

Budget: Budgeted

A contractor was brought in to trim the stretch of ice plant on the Entry Feature area affecting the sidewalk on Harbor Blvd. and the street edge on navigator drive.

Ice Plant Navigator Dr.



Navigator Dr. trimmed



Ice Plant Harbor Blvd



Harbor Blvd trimmed



VHV BENCHES AND SEATING AREAS REPAINTING

Status: Ongoing

Budget: Budgeted

Wooden benches and concrete sitting areas painted in the old VHV color scheme are being identified and repainted with the new color scheme. The project commenced with those located at VHV 1559 and has been completed to the 1591 sector. We will move on to seating areas within the VHV promenade and 1691 sector. Project is being performed in house with the coordination and efforts of Hector Valdez (Maintenance Department Maintenance Worker II)

Old color scheme



New color scheme



Pending benches



Pending benches



VHV ENTRY MONUMENT SIGN RE-PAINTING

Status: Completed

Budget: Budgeted

The wooden VHV parking lot entrance monument signs were starting to weather and fade out. We had a contractor repair all dry rot and repaint the sign with our new colors to match the existing VHV building color scheme. (Reflective numbers were added after the pictures shown below).

Weathered sign



Sign being repaired



Painted sign / new color scheme



CAPITAL PROJECT MANAGER/ PROPERTY MANAGER:

Assisted Capital Projects Manager and Business Operations Manager with pending tenant improvement projects.

MARINA/MARKETING DEPARTMENTS:

The Maintenance Department continues to perform monthly inspections on all gangways, docks, fire extinguishers and fire boxes. Also provided assistance to Marketing Department with banner placement and event staging.

HARBOR PATROL:

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

FACILITIES:

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

DEPARTMENTAL STAFF REPORTS

HARBOR PATROL

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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

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

Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing.

Goal 5: Relationships

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

Goal 5: Public Service

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

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

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

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

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
John Higgins, Harbormaster
SUBJECT: July/August 2021 Harbormaster/Harbor Patrol Report

PUBLIC SAFETY

Overview:

We are receiving late-season fog due to the colder water and hot inland temperatures. While the natural air conditioning is welcomed by many, the resulting fog creates extra work for the Harbor Patrol. The Harbor Patrol focuses on assisting vessels safely in and out of the Harbor during these low visibility conditions. Our staff also takes the time to educate boaters on how to activate the fog horn, which is located on the South Jetty. The horn can be manually activated by switching the marine radio channel to 81a and keying the microphone five times within ten seconds. This activation will last approximately 45 minutes before self-securing. This can be repeated as often as needed during low visibility conditions. This is still a relatively new change from the old system, which would run continuously during a fog event.



BEACHES

Harbor Cove:

The Memorial Day Holiday saw a full parking lot and all kinds of activity on the Beach. Our staff ensured the access trail was passable for all persons, including the beach wheelchair.

The Harbor Patrol staff delivered and picked up the beach wheelchair several times in both July and August. As reported in the previous report, this trend continues to grow. We are currently doing research on a model that would safely allow a disabled person to enter calm waters. This added accessibility under controlled conditions would be the first of its kind in our area. I will be reaching out to Harbor Patrol staff and Lifeguards to see if this is feasible.



South Beach:

This picture was taken on the Holiday and showed activity on the sand and water from Harbor Cove to well past Surfers Knoll. Both the State Parks and Harbor Patrol worked as a team to ensure the safety of the visitors and respond to their needs.

This year like in years past, we have seen regular stingray interactions with the public. This painful event is often mitigated with submersion in hot water. Due to the frequency, we will be looking at signage and increasing public education on shuffle walking.

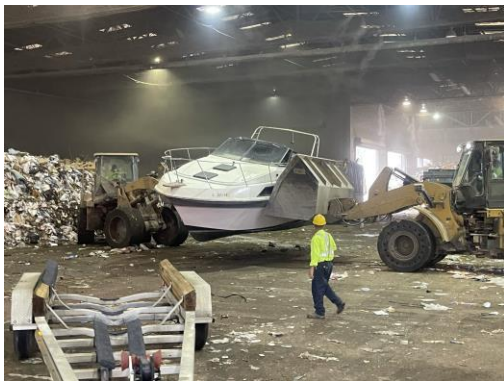


SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) GRANT

The large wooden vessel was hauled out on July 15th and finally destroyed on July 21st. Ventura Harbor Boatyard was very efficient and recycled as many of the items as possible. While the destruction and recycling only took one day, this entire process took several months to complete. The final bill came in at around \$24,000 which was \$8,000 cheaper than the only other bid. While this program requires a lot of work on my side, it is worth it to ensure boats do not end up on the beaches of California or sunk within the Harbors.



I facilitated the disposal of two other smaller boats with the assistance of Tow Boat US and Gold Coast Recycling here in Ventura. In both cases, the staff at the facility removed the vessels from the trailer and recycled them onsite. The cost of these disposals is under \$700 dollars. While my priority lies on vessels in the water, I try to get as many small boats disposed of under the SAVE program when I have the opportunity. The 2019-2020 grant ends this month, and I am awaiting future funding approval.



US COAST GUARD AIR STATION POINT MUGU GROUNDBREAKING

I attended the groundbreaking ceremony for the US Coast Guard future Air Station Pt. Mugu. The crews are currently working and living out of trailers and are attached to US Coast Guard Air Station San Francisco. The new location is on the north side of the Pt. Mugu runway and will include housing for crews, helicopters and a C-130 plane. This local resource will enhance the safety and security of boaters while adding support to first responders.



CITY DEPARTMENTS:

Police:

The Harbor Patrol has been working well with Ventura Police Department during these busy months, both during the day and night. Vagrants continue to account for most of the Law Enforcement interactions. Petty theft, trespassing, and illegal campsites account for most of the issues. Harbor Patrol worked with VPD to post and relocate a campsite on the Beach just south of Surfers Knoll.



On Saturday, August 22nd, Harbor Patrol encountered a large gathering of street racers near the Harbor Cove parking lot and Spinnaker Drive. Our staff worked to safely disperse the group of roughly 30 cars and their passengers. After the group finally departed, our staff discovered graffiti on the restrooms, wall, and nearby Lifeguard Tower. An online report was done, and the areas were cleaned with the assistance of maintenance.



Fire Department:

Maintenance alerted the Harbor Patrol to a suspicious fire that had already been extinguished prior to arrival in the Launch Ramp Restrooms. Patrol responded and assessed the damage and contacted the Fire Department. Ventura City Fire Department reported they have been experiencing a number of intentionally set fires in the vicinity of Olivas Park Drive.



The Harbor Patrol provided the Arson Investigator a lead on a previously arrested vagrant who had a history of setting fires. This particular vagrant was removed from the facility the evening before the fire. We are also looking at options to place automatic door locks so that the facility can be remotely locked and unlocked to provide better security during the early morning hours.

City Transportation Planning:

Business Operations Manager Todd Mitchell and I had a meeting with the contractor who is assisting the City in gathering input for the Transportation Plan. We offered assistance in advertising and capturing the different residents and community members within the Harbor. Todd and Marketing will be looking to host a pop-up event during a future weekend. I offered to deliver the signs to the Marinas and Mobile Home Park. We also requested to submit a letter from the Port District identifying areas of concern and offer suggestions on how to improve these areas. A letter was submitted, and we are awaiting a response to the request. Staff will meet to develop a formal response if allowed.



OTHER:

Ventura Keys Association:

I participated in a meeting with the Ventura Keys HOA Board. The Board Members had many questions and issues that they were looking for assistance with. I explained that the Keys jurisdiction falls within the City of Ventura. At the same time, I assured them they were not alone, and the Port District is here to help when possible. We decided to create a working group and bring in the City as well as the Coastal Commission. Hopefully, additional MOU's with City Departments will help increase the resources available to these residents in the future.

Ventura Chapter of Surfrider:

I had an online meeting with the Ventura County Surfrider Board to discuss Harbor trash and future clean-up options. I was surprised to find out that they cannot do any on the water events due to liability concerns. We also spoke about some ocean pollution apps. They recommended one specifically that they and NOAA are using to catalog the quantity and types of trash found on our waters. This was helpful as I am close to formally announcing our Clean Harbor program. I informed them I would keep them in the loop as the program develops and offered to bring them in as supporters for marketing purposes.



Pictures:



Harbor Patrol Oversees Jr Lifeguard Swim



Harbor Patrol Rescues and Tows Small Boat

911 CALLS DISPATCHED (37 CALLS RECEIVED 7/20-9/09)

Incident	Case Number	Units	Priority	Problem	Agency	Address	City	Response Date
21-0091945		HARB1, ME3	F7	FIRE ALARM	Ventura County Fire Department	1152 Anchors Way	Ventura	7/22/2021 7:10:08 PM
21-0092457		HARB1, LIFECD1, ME2, MEDH71	M5	ALLERGIES/ENVENOMATION NON EMD	Ventura County Fire Department	1900 Spinnaker Dr	Ventura	7/24/2021 2:23:44 PM
21-0094348		CG6, HARB1, ME2, MEDH75	M5	FALL NON EMD	Ventura County Fire Department	1900 Spinnaker Dr	Ventura	7/30/2021 1:23:46 PM
21-0094539		HARB1, ME2, MED662	M5	FALL	Ventura County Fire Department	1215 Anchors Way	Ventura	7/30/2021 10:19:20 PM
21-0094734		HARB1, ME2, MEDH73	M5	MEDICAL ALARM	Ventura County Fire Department	1215 Anchors Way	Ventura	7/31/2021 3:21:15 PM
21-0094739		HARB1, ME2, MEDH73	M5	ASSAULT NON EMD	Ventura County Fire Department	1215 Anchors Way	Ventura	7/31/2021 3:36:17 PM
21-0094851		D15, B4, B01, HARB1, ME1, ME2, ME3, ME5, MRE152, TO1	F3	STRUCTURE FIRE	Ventura County Fire Department	1075 Portside Dr	Ventura	7/31/2021 11:10:40 PM
21-0094945		HARB1, MEDH71, MEDH74, MRE152	M7	SICK PERSON NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	8/1/2021 8:56:41 AM
21-0095092		D16, B2, BOAT1, CSTGRD1, DM544, HARB1, LIFECD2, ME1, ME2, MEDH73, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	600 E Harbor Blvd	Ventura	8/1/2021 5:20:30 PM
21-0095283		HARB1, ME2, MEDH73	M5	FALL	Ventura County Fire Department	1559 Spinnaker Dr	Ventura	8/3/2021 12:36:04 PM
21-0095303		HARB1, ME2, MEDH75	M3	STROKE (CVA) HIGH	Ventura County Fire Department	1559 Spinnaker Dr	Ventura	8/5/2021 2:32:18 PM
21-0095349		HARB1, ME2, MEDH71	M5	FALL	Ventura County Fire Department	1303 Spinnaker Dr	Ventura	8/5/2021 5:19:11 PM
21-0095348		HARB1, HAR02, ME2, ME5, MEDH75	M3	CARDIAC/RESP ARREST/DEATH HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	8/5/2021 5:36:03 PM
21-0095330		HARB1, ME2, MEDH73	M7	BACK PAIN NON TRAUMA NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	8/5/2021 10:12:46 PM
21-0095338		HARB1, ME2, ME3, MEDH72	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1051 Anchors Way Dr	Ventura	8/5/2021 10:26:31 PM
21-0097144		HARB1, ME1, MEDH73	M7	ALLERGIES/ENVENOMATION NC	Ventura County Fire Department	34°16'32.2"N / 119°17'32"W		8/6/2021 3:17:38 PM
21-0097172		HARB1, ME2, MEDH75	M3	CHEST PAIN NON TRAUMA HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	8/8/2021 5:20:55 PM
21-0098065		HARB1, ME2, MEDH71	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1900 Spinnaker Dr	Ventura	8/11/2021 1:29:51 PM
21-0098179		D15, B4, BOAT18, CSTGRD1, DM563, HARB1, LIFECD2, ME1, MEDH73, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	600 E Harbor Blvd	Ventura	8/11/2021 7:34:38 PM
21-0098939		HARB1, ME2, MEDH71	M7	TRAUMATIC INJURIES NO CODE	Ventura County Fire Department	1000 Navigator Dr	Ventura	8/13/2021 12:35:00 AM
21-0098964		HARB1, ME5	F7	FIRE ALARM	Ventura County Fire Department	1000 Navigator Dr	Ventura	8/14/2021 8:08:11 AM
21-0098990		HARB1, ME2, MEDH71	M3	FALL HIGH	Ventura County Fire Department	1400 Spinnaker Dr	Ventura	8/14/2021 8:44:40 AM
21-0070039		D1, HARB1, ME2	F7	HAZARD INVESTIGATION	Ventura County Fire Department	1215 Anchors Way	Ventura	8/17/2021 2:22:22 PM
21-0070044		HARB1, ME5, MEDH71	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1559 Spinnaker Dr	Ventura	8/17/2021 3:27:35 PM
21-0070090		HARB1, ME2, MEDH71	M3	UNCONSCIOUS/FAINT HIGH	Ventura County Fire Department	1449 SPINNAKER DR	Ventura	8/17/2021 5:45:08 PM
21-0071480		HARB1, ME2	F7	PUBLIC SERVICE	Ventura County Fire Department	1575 SPINNAKER DR	Ventura	8/21/2021 6:44:55 PM
21-0071638		HARB1, ME2, MEDH71	M5	TRAUMATIC INJURIES NON EMD	Ventura County Fire Department	1735 Spinnaker Dr	Ventura	8/22/2021 11:30:40 AM
21-0072050		HARB1, ME2	F7	FIRE ALARM	Ventura County Fire Department	1050 Schooner Dr	Ventura	8/23/2021 6:36:58 PM
21-0072187		HARB1, ME2, MEDH75	M3	BREATHING PROBLEMS HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	8/23/2021 8:06:07 PM
21-0072155		HARB1, ME2, MEDH71	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1188 Navigator Dr	Ventura	8/23/2021 10:06:41 PM
21-0072642		HARB1, ME2, MEDH74	F4	TC	Ventura County Fire Department	1755 Spinnaker Dr	Ventura	8/25/2021 4:51:45 PM
21-0072782		HARB1, ME2	F5	FIRE MSG	Ventura County Fire Department	6 Harbor Bl / Olive Park Dr	Ventura	8/26/2021 5:36:10 AM
21-0073021		HARB1, ME2, MED668	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1215 Anchors Way	Ventura	8/26/2021 6:06:23 PM
21-0073045		HARB1, ME2, MEDH73, MEDH75	M3	CHEST PAIN NON TRAUMA HIGH	Ventura County Fire Department	1559 SPINNAKER DR	Ventura	8/3/2021 5:40:11 PM
21-0073686		D16, B4, BOAT1, CSTGRD1, DM563, HARB1, LIFECD2, ME1, MEDH73, OR1	F5	OCEAN RESCUE LOW	Ventura County Fire Department	135 Shoreline Dr	Ventura	8/4/2021 3:17:33 PM
21-0070042		HARB1, ME2, MED663, MT5	M7	FALL NO CODE	Ventura County Fire Department	6 HARBOR BLVD / OLIVIA PARK DR	Ventura	8/6/2021 9:02:31 PM
21-0070091		HARB1, ME2, MEDH72	M5	FALL	Ventura County Fire Department	1215 Anchors Way	Ventura	8/8/2021 7:51:44 PM

DEPARTMENTAL STAFF REPORTS

MARINA

LONG-TERM GOALS:

Goal 1: Safety & Navigation

Maintain and enhance a safe and navigable harbor

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

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

Goal 2: Commercial & Recreational Boating & Fishing

Support and promote commercial and recreational boating and fishing.

Goal 5: Relationships

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

Goal 6: Public Service

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

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

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

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

Objective F: Commercial Fishing

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

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

**VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT**

Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Todd Mitchell, Business Operations Manager
Dave Werneburg, Marina Manager / Commercial Fisheries
SUBJECT: July/August 2021 Marina Report

MARINA DEPARTMENT ACTIVITIES

Ventura Harbor Village Marina

Total Slip Count	103	100%
Slips Assigned	102	99%
Slips Occupied	63	61%
Slips Available	1	1%

Port District Dry Storage

Total Spaces	88	100%
Active Contracts	72	82%
Available	16	18%

COMMERCIAL FISHING

California Market Squid Harvest – Ventura Harbor

- No commercial squid landings in July or August
- 1,591,821 pounds / 796 tons of squid harvested in local waters in June
- YTD Ventura Squid Offloading: 6,232,355 pounds / 3,116 tons
- California Squid Season Limit: 118,000 tons

“What do we do when we’re not fishing squid? We fish salmon!”



Commercial fisherman JD holding a King Salmon. When fishing for squid, JD skips the light boat SWEEPER.

ATTACHMENTS:

Attachment 1 – July/August Commercial Fishing and Aquaculture Advocacy Report by K&L Gates


 K&L GATES

Commercial Fishing & Aquaculture Advocacy

Ventura Port District

Monthly Report – August 2021

Executive Summary

Recent developments within the federal agencies and U.S. Congress have the potential to significantly impact the commercial fishing and aquaculture industries. The negotiation and introduction of multiple legislative packages within the House and Senate promise to provide opportunities for robust infrastructure funding. Among other priorities, the bills could be utilized for waterfront development programs, including those benefiting fisheries, as well as identifying funding availability for NOAA, which is the agency with primary oversight responsibility of the federal fishing industry. Additionally, a recent House Appropriations Committee report includes detailed policy language on issues that include sustainable fishing, and of particular interest, discussion of carbon sequestration through aquaculture.

Reconciliation Bill

After weeks of fierce intraparty negotiations, House Speaker Nancy Pelosi was able to successfully shepherd her party's \$3.5 trillion FY22 budget resolution to final passage by a 220 to 212 vote, unlocking the reconciliation process that will allow Democrats to clear a massive "human infrastructure" package with just a simple majority. House leadership was able to fend off the warring factions of its moderate and progressive members, employing a wide range of procedural tactics that shielded moderates from a standalone vote on the politically tricky budget resolution, while also promising consideration of the "physical infrastructure" package by September 27.

Passage of the budget resolution triggered 23 separate House and Senate committees to begin drafting changes in laws within their jurisdictions that will increase the deficit over the period of fiscal years 2022 through 2031 by no more than the specified amounts, including \$83 billion for the Senate Committee on Commerce, Science, and Transportation; \$67 billion for the Senate Committee on Environment and Public Works; \$332 billion for the Senate Committee on Banking, Housing, and Urban Affairs; \$60 billion for the House Committee on Transportation and Infrastructure; and \$25.6 billion for the House Committee on Natural Resources. The resolution also provided a target date of September 15 to the committees to submit their reconciliation legislation.

Speaker Pelosi has already instructed the committees to report their bills to the House Budget Committee by September 15 to prep the package for the House's scheduled return on September 20. Details for committee markups are already starting to roll in, with the House Committee on Natural Resources among the first to act. The Committee met for the first time on Thursday,

ATTACHMENT 1

September 2 to consider legislative proposals to comply with the reconciliation directive that provides upwards of \$25.6 billion in new spending, including the following priorities related to oceans, fisheries, and aquaculture:

Shovel Ready Restoration	\$9,500,000,000
Pacific Coastal Salmon Recovery	\$400,000,000
NOAA Stock Assessments	\$200,000,000
Science, Coastal Hazards, and Sea Level Rise	\$500,000,000
Blue Carbon	\$95,000,000
Insular Areas Programs	\$50,000,000
NMFS Shoreside Facilities	\$150,000,000
NOAA Vessel Recapitalization	\$300,000,000
NOAA Civilian Climate Corps	\$120,000,000
NOAA Hatcheries	\$250,000,000
Fisheries Electronic Monitoring and Reporting	\$75,000,000
Working Waterfronts	\$160,000,000
Marine Sanctuaries Backlog	\$98,000,000
SIMP Expansion	\$2,000,000
Total: Oceans and Coasts	\$12,000,000,000

The House Natural Resources Committee considered roughly 40 of the more than 100 amendments that were introduced over the course of the 9-hour markup session. The Committee will resume consideration on Thursday, September 9, with more votes expected.

Infrastructure Bill

Months of hard work, weeks of back and forth behind the scenes, and a determination by the Administration to seek a bipartisan compromise all paid off this month, with final passage of the [Infrastructure Investment and Jobs Act of 2021](#) in the Senate. The landmark \$550 billion bipartisan infrastructure package was successfully advanced by a vote of 69-30, with all Senate Democrats and 19 Republicans voting for the bill. Republican members voting for final passage included: Senators Blunt, Burr, Capito, Cassidy, Collins, Cramer, Crapo, Fischer, Graham, Grassley, Hoeven, McConnell, Murkowski, Portman, Risch, Romney, Sullivan, Tillis, and Wicker.

The final agreement includes: \$110 billion for roads, bridges, and major projects; \$39.2 billion to modernize transit; \$11 billion in transportation safety programs; \$66 billion in rail funding; \$17.3 billion for port infrastructure; \$25 billion for airports; \$65 billion for broadband; \$7.5 billion for a national network of EV chargers; \$2.5 billion in zero emission buses, \$2.5 billion in low emission buses, and \$2.5 billion for ferries; \$1 billion in dedicated funding for Reconnecting Communities; \$50 billion for Resilience and Western Water Infrastructure; \$55 billion for water infrastructure; \$21 billion for environmental remediation; and \$73 billion for clean energy transmission.

Projected pay-fors include: \$205 billion in repurposed Covid relief funds; \$50 billion from recouping fraudulently paid federal unemployment benefits; \$53 billion from states returning enhanced federal unemployment funds; \$20 billion from sales of future spectrum auctions; \$67 billion from the proceeds of the Feb. 2021 c-band auction; \$49 billion from delaying the Medicare Part D rebate rule; \$56 billion in economic growth resulting from a 33 percent return on investment for long-term infrastructure projects; \$28 billion from applying information reporting requirements to cryptocurrency; \$21 billion from extending fees on GSEs; \$13 billion from reinstating certain

Superfund fees; \$8.7 billion from the mandatory sequester; \$6 billion from extending customs user fees; \$6 billion in sales from the Strategic Petroleum Reserve; \$3 billion in savings from reducing Medicare spending; and \$2.9 billion from extending available interest rate smoothing options for defined benefit pension plans.

FY22 Appropriations

In late July, the House Appropriations Committee successfully advanced the [Fiscal Year 2022 Commerce, Justice, Science, and Related Agencies](#) funding bill. For 2022, the bill provides \$81.3 billion, an increase of \$10.2 billion (14 percent) above 2021 levels. In total, the bill provides \$81.6 billion, including the following funding totals and report language for the National Marine Fisheries Service:

National Marine Fisheries Service <i>FY22 House Appropriations Report (\$ in thousands)</i>					
National Marine Fisheries Service Account	FY22 House	FY22 President's Budget	FY21 Enacted	Changes From FY21 Enacted	Changes From FY22 PBR
Protected Resources Science Management					
Marine Mammals, Sea Turtles and Other Species	\$146,500	\$142,957	\$125,164	\$21,336	\$3,543
Species Recovery Grants	\$7,500	\$17,012	\$7,000	\$500	(\$9,512)
Pacific Salmon	\$70,500	\$70,425	\$67,000	\$3,500	\$75
Atlantic Salmon	\$6,500	\$6,733	\$6,500	\$0	(\$233)
Subtotal Protected Resources Science Management	\$231,000	\$237,127	\$205,664	\$25,336	(\$6,127)
Fisheries Science and Management					
Fisheries Management Programs and Services	\$133,750	\$136,782	\$123,836	\$9,914	(\$3,032)
Fisheries Data Collections, Surveys, and Assessments	\$192,500	\$197,645	\$175,927	\$16,573	(\$5,145)
Fisheries and Ecosystem Science Programs and Services	\$162,000	\$170,603	\$146,927	\$15,073	(\$8,603)
Salmon Management Activities	\$66,000	\$62,447	\$62,050	\$3,950	\$3,553
Regional Councils and Fisheries Commissions	\$43,000	\$42,902	\$41,500	\$1,500	\$98
Observers and Training	\$55,468	\$53,136	\$55,468	\$0	\$2,332
Aquaculture	\$17,500	\$17,878	\$17,500	\$0	(\$378)
Interjurisdictional Fisheries Grants	\$3,372	\$3,372	\$3,365	\$7	\$0
Subtotal Fisheries Science and Management	\$673,590	\$684,765	\$625,573	\$48,017	(\$11,175)
Habitat Conservation and Restoration	\$61,500	\$99,704	\$57,625	\$3,875	(\$38,204)
Enforcement	\$78,500	\$77,731	\$75,000	\$3,500	\$769
TOTAL, NMFS	\$1,044,590	\$1,099,327	\$964,862	\$79,728	(\$54,737)

House Report Language

Transition to Climate-Ready Fishery Management.—The Committee recognizes the serious impacts of climate change on fisheries and protected species, and the corresponding need for increased resources to prepare for climate-ready management of living marine resources. Sustainable fisheries management and protected species conservation is made more challenging by climate change driven impacts, including changes to the distribution, productivity, and abundance of fish stocks, protected species, and the habitats on which they depend. The Committee supports NMFS’ proposals to address these new requirements and provides \$20,000,000 overall to support this work, including \$10,000,000 within Protected Resources Science and Management to support climate vulnerable species and \$10,000,000 within Fisheries Science and Management to prioritize activities that will make fisheries and fishing-dependent communities more adaptable to climate change. NMFS is also directed to increase the scope and pace of efforts and consider new initiatives that will maintain sustainability and yield greater stability in Federal fishery and protected species management as the oceans change.

Protected Resources Science and Management.—The recommendation includes \$231,000,000 for Protected Resources Science and Management, an increase of \$25,336,000 above the fiscal year 2021 enacted level. Within this amount, the Committee provides no less than \$5,000,000 for the John H. Prescott Marine Mammal Rescue Assistance grant program. The Committee further directs NMFS to continue to prioritize reducing the backlog of Endangered Species Act and Marine Mammal Protection Act permit applications. The Committee recognizes that the existing backlog is due, in part, to disagreements between NMFS and the U.S. Army Corps of Engineers regarding the consideration of environmental baselines for in-water construction permit applications. This continued interagency dispute is unacceptable. The Committee therefore directs NOAA, no later than 15 days after the enactment of this Act, to report to the Committee on plans for resolving the ongoing interagency conflict and finding resolution on the backlog of pending permit applications in a timely manner.

North Atlantic Right Whales.—Within Marine Mammals, Sea Turtles, and Other Species, the Committee provides no less than \$16,900,000 for research and monitoring of North Atlantic right whales. Within this funding, up to \$3,500,000 is provided for NOAA to address State and industry priorities addressing fishery data gaps to support improved modeling and analysis to inform future regulatory changes, including vessel or gear tracking or other harvester reporting enhancements to improve co-occurrence models of fishing activity and whale presence. Southern

Resident Killer Whales.—The Committee provides not less than \$2,000,000 for the Southern Resident Killer Whales program for research and monitoring to improve the recovery of the species. The Committee further encourages NMFS to support existing partnerships between Federal and State agencies, Native American tribes, public ports, and nonprofits to monitor and reduce noise impacts on this endangered species.

Foreign Fisheries.—The Committee provides \$1,000,000 to NMFS to ensure sufficient implementation of the Fish and Fish Product Import Provisions Section 101(a)(2) of the Marine Mammal Protection Act. NMFS shall use these funds to analyze the data provided by nations and to provide technical assistance to nations to comply with these provisions. NMFS shall prioritize

the use of any funds for technical assistance to those fisheries interacting with endangered species. NMFS may use contractors to ensure that deadlines are met, but shall prioritize hiring staff with the increased funds for this initiative.

Pacific Salmon.—The Committee provides \$70,500,000 for Pacific Salmon, \$3,500,000 above the fiscal year 2021 enacted level. The recommendation provides no less than \$5,000,000 within Pacific Salmon to implement NMFS' Hatchery and Genetic Management Plans (HGMPs) and to continue to address the backlog of HGMPs as directed in previous fiscal years. The Committee directs NOAA to examine opportunities to leverage the existing civilian conservation corps model to develop a dedicated workforce to accomplish priority salmon habitat improvement projects and other priority near-shore restoration goals that have been identified as part of the recovery strategy for one or more of the twenty-eight populations of salmon and steelhead currently listed as threatened or endangered under the Endangered Species Act.

Fisheries Data Collections, Surveys, and Assessments.—The Committee provides \$192,500,000 for Fisheries Data Collections, Surveys, and Assessments, \$16,573,000 above the fiscal year 2021 enacted level. Within these funds, no less than \$24,000,000 is provided for Fisheries Information Networks, the State-Federal cooperative programs that coordinate data collection, data management, and informational management essential for accurate monitoring of commercial and recreational fishing impacts. The Committee encourages NMFS to support collaborative programs focused on improving recreational fishery data collection. The recommendation also directs NMFS to deliver technical support, as needed, to the Gulf States to prioritize and ensure successful implementation of each State plan.

South Atlantic Reef Fish.—NMFS is encouraged to leverage efficiencies learned through the Gulf of Mexico red snapper process to better the science and management of the South Atlantic red snapper and other reef fish. NMFS shall consider employing the independent and alternative stock assessment strategies used in the Gulf of Mexico to supplement NMFS assessments of reef fish in the South Atlantic. The Committee provides up to \$1,800,000 for these activities and encourages NMFS to incorporate this data into the agency's own stock assessments as expeditiously as possible.

State Management for Recreational Red Snapper.—Within the amount provided for Fisheries Data Collections, Surveys, and Assessments, the Committee encourages NMFS to continue to work with the Gulf States to ensure successful implementation of State management for recreational red snapper. These efforts shall be a priority for NOAA and shall be done in coordination with the Gulf States. In addition, state agency independent data should be incorporated into NOAA stock assessments as expeditiously as possible.

Gulf of Mexico Reef Fish.—Within funding for Fisheries and Ecosystem Science Programs and Services, the Committee encourages NMFS to continue to support Gulf of Mexico reef fish surveys, research, and sampling.

For-Hire Electronic Monitoring and Reporting Implementation.—The agreement provides no less than \$2,250,000 within Fisheries Management Programs and Services and \$1,500,000 within

Enforcement to support the continued and timely implementation of electronic monitoring and reporting.

Video Review of Electronic Monitoring Data.—Within funding provided for Fisheries Management Programs and Services, the Committee provides no less than \$400,000 for the video review of the West Coast Groundfish electronic monitoring data and \$400,000 for the video review of the Gulf of Alaska partial coverage electronic monitoring data.

Pacific Bluefin Tuna.—The Committee continues to be concerned with the depleted status of the iconic Pacific bluefin tuna and therefore encourages NMFS to take a strong position in international negotiations, including by supporting the adoption of strict and more precautionary harvest control rules that ensure measurable interim progress in rebuilding the stock, in order to recover the population to sustainable levels by no later than 2034. The Committee provides up to \$2,000,000 to continue and expand efforts to support the rebuilding of this stock and directs NMFS to provide resources to support engagement of the Pacific Fishery Management Council and U.S. stakeholders in the formulation of a strong U.S. position throughout the international negotiations to ensure continued progress on the international recovery plan.

Carbon Sequestration Through Aquaculture.—The Committee recognizes advances in aquaculture such as deep-water kelp sequestration and oyster farming play an important role in mitigating the impacts of a changing climate. Like land forests, kelp forests act as powerful carbon banks, removing up to 20 times more carbon per acre than land forests. The Committee encourages NOAA and the Office of Aquaculture to support sustainable carbon sequestration demonstration projects in deep ocean water.

Salmon Management Activities.—The Committee provides an increase of \$4,000,000 above the fiscal year 2021 enacted amount for Salmon Management Activities. This level includes no less than \$41,500,000 for the Pacific Salmon Treaty activities and no less than \$24,000,000 for Mitchell Act Hatcheries.

Illegal, Unregulated, and Unreported Fishing.—The Committee is troubled by the increasing accounts of Illegal, Unregulated, and Unreported (IUU) fishing—not only in the U.S. Exclusive Economic Zone but around the world—which is a threat to the health of the oceans, undermines honest businesses and fishers who play by the rules, and enables human trafficking, forced labor, and other criminal activity. The recommendation includes an increase of \$3,500,000 above the fiscal year 2021 enacted level for Enforcement to address IUU fishing, among other enforcement priorities. Within these funds, the Committee directs NMFS to expand efforts to detect and deter IUU fishing through the use of emerging technologies available from the private sector.

Lionfish.—The Committee encourages NOAA to award competitive grants to address invasive Lionfish in the Atlantic Ocean and Gulf of Mexico.

Horseshoe Crabs.—Adequate data is required to ensure States and interstate managers can effectively manage the Horseshoe Crab population, which is important to the biomedical and commercial fishing industries, as well as to the ecology of the Mid-Atlantic region. The Committee

directs NMFS to continue the Horseshoe Crab survey to generate the data necessary to ensure that the Horseshoe Crab stock remains on a sustainable path.

Oceanic and Atmospheric Research.—The Committee recommends \$684,500,000 for Oceanic and Atmospheric Research (OAR) Operations, Research, and Facilities, which represents an increase of \$113,910,000 over fiscal year 2021.

Offshore Wind.—The Committee applauds the President’s initiative to support the growth of offshore wind energy as part of the broader goal of reducing carbon emissions. As such, the recommendation includes no less than \$20,380,000 for NMFS’ initiatives in support of wind energy.

Federal Legislation

The following fisheries-related bills were passed, considered, or introduced this month:

[H.R.4690 - Sustaining America’s Fisheries for the Future Act of 2021](#)

Sponsor: Rep. Huffman, Jared (D-CA)

Latest Action: August 13, 2021 (Referred to the Subcommittee on Livestock and Foreign Agriculture)

Summary: This bill would reauthorize and amend the Magnuson-Stevens Fishery Conservation and Management Act.

Additional Resources

- [Bill Text](#)
- [One-Page Summary](#)
- [Section by Section](#)
- [Changes From Discussion Draft](#)
- [Redline Edits To The MSA](#)

[H.R.3128 - American Fisheries Advisory Committee Act of 2021](#)

Sponsor: Rep. Young, Don (R-AK)

Latest Action: July 29, 2021 (Subcommittee Hearing Held)

Summary: This bill would direct the National Oceanic and Atmospheric Administration to establish the American Fisheries Advisory Committee to advise on an existing grant program to address the needs of fishing communities, optimize economic benefits by building and maintaining sustainable fisheries, and increase opportunities to keep working waterfronts viable.

[H.R.3075 - Illegal Fishing and Forced Labor Prevention Act](#)

Sponsor: Rep. Huffman, Jared (D-CA)

Latest Action: July 29, 2021 (Subcommittee Hearing Held)

Summary: This bill would address seafood slavery and illegal, unreported, or unregulated fishing.

[H.R.274 - Keep Finfish Free Act of 2021](#)

Sponsor: Rep. Young, Don (R-AK)

Latest Action: July 29, 2021 (Subcommittee Hearing Held)

Summary: This bill would prohibit the Department of the Interior and the Department of Commerce from authorizing commercial finfish aquaculture operations in the U.S. Exclusive Economic Zone.

[H.R.273 - Prevention of Escapement of Genetically Altered Salmon in the United States Act](#)

Sponsor: Rep. Young, Don (R-AK)

Latest Action: July 29, 2021 (Subcommittee Hearing Held)

Summary: This bill would prohibit a person from: shipping, transporting, offering for sale, selling, or purchasing a genetically altered finfish, or a food product containing those fish, in commerce.

Federal Agency Activity

The National Oceanic and Atmospheric Administration (NOAA) released the [*2021 Biennial Report to Congress on Improving International Fisheries Management*](#), identifying 31 nations and entities for illegal, unreported, and unregulated (IUU) fishing activities and bycatch of protected marine life on the high seas, where nations lack conservation measures comparable to those of the United States. In it, NOAA also negatively certified Mexico for continued IUU fishing activities, meaning Mexican fishing vessels will be denied entry into U.S. ports and Mexico could face import restrictions on fish and fish products. The report contains several key findings:

- China, Costa Rica, Guyana, Mexico, the Russian Federation, Senegal, and Taiwan are identified for having vessels engaged in IUU fishing activities during 2018-2020.
- Algeria, Barbados, China, Côte d'Ivoire, Croatia, Cyprus, Egypt, European Union, France, Greece, Grenada, Guyana, Italy, Japan, Republic of Korea, Malta, Mauritania, Mexico, Morocco, Namibia, Portugal, Saint Vincent and the Grenadines, Senegal, South Africa, Spain, Taiwan, Trinidad and Tobago, Tunisia, and Turkey are identified for lacking a regulatory program comparable in effectiveness to the United States to reduce the bycatch of protected marine life in their fishing operations.

The *2021 Report* also announced certification determinations for nations identified for IUU fishing activities in the [*2019 Biennial Report to Congress on Improving International Fisheries Management*](#), following a two-year consultation period where NOAA works with each nation to encourage corrective action. Mexico received a negative certification for IUU fishing activities identified in 2019, which were failing to curb the flow of small vessels fishing illegally in the U.S. waters of the Gulf of Mexico. Failure to remedy these incursions into U.S. waters led to Mexico's negative certification.

Federal Register Notices

[Agricultural Research Service](#)

Docket: Notice for Comment on Two Strategic Plans for the Subcommittee on Aquaculture Science Planning and Regulatory Efficiency Task Forces and on Updating the National Aquaculture Development Plan

Latest Action: September 1, 2021 (Notice and Request for Comments)

Summary: The Science Planning Task Force is charged with documenting federal science and technology opportunities and priorities for aquaculture by revising and updating the National

Strategic Plan for Federal Aquaculture Research. The Task Force is seeking public comment on Science and Regulatory Efficiency strategic plans.

National Marine Fisheries Service

Docket: Fisheries Off West Coast States; Modification of the West Coast Salmon Fisheries

Latest Action: August 30, 2021 (Inseason Modification of 2021 Management Measures)

Summary: NMFS announces one inseason action in the 2021 ocean salmon fisheries. This inseason action modified the fishing days per calendar week in the recreational ocean salmon fishery in the area from Queets River, WA, to Leadbetter Point, WA.

National Marine Fisheries Service

Docket: Magnuson-Stevens Fishery Conservation and Management Act; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permit

Latest Action: August 11, 2021 (Notice; Request for Comments)

Summary: NMFS has determined that seven exempted fishing permit applications warrant further consideration and is requesting public comment on the applications. All EFP applicants request an exemption from a single prohibition under the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species to test the effects and efficacy of using standard deep-set buoy gear, and/or deep-set linked buoy gear, to harvest swordfish and other HMS off of the U.S. West Coast.

National Marine Fisheries Service

Docket: Fisheries Off West Coast States; Modification of the West Coast Commercial Salmon Fisheries; Inseason Actions #22, #23, and #24

Latest Action: August 11, 2021 (Inseason Modification of 2021 Management Measures)

Summary: NMFS announces three inseason actions in the 2021 ocean salmon fisheries. These inseason actions modified the commercial and recreational salmon fisheries in the area from the U.S./Canada border to the Oregon/California border.

State Legislation

The following fisheries-related bills were passed, considered, or introduced this month:

AB155 – *An Act Relating To The Budget Act Of 2021*

Latest Action: September 6, 2021 (Amended In Senate)

Summary: This bill would exempt from CEQA, projects that conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and habitat upon which they depend or that restore or provide habitat for California native fish and wildlife.

SB822 – *An Act Relating To Marine Resources*

Latest Action: September 3, 2021 (Enrolled; Presented to Governor)

Summary: This bill would authorize the Department of Fish and Wildlife to issue a letter of authorization to allow the taking of marine living resources or to authorize the take and possession of marine resources and possession of gear or equipment that would otherwise be prohibited in marine waters to support data collection, environmental cleanup, hazard removal, or public health and safety.

ATTACHMENT 1

[SB80](#) – *An Act Relating To Commercial Fishing, And Declaring The Urgency Thereof*

Latest Action: September 3, 2021 (Amended In Assembly)

Summary: This bill would require a person who holds a commercial fishing license or a commercial fish business license, upon request of an authorized agent or employee of the department, to immediately relinquish, at no charge, fish or parts of fish caught or landed in California to the department for the purpose of collecting a biological sample.

DEPARTMENTAL STAFF REPORTS

MARKETING

LONG-TERM GOALS:

Goal 3: Economic Vitality

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

Goal 5: Relationships

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

Goal 5: Public Service

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

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

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

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

Objective V: Harbor Village

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

- 3: Marketing Action Plan

JULY & AUGUST* MARKETING REPORT

*Monthly report showcases samples & highlights of the Ventura Harbor Recovery & Visitor Attraction Plan.

Enhance Visitor Experiences

SUMMER ACTIVATION & PROMO

This summer focused on the visitor's experiences with "Fun in the Sun" & "Happiness Comes in Waves" campaigns with new activations at the Ventura Harbor Village.



Happiness Comes in Waves messaging used in a series of social media and ad campaigns, but onsite elements were also introduced in the form of banners and floor graphic photo op.



Local artist Andrew Rodriguez (alias Fischerrman) & chalk artist Lysa Ashley **activate** both courtyards and Village promenade for summer messaging & photo ops.



FUN IN THE SUN

"**Fun in the Sun**" Video in conjunction with Steel Cut Productions crafted a fun & playful storyline of the outdoor & recreational activities at Harbor and Channel Islands shared on social & web for Summer 2021.



NCIS FILM SHOOT

NCIS, a popular CBS television series in its nineteenth season, has filmed in Ventura Harbor numerous times & returned again this past August. Filming in Ventura Harbor is an economic boost to our tenants, our fisherman and to the local economy.

JIM MCCLAFFERTY Supervising Location Manager Feedback:

"Port District staff were very helpful. Once we were able to define parameters, everything went exceedingly well. **We want to compliment the General Manager, Marketing Team, and Harbor Master for facilitating the shoot** and making it happen with a short lead time. It is economically beneficial for NCIS, but it is our goal to make it equally beneficial to the Port and the tenants. I am happy to be able to help support the community where I live. **Ventura Harbor will be the first location on our mind when it comes to water, boats, and beaches.** We're already looking to develop stories for NCIS that would bring us back."

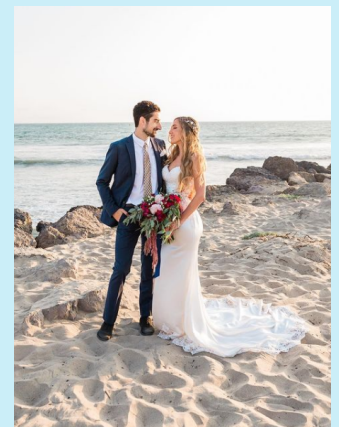
BILL LANGLOIS Assistant Location Manager Feedback:

"Everyone at Ventura Harbor was supportive, accommodating and just kind – **it was so removed from our usual experience in LA. The whole crew is asking to come back to Ventura Harbor already.** We enjoyed working with the commercial fishing community."



FILM & SPECIAL EVENT REVENUE

July & August
Revenue = \$16,491



JULY & AUGUST MARKETING REPORT

Engage Customers via Paid Media

DATA DRIVEN DECISIONS

Demographic data is derived from website & social media platform analytics, and campaign performance. Extended reach back to 250 miles and key drive markets with a continued focus on local advertising. The top demographics for **July / August 2021** are:

Ages

AGES 25* - 54

*SIGNIFICANT WEB TRAFFIC FROM 25-34 AGE GROUP

Markets

LOS ANGELES
VENTURA COUNTY
SANTA CLARITA
BAKERSFIELD
SAN FRANCISCO

Interests

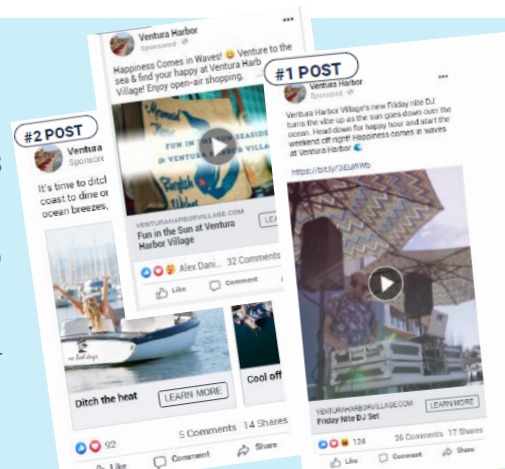
PATIO DINING
EVENTS CALENDAR
VENTURA BOAT RENTALS
SHOP / PLAY / EXPLORE
BAJA BAY SURF N TACO
LIVE HARBOR CAM
FISH MARKET
JOBS

PLEASE NOTE:

Info on this page is a summary of top results and highlights for the month, it is not reflective of all demographic data/ads for Ventura Harbor overall.

PAID SOCIAL ADS

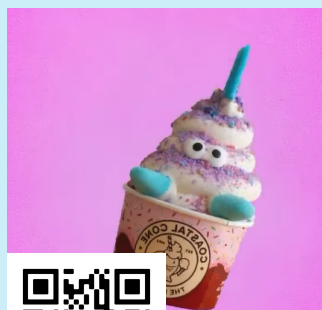
- Fun in the Sun (video):**
27,257 Reach | 488 Link Clicks | \$188
- Ditch the Heat**
27,201 Reach | 703 Link Clicks | \$250
- Friday Nite DJ (video):**
16,568 Reach | 960 Link Clicks | \$184
- \$500 spend on **boosted posts** for summer social media content



ANIMATED SOCIAL CONTENT

Marketing coordinator collaborated with a local animator to develop colorful, **animated clips** for a three part series on 'Happiness Comes in Waves'. Posts garnered **15k+ views** (and counting) on social. The on-trend creative content to appealed to a younger demographic.

Sweet Treats for Summer



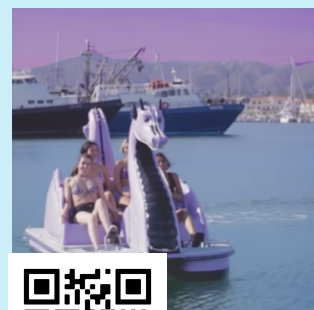
Scan here to watch

Seaside DJ Entertainment



Scan here to watch

Fun on the Water



Scan here to watch



SEASIDE BLOODY MARY
VENTURA HARBOR VILLAGE
1503 SPINNAKER DR. / VENTURA

Brunch always tastes better with a refreshing Bloody Mary! Head seaside to Ventura Harbor restaurants for 10 different takes on the spicy, flavorful vodka cocktail. Continue the good summer vibes with plenty of shaken, stirred, bubbly, and colorful cocktails to be enjoyed with a waterfront view in Ventura Harbor Village.



JULY & AUGUST MARKETING REPORT

*Note TWO month time frame (social stats compare to previous two month period)

Social Media & Content Development

OVERALL MESSAGING

In July & August, social shared scenic summer content, Happiness Comes in Waves campaign, special promos & grand openings, plus much more to encourage visitation.

INSTAGRAM

24,783 Followers (↑ 3%)
19,256 Engagements (↓ 10%)
796,160 Impressions (↑ 1%)



FACEBOOK

28,723 Followers (↑ 1%)
95,927 Engagements (↑ 6%)
2,170,649 Impressions (↑ 13%)



TWITTER

5,615 Followers (↑ 1%)
369 Engagements (↓ 15%)
15,269 Impressions (↓ 15%)



BLOGS & E-NEWSLETTERS

sent to 12k+ (↑ 33%) subscribers

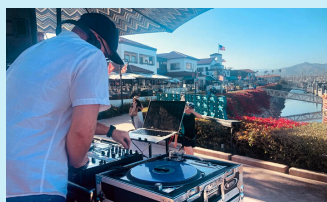
Happiness Comes in Waves
3464 Opens | 237 clicks



Celebrate 805 Day
2524 opens | 181 clicks



Baja Bay NOW OPEN
3441 opens | 252 clicks



Friday Nite DJ all Summer for millennial market.



New California Road Trip photo op in the Village.



Ventura Canoe & Kayak Club feature in Ventura Breeze.

WALKABLE HARBOR CONTENT

Video and photoshoot with Brendan Daly to capture the **walkable waterfront path** from Harbor Cove Beach to the Ventura Port District offices. Master **tenants, landmarks and signage** were documented along the way to have **fresh new content** for future promotional use. Small sampling of images here...



JULY & AUGUST MARKETING REPORT

Earned Media + Tourism

TENANT MEET UP

Village Tenant Meet Up hosted on August 4th via Zoom with GM and Marketing for update on Village, summer improvements, projects, promotions, and tenant shares.

ONSITE SURVEY

A summer survey was displayed via QR Code to collect data on visitors + a Dine give-a-way (can use photo of the sign or not depending on space)

BAJA BAY SURF N' TACO NOW OPEN UNDER NEW OWNERSHIP

Amplified the reopening of the Baja Bay Surf N' Taco in July & August, with new ownership and menu items inclusive of signs, social, online, press release, and photography.



EDITORIAL COVERAGE



NEW! 805 DAY CUMULUS CELEBRATION

KHAY's first 805 Day on August 5th was a success! The mid-week attendance was wonderful, the interest was high, and we received positive feedback all around. KHAY 100.7 FM, Ventura County's #1 Radio Station, was onsite with a live remote and all participating businesses were mentioned on-air. Plus, there were advanced promos, Ventura Harbor Village commercials, giveaways and increased interest in the \$8.05 specials offered. KHAY let us know to plan for 2022!



By the Numbers :

250

Ventura Harbor Stickers handed out to guests

136

Newsletter subscribers signed up in only two hours

COUNTLESS

Listeners on-air and attendees on-site who took advantage of the \$8.05 offers and 805 merchandise

AUGUST 5TH **100.7 KHAY** NOON TO 2PM

805 Day

SHOP*	DINE*	ENTER TO WIN
Barefoot Boutique: 20% off purchase Dive & Sport: Castaway Board Shorts and Dive & Sport Tote Bags for \$8.05 Harbor Village Gallery & Gifts: Jewelry by artist Dawn Riley for \$8.05 Mermaid Gallery: Mermaid or princess dress for \$8.05 Treasure Cove: Special wish pearl jewelry for \$8.05	805 Bar & Grilled Cheese: Classic grilled cheese w/ cheddar & sliced tomatoes on grilled multigrain bread for \$8.05 Baja Bay Surf & Taco: Two tacos and a drink for \$8.05 The Creek: Blueberry pina colodas made with fresh fruit (bring available too) for \$8.05	805 grand prize package: giveaway for one lucky winner! A variety of \$8.05 prizes and local merch donated by: <ul style="list-style-type: none"> Barefoot Boutique Boatyard Pub Casa De Regalos Coastal Cone Frenchies Modern Nail Care Le Petit Cafe & Bakery Top This Chocolate Ventura Pottery Gallery Ventura Swimwear

*NOTE: OFFERS VALID FROM NOON TO 2PM ONLY UNLESS TOLD OTHERWISE BY BUSINESS

VENTURA HARBOR VILLAGE

DEPARTMENTAL STAFF REPORTS

PROPERTY

LONG-TERM GOALS:

Goal 3: Economic Vitality

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

Goal 5: Relationships

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

Goal 5: Public Service

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

5-YEAR OBJECTIVES:

Objective E: Public and Civic Engagement Plan

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

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

Objective V: Harbor Village

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

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

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: July/August 2021 Property and Leasing Report

CURRENT TENANT REPORT

- 1) Harbor businesses seeking COVID-19 Ventura Harbor Rental Abatement and Deferment Program, Resolution No. 3410:
 - Program concluded June 30, 2021
 - As of June 30, ten businesses have COVID-19 deferred rent, five with balances over \$10,000
 - As of August 30, eight businesses still have COVID-19 deferred rent, four with balances over \$10,000
 - Resolution outlines schedule of repayment: >40% by December 31 with equal installments of the remaining balance by June 30, 2022
- 2) Custom Embroidery has expanded their business and is relocating to a larger space with a showroom at 4572 Telephone Road. The vacant suite will be separated to its original layout and two businesses on the existing waiting list will take possession of the suite at the beginning of September.
- 3) Month-To-Month Tenants
 - Several new leases will go to the Board for approval in September reducing the number of month-to-month tenants.

CURRENT AVAILABILITY REPORT

- 1) 1567 Spinnaker Drive #100
 - District has received City of Ventura planning permit to buildout the space
 - Construction for the space has been included in the FY21-22 Capital Improvement Budget

LEASING OUTREACH

- 1) Prospective Tenant Waiting List
 - Staff maintains a list of prospective tenants in each class (office, retail, restaurant) and contacts when a vacancy exists
- 2) Leasing Outreach – Ongoing exposure with our ads online via LoopNet/CoStar which covers the following:
 - Listed on Ventura Harbor Village and Ventura Harbor websites, along with window leasing signage on available properties
 - Currently, no listings
 - Top three commercial real estate marketplaces:
 - LoopNet, City Feet, and Showcase
 - Email Networking blasts from interested parties
 - 150 plus online newspaper websites including Wall Street Journal
 - 24 Million visitors to these sites /200,000 real estate professionals use CoStar

OCCUPANCY LEVELS AT HARBOR VILLAGE

July 2021

CATEGORY	TOTAL Square Footage	Harbor Vacancy Sq Ft	Harbor Vacancy %	Harbor Available Sq Ft	Harbor Available %	City * Vacancy %	City * Available %
Office	19,759	0	0%	844	4%	17%	18%
Retail	22,518	0	0%	11,092	49%	46%	68%
Restaurant	32,197	0	0%	2,390	7%	34%	66%

> Harbor Vacancy --- No tenant or lease

Office: None
 Retail: None
 Restaurant: None

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

Office: 1559 - Power Processing
 1575 - Custom Embroidery
 Retail: 1559 - Comedy Club
 1567 - Carousel, Treasure Cove
 1583 - Lemon & Lei
 Restaurant: 1575 - 805 Bar/Copa Cubana

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

** City Restaurant vacancy/available as reported by CoStar Program

*** Definition of available includes MTM status

August 2021

CATEGORY	TOTAL Square Footage	Harbor Vacancy Sq Ft	Harbor Vacancy %	Harbor Available Sq Ft	Harbor Available %	City * Vacancy %	City * Available %
Office	19,759	494	3%	844	4%	18%	20%
Retail	22,518	0	0%	10,319	53%	53%	68%
Restaurant	32,197	0	0%	2,390	7%	56%	56%

> Harbor Vacancy --- No tenant or lease

Office: 1575 - Custom Embroidery
 Retail: None
 Restaurant: None

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

Office: 1559 - Power Processing

 Retail: 1559 - Comedy Club
 1567 - Carousel, Treasure Cove
 1583 - Lemon & Lei

 Restaurant: 1575 - 805 Bar/Copa Cubana

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

**** City Restaurant vacancy/available as reported by CoStar Program**

***** Definition of available includes MTM status**

TRAFFIC COUNTING SYSTEM

Because the previous traffic and pedestrian counting system provider went out of business in late 2019, an alternative vendor was investigated by District staff. In early 2021, SkyFii's traffic counting system was activated and is providing a much more detailed and accurate monitoring report for traffic at Ventura Harbor. Included in this staff report are vehicle counts for cars entering Spinnaker from Harbor Blvd. Over the coming year, additional data points will be added. This data is also being made available to the District's consultant for their traffic and parking study.

June Vehicle Entry Count

VEHICLE COUNTS HEAT MAPS MONTHLY REPORTING

Main Entrance | Vehicle Total

145,130 17%

Main Entrance | Vehicle Total

Day of Week	Traffic
Monday	16,621 2%
Tuesday	19,229 56%
Wednesday	19,115 52%
Thursday	14,285 3%
Friday	21,995 16%
Saturday	27,741 11%
Sunday	26,144 11%

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
8 am	296	293	232	223	252	400	297
9 am	195	196	232	203	175	297	258
10 am	201	228	211	200	252	520	358
11 am	284	244	247	265	331	622	636
12 pm	358	222	316	341	337	634	558
1 pm	234	270	397	305	453	645	555
2 pm	230	294	288	198	356	382	439
3 pm	213	368	247	207	268	536	330
4 pm	249	288	209	331	336	265	464
5 pm	158	276	317	245	223	342	300
6 pm	202	279	220	206	359	242	245
7 pm	172	195	190	179	269	269	197
8 pm	112	88	87	84	118	139	112
9 pm	54	50	49	61	66	87	51

July Vehicle Entry Count

VEHICLE COUNTS HEAT MAPS MONTHLY REPORTING

Main Entrance | Vehicle Total

181,184 20%

Main Entrance | Vehicle Total

Day of Week	Traffic
Monday	20,768 6%
Tuesday	19,409 1%
Wednesday	20,931 10%
Thursday	27,094 90%
Friday	30,217 37%
Saturday	36,653 32%
Sunday	26,112 0%

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
8 am	262	232	222	247	314	318	269
9 am	252	267	253	184	174	375	309
10 am	365	214	212	218	305	400	423
11 am	341	296	509	327	446	547	509
12 pm	422	245	285	321	341	687	526
1 pm	473	283	259	384	325	480	504
2 pm	287	303	298	255	306	437	625
3 pm	290	207	324	206	375	352	322
4 pm	297	284	310	231	266	323	466
5 pm	220	197	201	203	236	288	272
6 pm	272	241	193	218	247	229	306
7 pm	196	226	173	189	257	267	243
8 pm	83	121	112	128	146	179	127
9 pm	38	48	36	44	76	54	57

August Vehicle Entry Count

VEHICLE COUNTS HEAT MAPS MONTHLY REPORTING

Main Entrance | Vehicle Total

161,081 11%

Main Entrance | Vehicle Total

Day of Week	Traffic
Monday	21,465 3%
Tuesday	22,641 17%
Wednesday	18,389 12%
Thursday	19,478 28%
Friday	22,161 27%
Saturday	26,181 29%
Sunday	30,766 18%

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
8 am	188	311	241	270	245	301	251
9 am	208	227	164	241	165	279	310
10 am	188	185	206	234	245	325	407
11 am	327	221	343	259	338	580	496
12 pm	288	350	274	302	282	381	543
1 pm	300	326	186	411	438	408	411
2 pm	284	191	271	196	225	517	369
3 pm	280	211	350	229	333	406	308
4 pm	202	190	237	207	256	255	245
5 pm	208	340	181	193	230	284	214
6 pm	221	261	166	222	302	244	243
7 pm	139	177	194	158	287	275	208
8 pm	59	87	48	53	81	108	56
9 pm	31	34	42	44	59	63	36

SALES REPORTS

The attached summary of sales for three Harbor Village business categories: restaurants, retail, and charters. The reports compare the monthly sales for 2020 and 2021. They also include year-to-date comparisons.

The year-to-date overall sales for Harbor Village Tenants through the month of June were up 71.9% from the same time last year.

The year-to-date overall sales for Harbor Village Tenants through the month of July were up 73.2% from the same time last year.

ATTACHMENTS:

Attachment 1 – June 2021 Sales Report

Attachment 2 – July 2021 Sales Report

ATTACHMENT 1

Ventura Harbor Village Tenant Sales Summary

Month of
June

	<u>June-2021</u>	<u>June-2020</u>	<u>Change</u>
Restaurants	\$ 2,157,509	\$ 1,563,462	38.00%
Retail	\$ 753,197	\$ 481,041	56.58%
Charters	\$ 820,525	\$ 310,758	164.04%
Total	\$ 3,731,231	\$ 2,355,261	58.42%

Year-to-date
January - June

	<u>Jan - Jun 2021</u>	<u>Jan - Jun 2020</u>	% <u>Change</u>
Restaurants	\$ 9,426,954	\$ 6,072,154	55.25%
Retail	\$ 2,869,823	\$ 1,530,722	87.48%
Charters	\$ 2,699,948	\$ 1,120,748	140.91%
Total	\$ 14,996,725	\$ 8,723,624	71.91%

Quarter-to-date
April - June

	<u>Apr-Jun 2021</u>	<u>Apr-Jun 2020</u>	% <u>Change</u>
Restaurants	\$ 5,831,735	\$ 2,943,067	98.15%
Retail	\$ 1,875,664	\$ 776,773	141.47%
Charters	\$ 2,118,921	\$ 376,186	463.26%
Total	\$ 9,826,320	\$ 4,096,026	139.90%

ATTACHMENT 2

Ventura Harbor Village Tenant Sales Summary

Month of July	<u>July-2021</u>	<u>July-2020</u>	<u>Change</u>
Restaurants	\$ 2,689,564	\$ 1,601,819	67.91%
Retail	\$ 887,480	\$ 557,627	59.15%
Charters	\$ 1,079,630	\$ 464,063	132.65%
Total	\$ 4,656,674	\$ 2,623,509	77.50%

Year-to-date January - July	<u>Jan - Jul 2021</u>	<u>Jan - Jul 2020</u>	% <u>Change</u>
Restaurants	\$ 12,116,519	\$ 7,673,973	57.89%
Retail	\$ 3,757,301	\$ 2,088,349	79.92%
Charters	\$ 3,779,578	\$ 1,584,811	138.49%
Total	\$ 19,653,398	\$ 11,347,133	73.20%



BOARD OF PORT COMMISSIONERS

SEPTEMBER 15, 2021

CONSENT AGENDA ITEM A

APPROVAL OF AN OUT-OF-TOWN
TRAVEL REQUEST

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Approval of Out-of-Town Travel Request

RECOMMENDATION:

That the Board of Port Commissioners approve the out-of-town travel request for Jennifer Talt-Lundin, Marketing Manager, to attend the Central Coast Tourism Council Board Meeting and Workshop in Monterey, CA.

SUMMARY:

Participation and attendance at the Central Coast Tourism Council (CCTC) Board Meeting and Board Workshop is from March 24 – 26, 2021. The Marketing Manager is on the Board and is a member of the Executive Committee as well as co-leader of the website committee. The CCTC Board meets in person usually 4 times a year for Board Meetings, Board Workshop, and an annual Board Planning Retreat. In partnership with Visit California, the Central Coast Tourism Council (CCTC) is a non-profit, marketing organization representing four regions as "The Original Road Trip" of California. Primary purpose serves to utilize state grants, membership and ad revenues, to promote travel and visitation to the Central Coast and its attractions. CCTC conducts marketing efforts to encourage increased tourism revenue to the Ventura region, Ventura Harbor, and Channel Islands National Park.

LONG-TERM GOALS:

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

5-YEAR OBJECTIVES:

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

BACKGROUND:

Employees and Commissioners are encouraged to attend conferences, meetings, seminars, and other activities that provide an opportunity to be informed concerning matters of interest to the District and their position.

FISCAL IMPACTS:

The travel and training costs are included in the FY21-22 budget. Estimated cost is:

Registration	\$160.00
Lodging	\$600.00
Meals	\$160.00
Mileage	\$315.00
Miscellaneous	\$50.00
TOTAL	\$1,285.00

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

SEPTEMBER 15, 2021

CONSENT AGENDA ITEM B

APPROVAL OF A NEW OFFICE LEASE
AGREEMENT FOR JOHN HOWARD
DBA POWER & PROCESS ENGINEERS
AT 1559 SPINNAKER DRIVE #201

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
SUBJECT: Approval of New Office Lease Agreement for John Howard DBA Power & Process
Engineers at 1559 Spinnaker Drive #201

RECOMMENDATION:

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba Ventura Harbor Village and John Howard DBA Power & Process Engineers for space located at 1559 Spinnaker Drive #201 consisting of approximately 350 square feet for a two (2) year term.

SUMMARY:

Staff has negotiated a lease renewal with John Howard DBA Power & Process Engineers for their current office space at 1559 Spinnaker Drive #201.

LONG-TERM GOALS:

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

5-YEAR OBJECTIVES:

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

BACKGROUND:

John Howard of Power & Process Engineers has been a tenant since 1999. This business specializes in rail, energy, mining and engineer consulting for the utility industries. Most of the business's work is with Southern California Edison performing analyses of the energy systems of Edison's commercial and industrial customers.

FISCAL IMPACT:

This lease renewal reflects current market rental rates for offices in the complex. There will be step increases annually in base rent. No tenant improvements are required as part of this renewal.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

SEPTEMBER 15, 2021

CONSENT AGENDA ITEM C

APPROVAL OF LEASE AMENDMENT
No. 4 TO THE VENTURA ISLE MARINA
GROUND LEASE

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM C
Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Andy Turner, Legal Counsel, Lagerlof, LLP
SUBJECT: Approval of Lease Amendment No.4 to the Ventura Isle Marina Ground Lease

RECOMMENDATION:

That the Board of Port Commissioners approve Lease Amendment No. 4 to the Ground Lease for Ventura Isle Marina between the Ventura Port District dba Ventura Harbor Village and SHM Ventura Isle, LLC.

LONG-TERM GOALS:

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

5-YEAR OBJECTIVES:

- Objective M: Master Tenants
 - Collaborate with existing and future Master Tenants to maintain, improve, and develop the Harbor.
 - 1: Engagement and support of Master Tenants for successful business operations at the Harbor.

SUMMARY:

The Ground Lease between SHM Ventura Isle, LLC (also known as Safe Harbor Ventura Isle), included requirements for the dock replacement project to be performed in two phases with the first phase to be completed by October 25, 2021 (per the third amendment to the lease). Because SHM Ventura Isle has combined phases one and two into a single project, both phases of the project are well underway. However, the combination of the two projects, as well as many external factors including permitting and COVID-19, the project will now be completed by June 30, 2022. Amendment No. 4 addresses this change in the schedule.

BACKGROUND:

The original Ground Lease under discussion was dated November 19, 2003 between Ventura Port District ("Port District") and is now with SHM Ventura Isle, LLC as successor in interest to Ventura Isle Marina, L.P ("SHM"). That lease has been amended by three previous amendments to the ground lease.

Pursuant to section 7.1(a) of the Lease, within the first ten (10) calendar years of the Lease term, SHM was to develop a plan for the repair and restoration of Docks E, G, H, & I, submit the engineer's report to the Port District for approval, and implement the approved plan (collectively, the "Phase 1 & Phase 2 Dock Work"). This provision was later amended by that Amendment No 3.

In a letter dated June 3, 2021 sent by SHM to the Port District, SHM requested an extension of time to complete the Phase 1 & Phase 2 Dock due to unforeseen delays with permitting caused

by the 2019 novel coronavirus (COVID-19) outbreak, with an assurance to provide a final accurate date of completion of the Phase 1 & Phase 2 Dock Work to the Port District no later than December 31, 2021. SHM has advised that their contractor, Bellingham Marine, has confirmed that all docks will be fully remodeled and online for use no later than July 1, 2022.

As substantial project work is underway and N dock is now available for public launching of personal watercraft, District staff are recommending this amendment to allow for an additional 8 months for completion of the project.

FISCAL IMPACT:

There are no fiscal impacts to the District.

ATTACHMENTS:

None.



BOARD OF PORT COMMISSIONERS

SEPTEMBER 15, 2021

STANDARD AGENDA ITEM 1

ADOPTION OF RESOLUTION NO. 3428,
APPROVING THE REVISIONS TO THE VENTURA
PORT DISTRICT PROCUREMENT AND
PURCHASING POLICY

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 1
Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Jessica Rauch, Clerk of the Board
SUBJECT: Adoption of Resolution No. 3428, Approving the Revisions to the Ventura Port District
Procurement and Purchasing Policy

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3428 approving revisions to the Ventura Port District's Procurement and Purchasing Policy and rescind Resolution No. 3330.

SUMMARY:

With the approval of the FY21-22 Budget, the Board approved new staff positions and deleted others. This initiated a need to update Exhibit A of the policy, titled District Employee Procurement Status Chart. Two legends were also added to show what each level represents.

When revising Exhibit A, staff determined that the limit thresholds for the purchasing of supplies and contracts for doing public projects or maintenance work should be aligned.

Section VIII. Procurement Forms will be changed to read Exhibits and will only include Exhibit A – District Employee Procurement Limits Chart and Exhibit B – UPCCA Summary Sheet.

LONG-TERM GOALS:

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

5-YEAR OBJECTIVES:

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

BACKGROUND:

The Board of Port Commissioners adopted the Procurement and Purchasing Policy to establish the authority, limits and procedures relating to the District's procurement and purchasing activities in connection with vendor, supplier, service provider and contractor contracts. The Procurement and Purchasing Policy was last updated June 17, 2020.

FISCAL IMPACT:

None.

ATTACHMENT:

Attachment 1 – Ventura Port District Procurement and Purchasing Policy – Redlined
Attachment 2 – Resolution No. 3428 with clean version of Policy



Ventura Port District

Procurement and Purchasing Policy

Effective October 22, 2014

Revised

March 22, 2017

May 1, 2019

June 17, 2020

September 15, 2021

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I. STATEMENT OF GENERAL POLICY

The goal of this Procurement and Purchasing Policy is to enable the Ventura Port District (the “District”) to obtain contracts for the purchasing of materials or supplies not used in connection with or consumed on any work or project that falls within the definition of “public projects” or “maintenance work” subject to the California Uniform Public Construction Cost Accounting Act (“UPCCA”) as defined in Public Contract Code Section 22002, and to procure services for the District at the best value and in a timely manner, while maintaining fairness to vendors, suppliers, service providers, and contractors, and abiding by applicable laws. The District’s Board of Port Commissioners (the “Board”) has adopted this Procurement and Purchasing Policy to establish the authority, limits, and procedures relating to the District’s procurement and purchasing activities in connection with such contracts. All such procurement and purchasing activities for the District shall be administered in accordance with the provisions of this policy, and with the express intent to promote open and fair conduct in all aspects of the procurement and purchasing process. This policy also establishes staff purchasing authority levels for contracts for the doing of any work or project which does fall within the definition of “public projects” or “maintenance work” subject to the UPCCA as defined in Public Contract Code Section 22002.

The District intends to maintain a cost effective purchasing system conforming to good management practices. The Procurement and Purchasing Policy is intended to accomplish the following objectives:

- A. Provide all vendors, suppliers, service providers, and contractors with full, fair, prompt and courteous consideration;
- B. Keep competition open and fair; and
- C. Observe strict truthfulness and highest ethics in all transactions.

In order to be successful, the system must be supported by the cooperation of all District personnel. Prior planning and the timely submission of requisitions are essential to expedite the District’s procurement and purchasing process and to ensure that this process is conducted in an orderly and lawful manner.

II. ETHICS IN PROCUREMENT AND PURCHASING

In dealing with the District’s procurement and purchasing needs, District personnel shall be mindful of the following:

- A. That public office is a public trust and to give primary consideration to the District’s interests as well as the interests of the public.
- B. Procurement and purchasing decisions shall be made without prejudice and to try to maximize the value of each dollar expended.
- C. District personnel must avoid unfair business practices or decisions and to give all qualified vendors, suppliers, service providers, and contractors an equal opportunity to participate in the procurement and purchasing process.
- D. We shall promote positive relationships with the District’s vendors, suppliers, service providers, and contractors through courteous and impartial treatment in all phases of the purchasing cycle.

- E. We shall conduct ourselves with fairness and dignity, and demand honesty and truth in the purchasing process.
- F. We must avoid the appearance of unethical or compromising practice in relationships, actions, and communications in the procurement and purchasing process.
- H. We must refrain from soliciting or accepting money, loans, credits, prejudicial discounts, gifts, favors, or services from past, present or future suppliers, vendors, service providers, or contractors that might influence, or appear to influence, purchasing decisions.
- I. All District personnel shall discharge their duties impartially so as to ensure competitive access to governmental procurement by responsible contractors.
- J. All District personnel shall conduct themselves in such a manner as to foster public confidence in the integrity of District procurement and purchasing.

III. THE PROCUREMENT AND PURCHASING PROCESS

A. Contract Administration

The District routinely utilizes the services of vendors, suppliers, service providers, and contractors for a variety of operational needs. These include, but are not limited to, the acquisition of equipment, supplies, materials, goods, maintenance services, and construction or renovation of District facilities. All contracts should include, but shall not be limited to, the following provisions:

- (1) The term or length of contract;
- (2) Description of work to be performed or services/products to be provided;
- (3) Schedule for performance;
- (4) Indemnity, insurance and bonding requirements;
- (5) Warranties and/or guarantees if applicable;
- (6) Payment schedule; and
- (7) Conditions for termination of contract.

Except as otherwise provided in this Procurement and Purchasing Policy, this Policy shall not apply to the performance of, contracting for, or the doing of any “public project” or “maintenance work” as such terms are defined in Public Contract Code Section 22002. Any such “public project” or “maintenance work” shall be subject to (i) Resolution No. 3213 adopted by the Board on February 27, 2013; (ii) the procedures, terms, and conditions set forth in the UPCCA pursuant to California Public Contract Code Section 22000 et seq.; (iii) the California Uniform Construction Cost Account Commission’s (the “Commission”) policies and procedures manual and cost accounting review procedures; (iv) Ordinance No. 48 adopted by the Board on March 27, 2013; (v) Resolution No. 3219 adopted by the Board on May 8, 2013; and (vi) any other resolutions, policies, and procedures that may be adopted or promulgated by the Board from time to time, and until such time as the Board has adopted a resolution electing to discontinue the District’s participation under the UPCCA.

B. Purchasing of Supplies Used in Connection with or Consumed on any Work or Project not Subject to the UPCCA

(1) Purchases ~~less than or equal to~~ totaling up to \$1,000.00

The General Manager and any Level 1, Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts

for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price less than or equal to \$1,000.00, without competitive bidding. Level 1 employees shall not be authorized to execute any such contract or to make any such purchase until such employee has obtained the prior approval of his/her immediate supervisor.

(2) Purchases totaling ~~\$1,000.01~~ up to \$2,500.00

The General Manager and any Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price ~~greater than \$1,000.00 but~~ less than or equal to \$2,500.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least one (1) quote is obtained from a vendor, supplier, service provider, or contractor concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or to make any such purchase until such employee's immediate supervisor has reviewed and approved the written quote and proposed contract/order.

(3) Purchases totaling ~~\$2,500.01~~ up to \$10,000.00

The General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price ~~greater than \$2,500.00 but~~ less than or equal to \$10,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least one (1) quote is obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or to make any such purchase until the General Manager has reviewed and approved the written quotes and proposed contracts/orders.

(4) Purchases totaling ~~\$10,000.01~~ up to \$25,000.00

The General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price ~~greater than \$10,000.00 but~~ less than or equal to \$25,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least two (2) quotes are obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least two (2) quotes have not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board.

(5) Purchases Over \$25,000.00

Any order or contract for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price greater than \$25,000.00 is subject to the competitive bidding procedures set forth in Section III(C), below, unless an applicable exception under Section IV, below, applies.

C. Competitive Bidding Procedures

As provided, among other things, in Public Contract Code Section 20751, contracts for the purchasing of supplies (used in connection with or consumed on any District work or project not subject to the UPCCA) must be let by competitive bidding where the amount of the contract exceeds \$25,000.00.

When the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA is contemplated, the General Manager will make a recommendation to the Board with a cost estimate and other supporting documentation appropriate for the size and scope of the proposed purchase.

Upon approval by the Board, the General Manager shall cause to be prepared the appropriate plans, specifications and other descriptive information for the publication of a notice inviting sealed bids for performance for the proposed purchase. The notice shall be published in a newspaper of general circulation in accordance with the Public Contract Code.

The contract documents shall be prepared utilizing the District's standard forms, with such modifications as may be appropriate for the particular supplies or materials to be acquired and purchased. In the event of an emergency, applicable Public Contract Code provisions will be followed.

All bids shall be presented under sealed cover on forms furnished by the District. Sealed bids shall be opened at the time and place stated in the advertisement for bid with no less than two representatives of the District in attendance. When all bids have been evaluated, the General Manager shall make a recommendation to the Board regarding award of the contract to the lowest responsible bidder.

If the lowest bidder is disqualified for any reason, or if the bids exceed the cost estimates previously approved, the General Manager shall evaluate the options available and make a recommendation to the Board, which may include, but not be limited to, a recommendation of no award. The Board will make the final decision regarding the award of contract under this Section C. At the direction of the Board and after legal counsel review, the General Manager shall execute any such contract.

D. Contracts for the Doing of Any Public Project or Maintenance Work that is Subject to the UPCCA (The following policies in this Section D are at the discretion of the Board of Commissioners. They are equal to or above and beyond that which is required by the UPCCA)

(1) ~~Contracts less than or equal to~~ totaling up to \$1,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$1,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by

purchase order, the General Manager and any Level 1 employee, Level 2 employee, Level 3 employee, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. Level 1 employees shall not be authorized to execute any such contract or purchase order until such employee has obtained the prior approval of his/her immediate supervisor. No notice inviting informal bid for any such public project or maintenance work need be provided.

(2) Contracts totaling ~~\$1,000.01~~ up to \$2,500.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) ~~greater than \$1,000.00 but~~ less than or equal to \$2,500.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 2, Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order), shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or purchase order until such employee's immediate supervisor has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.

~~**(3) Contracts totaling \$2,500.01 – \$5,000.00**~~

~~The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$2,500.00 but less than or equal to \$5,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or purchase order until the General Manager has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.~~

(43) Contracts totaling ~~\$5,000.01~~ up to \$10,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) ~~greater than \$5,000.00 but~~ less than or equal to \$10,000.00 can be

performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(4) Contracts totaling up to \$25,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$25,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(5) Contracts totaling ~~\$10,000.01~~ up to \$60,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) ~~greater than \$10,000.00 but~~ less than or equal to \$60,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(6) Contracts totaling \$60,000.01 - \$200,000.00

Any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$60,000.00 but less than or equal to \$200,000.00, must go through the UPCCA's informal bid process as set forth in the District's Ordinance No. 48 adopted March 27, 2013, as may be amended from time to time, and as summarized in the

UPCCA Summary Sheet attached hereto as **Exhibit “EB”** and incorporated herein by reference. The General Manager shall be authorized to send out a notice inviting informal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District’s then-current fiscal budget. The informal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized on the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District’s employees by force account. If all bids received are greater than \$200,000.00, the Board can adopt by resolution by a four-fifths vote and award the contract at \$212,500.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable. If the proposed public project or maintenance work has not been previously included in the District’s then-current fiscal budget, the General Manager may not send out a notice inviting informal bid on the proposed public project or maintenance work without first obtaining the Board’s prior approval at a regular or special meeting of the Board.

(7) Contracts over \$200,000.00

Unless otherwise provided in Section III(D)(6), above, any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$200,000.00 is subject to the UPCCA’s formal bidding procedures (including the notice inviting formal bids, adoption of plans, and the awarding of bid) as summarized on the attached UPCCA Summary Sheet. The General Manager shall be authorized to send out a notice inviting formal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District’s then-current fiscal budget. The formal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized on the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District’s employees by force account or by the informal bidding procedures detailed for public projects greater than \$60,000.00 but less than or equal to \$200,000.00. If the proposed public project or maintenance work has not been previously included in the District’s then-current fiscal budget, the General Manager may not send out a notice inviting formal bid on the proposed public project or maintenance work without first obtaining the Board’s prior approval at a regular or special meeting of the Board.

E. Change Orders

The General Manager shall have the authority to approve and execute on behalf of the District any change order to a contract (i) awarded by District personnel (including the General Manager) or the Board pursuant to Section III of this Procurement and Purchasing Policy; or (ii) awarded by the Board (or by any person who the Board has delegated authority to) for a public project or maintenance work under the UPCCA, as follows:

- (1) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District’s then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (2) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal

to \$10,000.00 that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.

- (3) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (4) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (5) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a "public project" or "maintenance work" under the UPCCA) greater than \$10,000.00 that are more than ten percent (10%) of the original contract amount, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board.

F. Professional Service Agreements

Architectural, engineering, project management, inspection and other such professional services may be required and shall be awarded using the District's standard Professional Services Agreement. The Board shall approve all Professional Services Agreements over the amount of \$25,000.00. The General Manager is authorized to enter into a Professional Services Agreement in an amount of \$25,000.00 or less without prior Board approval provided the services have been included in the District's then-current fiscal budget. Any Professional Services Agreement not included in the District's then-current fiscal year budget requires the prior approval of the Board. The Accounting Manager is authorized to approve routine invoices for contracts and services that have already been authorized by the Board or the General Manager.

G. Prohibition against Serial or Cumulative Expenditures

The authority for making expenditures or executing contracts as provided in this policy is intended to enable the General Manager and District staff to understand the scope of this authority in procurement activities made on behalf of the District. The structuring of transactions in a serial or cumulative manner so as to avoid the requirement of approval by the Board is strictly prohibited and will not be tolerated. In addition, for public projects or maintenance work of the District that is subject to the UPCCA, the UPCCA prohibits a local agency to split or separate into smaller work orders or projects any such public project or maintenance work for purposes of avoiding the UPCCA's formal bidding requirements. Thus, the costs associated with the purchase of materials

or supplies, when purchased or used as part of a public project or maintenance work subject to the UPCCA, become part of the project cost and must be considered when applying the bid limits set forth in Section III(D) above. For example, on a public project that will pay a contractor \$100,000.00 for construction services and a separate vendor \$100,000.00 for the purchase of materials or supplies to be used on the project, such project will have a total contract price of \$200,000.00 and the contracting services and the separate purchase of materials and supplies will each be subject to the UPCCA's formal bidding procedures. Likewise, as an example, if maintenance work subject to the UPCCA will have a total cost of \$100,000.00 (e.g., \$50,000.00 to be paid for maintenance services to one contractor and \$50,000.00 to be paid to a separate vendor for materials and supplies), the maintenance services contract and the purchasing contract will each be subject to the UPCCA's informal bidding procedures.

H. Future Modifications of Bid Limit Thresholds

In the event the bid limit thresholds proscribed in Public Contract Code Section 22032 are later modified, District staff is hereby authorized and directed to revise this Procurement and Purchasing Policy to conform with the maximum bid threshold limits permitted by law. Upon such an event, District staff shall notify the Board of the bid threshold limit modifications and the corresponding amounts.

IV. EXCEPTIONS TO COMPETITIVE BIDDING

The following exceptions shall apply to the competitive bidding procedures set forth in Section III(C) above:

A. Sole Source Procurement

There may be limited situations where the District requires particular contracts for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, for which there is no substantial equivalent and which are, in fact, available from only one vendor, supplier, service provider, or contractor, and therefore, in such situations, the use of competitive bidding may be impractical.

The Board has determined that it is in the District's best interests to authorize the General Manager to engage in sole source procurement under limited circumstances. The General Manager, on behalf of the District, may execute a contract for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, on a sole source basis, and without competitive bidding, on the following conditions:

- (1) The General Manager determines, after conducting a good faith review of available sources, that there is only one source for such supplies required by the District.
 - (a) Examples of sole source procurements include, but shall not be limited to, the following:
 - (i) ***Licensed or Patented Applications:*** The vendor, supplier, service provider, or contractor is the sole provider of a licensed, patented, or proprietary application, product, material, supplies, or item required by the District that has unique design or performance features providing superior utility not obtainable from similar vendors, suppliers, service providers, or contractors.

- (ii) **Authorized Service Provider, Repair and Warranty Services:** The District requires service or repair support for such supplies and the vendor, supplier, service provider, or contractor is either a factory authorized warranty service provider or such vendor, supplier, service provider, or contractor is required for warranty services pursuant to the terms and conditions of an existing District contract.
 - (iii) **Unique Design:** The District has a specialized need and the vendor, supplier, service provider, or contractor is the sole provider of such supplies that can meet the District's specialized needs or to perform the intended functions. This includes products with special features essential for the completion of a task or project, or with physical or artistic design characteristics that satisfy aesthetic requirements.
 - (iv) **Trial and Evaluation Projects:** A limited duration, limited scope, pilot, trial or evaluation of a product, range of products or services. A trial or evaluation project would typically be part of establishing a standard for a District department, or to pilot a particular product or services for a District need.
- (2) Such sole-source contract has been included in the District's then-current fiscal budget.
 - (3) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the sole source procurement;
 - (b) A statement and/or justification of the General Manager's good faith determination that a sole source opportunity has been presented to the District; and
 - (c) A brief description of the supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the sole-source vendor, supplier, service provider, or contractor.
 - (4) The Board has approved the sole-source contract at the next scheduled workshop or regular or special meeting of the Board.

If such sole source contract has not been previously included in the District's then-current fiscal budget or such contract exceeds the amount budgeted for that particular contract in the District's then-current fiscal budget, such contract shall require prior Board approval.

B. Piggybacking

Piggyback contracting occurs when a public agency enters into a contract, without competitive bidding, with a particular supplier, vendor, service provider, or contractor who has already been awarded a contract for the purchase of the same or similar materials or supplies by another public agency or governmental entity pursuant to such agency's or entity's competitive

ATTACHMENT 1

bidding process. Piggybacking on other public agency or governmental entity contracts can reduce administrative and project costs and achieve greater efficiency and economies of scale.

The Board has determined that it is in the District's best interests to authorize the General Manager to participate in piggybacking opportunities whenever possible. The District may piggyback on other public agency or governmental entity contracts for the purchase of the same or similar materials or supplies and the General Manager is authorized to execute on behalf of the District a contract for the purchasing of such materials or supplies used in connection with or consumed on any project or work not subject to the UPCCA without separate competitive bidding by the District, on the following conditions:

- (1) The General Manager has determined that it is in the District's best interest to engage in a piggybacking opportunity for the purchase or contract of such materials or supplies with a particular vendor, supplier, service provider, or contractor if such opportunity will result in significantly reduced costs to the District (administrative costs, project costs, or otherwise), or will achieve greater efficiency or economies of scale for District projects.
- (2) Such vendor, supplier, service provider, or contractor has been previously awarded a contract with another local, state, or federal agency or governmental entity pursuant to such agency's or entity's competitive bidding process to provide materials or supplies that are same or similar or related to the District's proposed contract or purchase.
- (3) Such piggybacking contract has been included in the District's then-current fiscal budget.
- (4) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the piggybacking opportunity;
 - (b) A brief description of the benefits and cost savings the District will receive as a result of the piggybacking opportunity; and
 - (c) A brief description of the materials or supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the vendor, supplier, service provider, or contractor.
- (5) The Board has approved the piggybacking contract at the next scheduled workshop or regular or special meeting of the Board.

Notwithstanding anything contained in Section III or this Section IV(B) to the contrary, the District's dredging projects located within the Ventura Harbor will be subject to Public Contract Code Section 20751.2, which authorizes the District to award a contract for the performance of dredging work within the District's boundaries without competitive bidding, provided each of the following apply: (a) the dredging contractor was selected through a federal competitive bidding process for a federal dredging project then underway in the County of Ventura; and (b) the Board makes written findings, based on substantial evidence in the record, that the contract awarded pursuant to such section 20751.2 is likely to cost less than a contract awarded pursuant to Public Contract Code Section 20751.

C. Emergencies

Pursuant to Public Contract Code Section 20751.1, in case of an emergency, the Board may, by resolution passed by a four-fifths vote of all of its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend any sum or enter into a contract involving the expenditure of any sum needed in the emergency without observance of the provisions requiring contracts, bids, or notice for any purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA. If notice for bid to let contracts will not be given, the Board shall also comply with Public Contract Code Section 22050. In the case of any emergency involving a public project or maintenance work under the UCCPA, the terms and conditions set forth in Public Contract Code Section 22035 shall control.

An “emergency” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

D. Local Vendor Preference

In determining the lowest responsible bid pursuant to the District’s competitive bidding procedures set forth in Section III(C), above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, the Board finds it desirable and in the best interests of the District to establish a local business preference program in order to reduce the competitive barriers faced by local businesses (the “Local Business Preference Program”).

This Local Business Preference Program shall be taken into account in determining the lowest responsible bid in awarding a contract subject to the District’s competitive bidding procedures set forth above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA.

(1) Local Business Preference Program.

In determining the lowest responsible bid, the General Manager shall include the following:

- (a) For (i) any District contract for the purchasing of materials or supplies used in connection with or consumed on any work or project not subject to the UPCCA reasonably estimated by the General Manager to have a contract amount greater than \$25,000.00; or (ii) any public project or maintenance work subject to the UPCCA’s formal bidding procedures, the District shall assign a five percent (5%) bid price reduction “preference” during the bid evaluation process (the “Local Business Preference”) to any bid from any person or entity that is determined by the General Manager to be a Local Business (as defined in subsection (b) of this Section IV(D)(1)).
- (b) “Local Business” shall mean a person or entity that has for at least twelve (12) months immediately preceding submittal of its bid maintained its principal business office within the geographic boundaries of Ventura County, California.
- (c) Except as otherwise provided in this Section IV(D), the provisions set forth in this Section IV(D) shall not supersede the other provisions set forth in this Procurement and Purchasing Policy or the uniform public construction cost accounting procedures set forth

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in the UPCCA, whichever shall apply. If any inconsistency or conflict exists or arises between the terms of this Section IV(D) and the other provisions set forth in this Procurement and Purchasing Policy or the UPCCA, whichever shall apply, such other provisions shall control.

- (d) This Local Business Preference Program shall not be applied under the following circumstances:
 - (i) National contracts;
 - (ii) Revolving fund (petty cash) purchases;
 - (iii) Credit card purchases;
 - (iv) Contracts not subject to the District's competitive bidding procedures;
 - (v) Any contracts funded by the federal government where there are conflicting requirements for minority or women-owned business participation.
 - (vi) Where such preference is otherwise prohibited by law;
 - (vii) Emergency procurements;
 - (viii) Piggybacking or sole source procurements; or
 - (ix) Contracts or projects relating to dredging or dock rehabilitation and/or replacement.

(2) Procedures for the Local Business Preference Program

- (a) Once all bids are opened, the bids of those bidders who are Local Businesses shall be reduced by five percent (5%) for purposes of determining the lowest responsible bidder. If the bid of a Local Business, after applying the Local Business Preference, is then the lowest responsible bidder (the "Lowest Local Business Bidder"), that Lowest Local Business Bidder shall have the opportunity to reduce its bid to match the bid of the actual lowest responsible bidder, in writing, within one (1) business day, whereupon the General Manager shall make a recommendation to the Board to award said Lowest Local Business Bidder with the contract if the General Manager determines, in his or her sole discretion, that such bid is responsive to all of the terms and conditions stated in the District's previously published notice inviting bids.
- (b) If the Lowest Local Business Bidder does not elect to reduce its bid to match the bid of the actual lowest responsible bidder, then the next lowest Local Business bidder (the "Second Lowest Local Business Bidder") shall be given the opportunity to match the bid of the actual lowest responsible bidder in the time and manner set forth in subsection (a) of this Section IV(D)(2), above; provided, however, the bid of such Second Lowest Local Business Bidder

must also be within five percent (5%) of the actual lowest responsible bid.

- (c) An award may be made to the lowest aggregate responsible bidder for all items on the invitation to bid, on a group or an individual basis, whichever is found to be in the best interest of the District.
- (d) All bids are subject to rejection by the Board in its absolute and sole discretion, and in those instances where evaluation dictates the rejection of the lowest bid as not meeting the requirements established in the invitation to bid, the vendor shall be notified of the reason for rejection.

V. FEDERALLY FUNDED PROCUREMENT POLICY

A. Purpose and Applicability

This section pertains to federally funded projects and purchases. The purpose of this section is to ensure compliance with all applicable federal requirements when federal money is being expended by the District. Procurements funded in whole or in part with Federal funds must comply with Code of Federal Regulations (CFR), Title 2 Grants and Agreements, Subtitle A – Office of Management and Budget Guidance for Grants and Agreements, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Procurement Standards, which is available at <https://www.grants.gov/learn-grants/grant-policies/omb-uniform-guidance-2014.html> (Document Citation: 2 CFR 200).

To the extent that any provisions of this policy are inconsistent with any other District regulations, the provisions of this policy shall prevail with respect to federally funded procurements. If any provisions of this policy become inconsistent with federal requirements, whether due to a change in federal law or regulations, through judicial precedent, or for any other reason, then the District shall not be required to comply with the inconsistent provision.

B. Methods of Procurement

In addition to the District's purchasing policy approval limits, one of the following methods should be used:

- (1) **Micro-purchase:** Purchases where the aggregate dollar amount does not exceed \$10,000, or the current limitation set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1, where this threshold is periodically adjusted for inflation. No bid or quote process is required. No cost or price analysis is required. Purchases should be distributed among a range of qualified vendors.
- (2) **Small purchase:** Purchases up to the Simplified Acquisition threshold (the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods), which is currently \$250,000, and is adjusted from time to time. Informal purchasing procedures are acceptable, but price or rate quotes must be obtained from an adequate number of sources. Purchases made should be distributed among a range of qualified vendors.
- (3) **Sealed bid:** Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. Under this purchase method, formal and public solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material

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terms and is the lowest in price. This method is the preferred procurement method for construction contracts if the following conditions apply:

- (a) A complete, adequate, and realistic specification or purchase description is available;
- (b) Two or more responsible bidders are willing and able to compete effectively for the business, and,
- (c) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

If this method is used, the following requirements shall apply:

- (i) The invitation for bids will be publicly advertised, including through electronic advertising, and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date for opening the bids;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the terms or services in order for the bidder to properly respond;
- (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts will only be used in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (v) Any or all bids may be rejected if there is a sound documented reason.

(4) *Competitive proposals:* Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. This procurement method requires formal solicitation, fixed-price, or cost-reimbursement contracts, and is used when sealed bids are not appropriate. The contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with price being one of the various factors. If this method is used, the following requirements apply:

- (a) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (b) Proposals must be solicited from an adequate number of qualified sources;

- (c) The methods for conducting technical evaluations of the proposals received and for selecting recipients may include, but not be limited to: oral interviews, references, past performance, availability to perform work, and certifications as determined by project scope.
- (d) Any response that takes exception to any mandatory items in this proposal process may be rejected and not considered;
- (e) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and,
- (f) Competitive proposal procedures may be used for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.

(5) Noncompetitive proposals: Also known as sole-source procurement, this may be appropriate only when one or more of the following criteria are met:

- (a) The item is available only from a single source;
- (b) The public emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (c) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the nonfederal entity; or
- (d) After solicitation of a number of sources, competition is determined inadequate.

C. Contract Cost and Price

A cost or price analysis shall be performed in connection with every procurement action in excess of the Simplified Acquisition threshold (\$250,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, independent estimates shall be made prior to receiving bids and proposals.

- (1) Profit shall be negotiated as a separate element of the price for each contract in which there is a no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

- (2) Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District under Subpart E- Cost Principles of Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- (3) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall be used.

VI. **VENDOR AND CONTRACTOR REGISTRATION DIRECTORY**

The District invites vendors to express their interest in doing business with the District. Vendors and contractors to which this Procurement and Purchasing Policy apply may download registration forms from the District's website located at <https://venturaharbor.com/public-bidding/>. To properly register with the District, all such vendors and contractors interested in doing business with the District shall be required to complete a registration form and submit it to the District by email or mail.

VII. **BUDGETING FOR CAPITAL IMPROVEMENT PROJECTS**

In developing the District's fiscal budget, District staff shall use the following guidelines in identifying, managing, administering, and budgeting for capital projects for the following fiscal year:

- A. Start early in the fiscal year to clearly define a project; involve a range of staff levels; take into consideration aesthetics, marketing, and maintenance issues in developing projects.
- B. Provide any reports, plans, drawings, specifications, design ideas, cost benefit studies and analysis, and other related materials that may be necessary or useful in assisting the Board in determining whether a particular capital improvement project should be approved in connection with the Board's approval of the District's proposed budget for a particular fiscal year;
- C. Work diligently with any ad hoc committees of the Board for purposes of making recommendations of potential capital improvement projects;
- D. After a particular project has been identified and budgeted, District staff should diligently engage in interviewing and selecting qualified design or engineering firms or consultants to assist the District in designing and preparing the plans and specifications of such project;
- E. District staff shall work with the design or engineering firm or consultant in establishing project targets and milestones in order to ensure that the project is proceeding according to schedule and to plan.

VIII. **PROCUREMENT FORMS EXHIBITS**

~~District staff shall use the following forms, where appropriate, in connection with the District's procurement and purchasing activities:~~

~~Exhibit A - District Employee Procurement Status Limits Chart (Exhibit "A")~~

~~1. Project/Goal Implementation Planning Form (Exhibit "B")~~

~~2. VPD Request for Approval of New Project (Exhibit "C")~~

~~3. VPD Request for Approval of a Contract Change (Exhibit "D")~~

~~Exhibit B - UPCCA Summary Sheet (Exhibit "E")~~

EXHIBIT "A"

Ventura Port District
Employee Procurement
Limits Status Chart
REV 9/2021

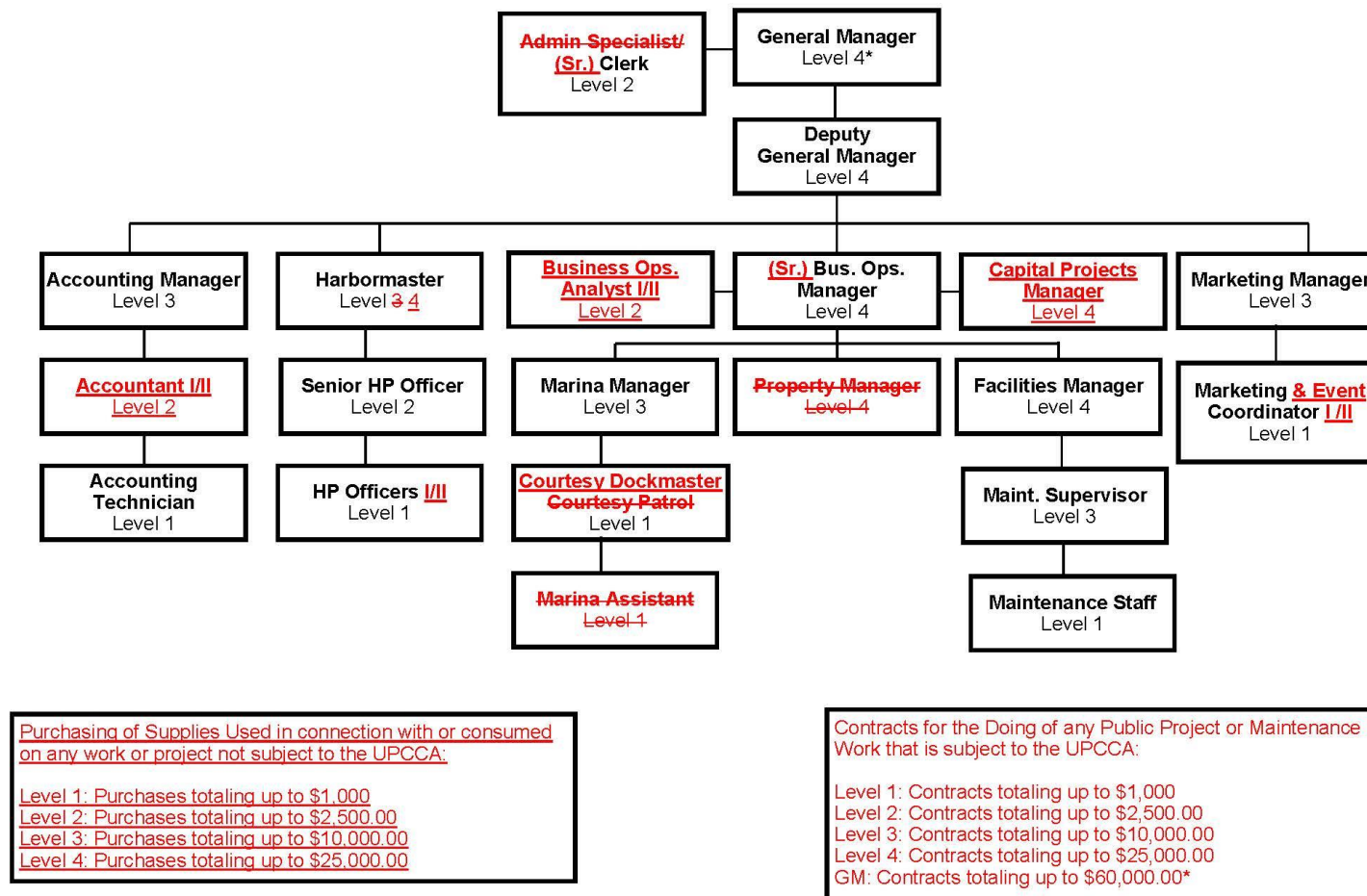


EXHIBIT “**EB**”

VENTURA PORT DISTRICT

UPCCA SUMMARY SHEET

Contracts for the Doing of “Public Projects”

- “Public Project” means any of the following:
 - Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased or operated facility.
 - Painting or repainting of any publicly owned, leased, or operated facility. A “facility” means any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work of improvement.
- Public Projects ~~less than or equal to~~ totaling up to \$60,000.00
 - Can be performed by the District’s employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.
- Public Projects greater than \$60,000.01 but less than or equal to \$200,000.00
 - Must send out notice inviting informal bids
 - Contents of notice:
 - Describe project in general terms and how to obtain more detailed information about the project.
 - State the time and place for the submission of bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District’s contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Mailing of Notice:
 - Mail notice to all contractors for the category of work to be bid as shown on the qualified bidder’s list developed by the District.
 - Additional contractors and/or construction trade journals may be notified at the District’s discretion.
 - If no list of qualified contractors is maintained by the District for the particular category of work to be performed, the notice inviting informal bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission’s (the “Commission”) current Cost Accounting Policies and Procedures Manual (updated December 2012).
 - If the product or service is proprietary in nature such that it can only be obtained from certain contractor(s), the notice inviting informal bids may be sent exclusively to such contractor(s).
 - All mailing of notices to contractors and construction trade journals inviting informal bids must be completed not less than 10 calendar days before bids are due.

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- Bids received in excess of \$200,000.00
 - If all bids received are greater than \$200,000.00, the Board can adopt by resolution by a four-fifths vote and award the contract at \$212,500.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable.
 - Otherwise, formal bidding procedures must be used for public projects of more than \$200,000.00.
- Awarding of Bid
 - The District can reject any **and all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least two business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for informal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account.
- Public Projects greater than \$200,000.00
 - Must send out notice inviting formal bids
 - Contents of notice:
 - Describe project in distinct terms and how to obtain more detailed information about the project.
 - State the time and place for the receiving and opening of sealed bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District's contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Publication of notice:
 - The notice inviting formal bids must be published in a newspaper of general circulation, printed and published in Ventura County, at least 14 calendar days before the date of the opening of the bids.
 - Mailing/Emailing/Faxing of Notice:
 - The notice inviting formal bids must also be sent electronically, if available, by email or fax, and mailed to the construction trade

journals specified in the Commission's current Cost Accounting Policies and Procedures Manual (updated December 2012).

- Note: The District is not required to mail a notice to any specified trade journal if that trade journal is charging for its services or is out of business. Instead, the District should find some other method of notifying potential contractors of published jobs providing information on how to be added to the District's informal bidding lists (e.g., through the District's website).
- Adoptions of Plans
 - The board must adopt plans, specifications, and working details for all public projects exceeding \$200,000.00.
- Awarding of Bid
 - The District can reject any **and all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least two business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for formal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account or by the informal bidding procedures detailed for public projects greater than \$60,000.00 but less than or equal to \$200,000.00.

Contracts for the Doing of "Maintenance Work"

- "Maintenance Work" means any of the following:
 - Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - Minor repainting.
 - Resurfacing of streets and highways at less than one inch.
 - Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - Work to be performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

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- Maintenance work ~~less than or equal to~~ totaling up to \$60,000
 - Can be performed by the District's employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.
- Maintenance Work greater than \$60,000 but less than or equal to \$200,000
 - Same requirements as for public projects greater than \$60,000 but less than or equal to \$200,000 – see above.
- Maintenance Work greater than \$200,000
 - Same requirements as for public projects greater than \$200,000 – see above.



RESOLUTION NO. 3428

**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF THE VENTURA PORT DISTRICT ADOPTING A REVISED
PROCUREMENT AND PURCHASING POLICY**

WHEREAS, California Public Contract Code Section 20750 et seq. requires certain District contracts in excess of certain prescribed amounts to be let by the Board of Port Commissioners (the "Board") upon competitive bidding; and

WHEREAS, the District's exiting Procurement and Purchasing Policy was adopted by the Board on April 25, 2012, Resolution No. 3183, establishing, among other things, the District's competitive bidding procedures as required under the Public Contract Code; and

WHEREAS, Public Contract Code Section 22000 et seq. establishes the Uniform Public Construction Cost Accounting Act (the "UPCCA"), which establishes a uniform cost accounting standard for construction work performed or contracted by local public agencies, and authorizes local public agencies to perform public projects or maintenance work by force account, negotiated contract, or purchase order, and to use informal and formal bidding procedures when contracting for public projects or maintenance work, in accordance with the statutory limits set forth in the UPCCA; and

WHEREAS, on February 27, 2013, the Board adopted Resolution No. 3213 electing to become subject to the UPCCA, and further elected to utilize the bidding procedures in the UPCCA when contracting for public projects, and

WHEREAS, on May 8, 2013, the Board adopted Resolution No. 3219 electing to also utilize the UPCCA's bidding procedures when contracting for maintenance work; and

WHEREAS, as a result of the Board's election to become subject to the UPCCA, the Procurement and Purchasing Policy must be amended to reflect the fact that the District's public projects and maintenance work are now subject to the UPCCA requirements, and that the competitive bidding requirements of Public Contract Code Section 20751 only apply to purchases by the District of supplies exceeding \$25,000.00 that are used in connection with or consumed on any work or project not subject to the UPCCA; and

WHEREAS, the Board finds it desirable and in the best interest of the District to rescind the existing Procurement and Purchasing Policy, Resolution No. 3330 and adopt a revised Procurement and Purchasing Policy in the manner set forth herein; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. In order to effectuate clarifying, non-material changes to its policy, the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3330 and adopts in its place the revised Procurement and Purchasing Policy attached hereto as Exhibit "A."

2. If at any time after this Resolution is passed, the District wishes to amend or restate the Procurement and Purchasing Policy, it may elect to do so by Motion rather than by Resolution.

PASSED, APPROVED and ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on September 15, 2021 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chris Stephens, Chairman

ATTEST:

Brian Brennan, Secretary



Ventura Port District

Procurement and Purchasing Policy

Effective October 22, 2014

Revised

March 22, 2017

May 1, 2019

June 17, 2020

September 15, 2021

EXHIBIT A

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EXHIBIT A

I. STATEMENT OF GENERAL POLICY

The goal of this Procurement and Purchasing Policy is to enable the Ventura Port District (the "District") to obtain contracts for the purchasing of materials or supplies not used in connection with or consumed on any work or project that falls within the definition of "public projects" or "maintenance work" subject to the California Uniform Public Construction Cost Accounting Act ("UPCCA") as defined in Public Contract Code Section 22002, and to procure services for the District at the best value and in a timely manner, while maintaining fairness to vendors, suppliers, service providers, and contractors, and abiding by applicable laws. The District's Board of Port Commissioners (the "Board") has adopted this Procurement and Purchasing Policy to establish the authority, limits, and procedures relating to the District's procurement and purchasing activities in connection with such contracts. All such procurement and purchasing activities for the District shall be administered in accordance with the provisions of this policy, and with the express intent to promote open and fair conduct in all aspects of the procurement and purchasing process. This policy also establishes staff purchasing authority levels for contracts for the doing of any work or project which does fall within the definition of "public projects" or "maintenance work" subject to the UPCCA as defined in Public Contract Code Section 22002.

The District intends to maintain a cost-effective purchasing system conforming to good management practices. The Procurement and Purchasing Policy is intended to accomplish the following objectives:

- A. Provide all vendors, suppliers, service providers, and contractors with full, fair, prompt and courteous consideration;
- B. Keep competition open and fair; and
- C. Observe strict truthfulness and highest ethics in all transactions.

In order to be successful, the system must be supported by the cooperation of all District personnel. Prior planning and the timely submission of requisitions are essential to expedite the District's procurement and purchasing process and to ensure that this process is conducted in an orderly and lawful manner.

II. ETHICS IN PROCUREMENT AND PURCHASING

In dealing with the District's procurement and purchasing needs, District personnel shall be mindful of the following:

- A. That public office is a public trust and to give primary consideration to the District's interests as well as the interests of the public.
- B. Procurement and purchasing decisions shall be made without prejudice and to try to maximize the value of each dollar expended.
- C. District personnel must avoid unfair business practices or decisions and to give all qualified vendors, suppliers, service providers, and contractors an equal opportunity to participate in the procurement and purchasing process.
- D. We shall promote positive relationships with the District's vendors, suppliers, service providers, and contractors through courteous and impartial treatment in all phases of the purchasing cycle.

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- E. We shall conduct ourselves with fairness and dignity, and demand honesty and truth in the purchasing process.
- F. We must avoid the appearance of unethical or compromising practice in relationships, actions, and communications in the procurement and purchasing process.
- H. We must refrain from soliciting or accepting money, loans, credits, prejudicial discounts, gifts, favors, or services from past, present or future suppliers, vendors, service providers, or contractors that might influence, or appear to influence, purchasing decisions.
- I. All District personnel shall discharge their duties impartially so as to ensure competitive access to governmental procurement by responsible contractors.
- J. All District personnel shall conduct themselves in such a manner as to foster public confidence in the integrity of District procurement and purchasing.

III. THE PROCUREMENT AND PURCHASING PROCESS

A. Contract Administration

The District routinely utilizes the services of vendors, suppliers, service providers, and contractors for a variety of operational needs. These include, but are not limited to, the acquisition of equipment, supplies, materials, goods, maintenance services, and construction or renovation of District facilities. All contracts should include, but shall not be limited to, the following provisions:

- (1) The term or length of contract;
- (2) Description of work to be performed or services/products to be provided;
- (3) Schedule for performance;
- (4) Indemnity, insurance and bonding requirements;
- (5) Warranties and/or guarantees if applicable;
- (6) Payment schedule; and
- (7) Conditions for termination of contract.

Except as otherwise provided in this Procurement and Purchasing Policy, this Policy shall not apply to the performance of, contracting for, or the doing of any "public project" or "maintenance work" as such terms are defined in Public Contract Code Section 22002. Any such "public project" or "maintenance work" shall be subject to (i) Resolution No. 3213 adopted by the Board on February 27, 2013; (ii) the procedures, terms, and conditions set forth in the UPCCA pursuant to California Public Contract Code Section 22000 et seq.; (iii) the California Uniform Construction Cost Account Commission's (the "Commission") policies and procedures manual and cost accounting review procedures; (iv) Ordinance No. 48 adopted by the Board on March 27, 2013; (v) Resolution No. 3219 adopted by the Board on May 8, 2013; and (vi) any other resolutions, policies, and procedures that may be adopted or promulgated by the Board from time to time, and until such time as the Board has adopted a resolution electing to discontinue the District's participation under the UPCCA.

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B. Purchasing of Supplies Used in Connection with or Consumed on any Work or Project not Subject to the UPCCA**(1) *Purchases totaling up to \$1,000.00***

The General Manager and any Level 1, Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price less than or equal to \$1,000.00, without competitive bidding. Level 1 employees shall not be authorized to execute any such contract or to make any such purchase until such employee has obtained the prior approval of his/her immediate supervisor.

(2) *Purchases totaling up to \$2,500.00*

The General Manager and any Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price less than or equal to \$2,500.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least one (1) quote is obtained from a vendor, supplier, service provider, or contractor concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or to make any such purchase until such employee's immediate supervisor has reviewed and approved the written quote and proposed contract/order.

(3) *Purchases totaling up to \$10,000.00*

The General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price less than or equal to \$10,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least one (1) quote is obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or to make any such purchase until the General Manager has reviewed and approved the written quotes and proposed contracts/orders.

(4) *Purchases totaling up to \$25,000.00*

The General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price less than or equal to \$25,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least two (2) quotes are obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least two (2) quotes have not been obtained, such

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contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board.

(5) Purchases Over \$25,000.00

Any order or contract for the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA with a contract price or purchase price greater than \$25,000.00 is subject to the competitive bidding procedures set forth in Section III(C), below, unless an applicable exception under Section IV, below, applies.

C. Competitive Bidding Procedures

As provided, among other things, in Public Contract Code Section 20751, contracts for the purchasing of supplies (used in connection with or consumed on any District work or project not subject to the UPCCA) must be let by competitive bidding where the amount of the contract exceeds \$25,000.00.

When the purchasing of supplies used in connection with or consumed on any District work or project not subject to the UPCCA is contemplated, the General Manager will make a recommendation to the Board with a cost estimate and other supporting documentation appropriate for the size and scope of the proposed purchase.

Upon approval by the Board, the General Manager shall cause to be prepared the appropriate plans, specifications and other descriptive information for the publication of a notice inviting sealed bids for performance for the proposed purchase. The notice shall be published in a newspaper of general circulation in accordance with the Public Contract Code.

The contract documents shall be prepared utilizing the District's standard forms, with such modifications as may be appropriate for the particular supplies or materials to be acquired and purchased. In the event of an emergency, applicable Public Contract Code provisions will be followed.

All bids shall be presented under sealed cover on forms furnished by the District. Sealed bids shall be opened at the time and place stated in the advertisement for bid with no less than two representatives of the District in attendance. When all bids have been evaluated, the General Manager shall make a recommendation to the Board regarding award of the contract to the lowest responsible bidder.

If the lowest bidder is disqualified for any reason, or if the bids exceed the cost estimates previously approved, the General Manager shall evaluate the options available and make a recommendation to the Board, which may include, but not be limited to, a recommendation of no award. The Board will make the final decision regarding the award of contract under this Section C. At the direction of the Board and after legal counsel review, the General Manager shall execute any such contract.

D. Contracts for the Doing of Any Public Project or Maintenance Work that is Subject to the UPCCA (The following policies in this Section D are at the discretion of the Board of Commissioners. They are equal to or above and beyond that which is required by the UPCCA)

(1) Contracts totaling up to \$1,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or

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maintenance work) less than or equal to \$1,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 1 employee, Level 2 employee, Level 3 employee, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. Level 1 employees shall not be authorized to execute any such contract or purchase order until such employee has obtained the prior approval of his/her immediate supervisor. No notice inviting informal bid for any such public project or maintenance work need be provided.

(2) Contracts totaling up to \$2,500.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$2,500.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 2, Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order), shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or purchase order until such employee's immediate supervisor has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.

(3) Contracts totaling up to \$10,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$10,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(4) Contracts totaling up to \$25,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$25,000.00 can be performed (i) by the District's

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employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(5) Contracts totaling up to \$60,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$60,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(6) Contracts totaling \$60,000.01 - \$200,000.00

Any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$60,000.00 but less than or equal to \$200,000.00, must go through the UPCCA's informal bid process as set forth in the District's Ordinance No. 48 adopted March 27, 2013, as may be amended from time to time, and as summarized in the UPCCA Summary Sheet attached hereto as **Exhibit "B"** and incorporated herein by reference. The General Manager shall be authorized to send out a notice inviting informal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The informal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized on the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account. If all bids received are greater than \$200,000.00, the Board can adopt by resolution by a four-fifths vote and award the contract at \$212,500.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting informal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

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(7) Contracts over \$200,000.00

Unless otherwise provided in Section III(D)(6), above, any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements - personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$200,000.00 is subject to the UPCCA's formal bidding procedures (including the notice inviting formal bids, adoption of plans, and the awarding of bid) as summarized on the attached UPCCA Summary Sheet. The General Manager shall be authorized to send out a notice inviting formal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The formal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized on the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account or by the informal bidding procedures detailed for public projects greater than \$60,000.00 but less than or equal to \$200,000.00. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting formal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

E. Change Orders

The General Manager shall have the authority to approve and execute on behalf of the District any change order to a contract (i) awarded by District personnel (including the General Manager) or the Board pursuant to Section III of this Procurement and Purchasing Policy; or (ii) awarded by the Board (or by any person who the Board has delegated authority to) for a public project or maintenance work under the UPCCA, as follows:

- (1) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (2) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (3) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.

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- (4) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (5) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a "public project" or "maintenance work" under the UPCCA) greater than \$10,000.00 that are more than ten percent (10%) of the original contract amount, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board.

F. Professional Service Agreements

Architectural, engineering, project management, inspection and other such professional services may be required and shall be awarded using the District's standard Professional Services Agreement. The Board shall approve all Professional Services Agreements over the amount of \$25,000.00. The General Manager is authorized to enter into a Professional Services Agreement in an amount of \$25,000.00 or less without prior Board approval provided the services have been included in the District's then-current fiscal budget. Any Professional Services Agreement not included in the District's then-current fiscal year budget requires the prior approval of the Board. The Accounting Manager is authorized to approve routine invoices for contracts and services that have already been authorized by the Board or the General Manager.

G. Prohibition against Serial or Cumulative Expenditures

The authority for making expenditures or executing contracts as provided in this policy is intended to enable the General Manager and District staff to understand the scope of this authority in procurement activities made on behalf of the District. The structuring of transactions in a serial or cumulative manner so as to avoid the requirement of approval by the Board is strictly prohibited and will not be tolerated. In addition, for public projects or maintenance work of the District that is subject to the UPCCA, the UPCCA prohibits a local agency to split or separate into smaller work orders or projects any such public project or maintenance work for purposes of avoiding the UPCCA's formal bidding requirements. Thus, the costs associated with the purchase of materials or supplies, when purchased or used as part of a public project or maintenance work subject to the UPCCA, become part of the project cost and must be considered when applying the bid limits set forth in Section III(D) above. For example, on a public project that will pay a contractor \$100,000.00 for construction services and a separate vendor \$100,000.00 for the purchase of materials or supplies to be used on the project, such project will have a total contract price of \$200,000.00 and the contracting services and the separate purchase of materials and supplies will each be subject to the UPCCA's formal bidding procedures. Likewise, as an example, if maintenance work subject to the UPCCA will have a total cost of \$100,000.00 (e.g., \$50,000.00 to be paid for maintenance services to one contractor and \$50,000.00 to be paid to a separate vendor for materials and supplies), the maintenance services contract and the purchasing contract will each be subject to the UPCCA's informal bidding procedures.

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H. Future Modifications of Bid Limit Thresholds

In the event the bid limit thresholds proscribed in Public Contract Code Section 22032 are later modified, District staff is hereby authorized and directed to revise this Procurement and Purchasing Policy to conform with the maximum bid threshold limits permitted by law. Upon such an event, District staff shall notify the Board of the bid threshold limit modifications and the corresponding amounts.

IV. EXCEPTIONS TO COMPETITIVE BIDDING

The following exceptions shall apply to the competitive bidding procedures set forth in Section III(C) above:

A. Sole Source Procurement

There may be limited situations where the District requires particular contracts for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, for which there is no substantial equivalent and which are, in fact, available from only one vendor, supplier, service provider, or contractor, and therefore, in such situations, the use of competitive bidding may be impractical.

The Board has determined that it is in the District's best interests to authorize the General Manager to engage in sole source procurement under limited circumstances. The General Manager, on behalf of the District, may execute a contract for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, on a sole source basis, and without competitive bidding, on the following conditions:

- (1) The General Manager determines, after conducting a good faith review of available sources, that there is only one source for such supplies required by the District.
 - (a) Examples of sole source procurements include, but shall not be limited to, the following:
 - (i) ***Licensed or Patented Applications:*** The vendor, supplier, service provider, or contractor is the sole provider of a licensed, patented, or proprietary application, product, material, supplies, or item required by the District that has unique design or performance features providing superior utility not obtainable from similar vendors, suppliers, service providers, or contractors.
 - (ii) ***Authorized Service Provider, Repair and Warranty Services:*** The District requires service or repair support for such supplies and the vendor, supplier, service provider, or contractor is either a factory authorized warranty service provider or such vendor, supplier, service provider, or contractor is required for warranty services pursuant to the terms and conditions of an existing District contract.
 - (iii) ***Unique Design:*** The District has a specialized need and the vendor, supplier, service provider, or contractor is the sole provider of such supplies that can meet the District's specialized needs or to perform the intended functions. This includes products with special features essential for the

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completion of a task or project, or with physical or artistic design characteristics that satisfy aesthetic requirements.

- (iv) ***Trial and Evaluation Projects:*** A limited duration, limited scope, pilot, trial or evaluation of a product, range of products or services. A trial or evaluation project would typically be part of establishing a standard for a District department, or to pilot a particular product or services for a District need.
- (2) Such sole-source contract has been included in the District's then-current fiscal budget.
- (3) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the sole source procurement;
 - (b) A statement and/or justification of the General Manager's good faith determination that a sole source opportunity has been presented to the District; and
 - (c) A brief description of the supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the sole-source vendor, supplier, service provider, or contractor.
- (4) The Board has approved the sole-source contract at the next scheduled workshop or regular or special meeting of the Board.

If such sole source contract has not been previously included in the District's then-current fiscal budget or such contract exceeds the amount budgeted for that particular contract in the District's then-current fiscal budget, such contract shall require prior Board approval.

B. Piggybacking

Piggyback contracting occurs when a public agency enters into a contract, without competitive bidding, with a particular supplier, vendor, service provider, or contractor who has already been awarded a contract for the purchase of the same or similar materials or supplies by another public agency or governmental entity pursuant to such agency's or entity's competitive bidding process. Piggybacking on other public agency or governmental entity contracts can reduce administrative and project costs and achieve greater efficiency and economies of scale.

The Board has determined that it is in the District's best interests to authorize the General Manager to participate in piggybacking opportunities whenever possible. The District may piggyback on other public agency or governmental entity contracts for the purchase of the same or similar materials or supplies and the General Manager is authorized to execute on behalf of the District a contract for the purchasing of such materials or supplies used in connection with or consumed on any project or work not subject to the UPCCA without separate competitive bidding by the District, on the following conditions:

- (1) The General Manager has determined that it is in the District's best interest to engage in a piggybacking opportunity for the purchase or contract of such materials or supplies with a particular vendor, supplier, service

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provider, or contractor if such opportunity will result in significantly reduced costs to the District (administrative costs, project costs, or otherwise), or will achieve greater efficiency or economies of scale for District projects.

- (2) Such vendor, supplier, service provider, or contractor has been previously awarded a contract with another local, state, or federal agency or governmental entity pursuant to such agency's or entity's competitive bidding process to provide materials or supplies that are same or similar or related to the District's proposed contract or purchase.
- (3) Such piggybacking contract has been included in the District's then-current fiscal budget.
- (4) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the piggybacking opportunity;
 - (b) A brief description of the benefits and cost savings the District will receive as a result of the piggybacking opportunity; and
 - (c) A brief description of the materials or supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the vendor, supplier, service provider, or contractor.
- (5) The Board has approved the piggybacking contract at the next scheduled workshop or regular or special meeting of the Board.

Notwithstanding anything contained in Section III or this Section IV(B) to the contrary, the District's dredging projects located within the Ventura Harbor will be subject to Public Contract Code Section 20751.2, which authorizes the District to award a contract for the performance of dredging work within the District's boundaries without competitive bidding, provided each of the following apply: (a) the dredging contractor was selected through a federal competitive bidding process for a federal dredging project then underway in the County of Ventura; and (b) the Board makes written findings, based on substantial evidence in the record, that the contract awarded pursuant to such section 20751.2 is likely to cost less than a contract awarded pursuant to Public Contract Code Section 20751.

C. Emergencies

Pursuant to Public Contract Code Section 20751.1, in case of an emergency, the Board may, by resolution passed by a four-fifths vote of all of its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend any sum or enter into a contract involving the expenditure of any sum needed in the emergency without observance of the provisions requiring contracts, bids, or notice for any purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA. If notice for bid to let contracts will not be given, the Board shall also comply with Public Contract Code Section 22050. In the case of any emergency involving a public project or maintenance work under the UCCPA, the terms and conditions set forth in Public Contract Code Section 22035 shall control.

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An “emergency” means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

D. Local Vendor Preference

In determining the lowest responsible bid pursuant to the District’s competitive bidding procedures set forth in Section III(C), above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, the Board finds it desirable and in the best interests of the District to establish a local business preference program in order to reduce the competitive barriers faced by local businesses (the “Local Business Preference Program”).

This Local Business Preference Program shall be taken into account in determining the lowest responsible bid in awarding a contract subject to the District’s competitive bidding procedures set forth above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA.

(1) Local Business Preference Program.

In determining the lowest responsible bid, the General Manager shall include the following:

- (a) For (i) any District contract for the purchasing of materials or supplies used in connection with or consumed on any work or project not subject to the UPCCA reasonably estimated by the General Manager to have a contract amount greater than \$25,000.00; or (ii) any public project or maintenance work subject to the UPCCA’s formal bidding procedures, the District shall assign a five percent (5%) bid price reduction “preference” during the bid evaluation process (the “Local Business Preference”) to any bid from any person or entity that is determined by the General Manager to be a Local Business (as defined in subsection (b) of this Section IV(D)(1)).
- (b) “Local Business” shall mean a person or entity that has for at least twelve (12) months immediately preceding submittal of its bid maintained its principal business office within the geographic boundaries of Ventura County, California.
- (c) Except as otherwise provided in this Section IV(D), the provisions set forth in this Section IV(D) shall not supersede the other provisions set forth in this Procurement and Purchasing Policy or the uniform public construction cost accounting procedures set forth in the UPCCA, whichever shall apply. If any inconsistency or conflict exists or arises between the terms of this Section IV(D) and the other provisions set forth in this Procurement and Purchasing Policy or the UPCCA, whichever shall apply, such other provisions shall control.
- (d) This Local Business Preference Program shall not be applied under the following circumstances:
 - (i) National contracts;
 - (ii) Revolving fund (petty cash) purchases;

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- (iii) Credit card purchases;
- (iv) Contracts not subject to the District's competitive bidding procedures;
- (v) Any contracts funded by the federal government where there are conflicting requirements for minority or women-owned business participation.
- (vi) Where such preference is otherwise prohibited by law;
- (vii) Emergency procurements;
- (viii) Piggybacking or sole source procurements; or
- (ix) Contracts or projects relating to dredging or dock rehabilitation and/or replacement.

(2) Procedures for the Local Business Preference Program

- (a) Once all bids are opened, the bids of those bidders who are Local Businesses shall be reduced by five percent (5%) for purposes of determining the lowest responsible bidder. If the bid of a Local Business, after applying the Local Business Preference, is then the lowest responsible bidder (the "Lowest Local Business Bidder"), that Lowest Local Business Bidder shall have the opportunity to reduce its bid to match the bid of the actual lowest responsible bidder, in writing, within one (1) business day, whereupon the General Manager shall make a recommendation to the Board to award said Lowest Local Business Bidder with the contract if the General Manager determines, in his or her sole discretion, that such bid is responsive to all of the terms and conditions stated in the District's previously published notice inviting bids.
- (b) If the Lowest Local Business Bidder does not elect to reduce its bid to match the bid of the actual lowest responsible bidder, then the next lowest Local Business bidder (the "Second Lowest Local Business Bidder") shall be given the opportunity to match the bid of the actual lowest responsible bidder in the time and manner set forth in subsection (a) of this Section IV(D)(2), above; provided, however, the bid of such Second Lowest Local Business Bidder must also be within five percent (5%) of the actual lowest responsible bid.
- (c) An award may be made to the lowest aggregate responsible bidder for all items on the invitation to bid, on a group or an individual basis, whichever is found to be in the best interest of the District.
- (d) All bids are subject to rejection by the Board in its absolute and sole discretion, and in those instances where evaluation dictates the rejection of the lowest bid as not meeting the requirements established in the invitation to bid, the vendor shall be notified of the reason for rejection.

EXHIBIT A

V. FEDERALLY FUNDED PROCUREMENT POLICY**A. Purpose and Applicability**

This section pertains to federally funded projects and purchases. The purpose of this section is to ensure compliance with all applicable federal requirements when federal money is being expended by the District. Procurements funded in whole or in part with Federal funds must comply with Code of Federal Regulations (CFR), Title 2 Grants and Agreements, Subtitle A – Office of Management and Budget Guidance for Grants and Agreements, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Procurement Standards, which is available at <https://www.grants.gov/learn-grants/grant-policies/omb-uniform-guidance-2014.html> (Document Citation: 2 CFR 200).

To the extent that any provisions of this policy are inconsistent with any other District regulations, the provisions of this policy shall prevail with respect to federally funded procurements. If any provisions of this policy become inconsistent with federal requirements, whether due to a change in federal law or regulations, through judicial precedent, or for any other reason, then the District shall not be required to comply with the inconsistent provision.

B. Methods of Procurement

In addition to the District's purchasing policy approval limits, one of the following methods should be used:

- (1) *Micro-purchase:*** Purchases where the aggregate dollar amount does not exceed \$10,000, or the current limitation set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1, where this threshold is periodically adjusted for inflation. No bid or quote process is required. No cost or price analysis is required. Purchases should be distributed among a range of qualified vendors.
- (2) *Small purchase:*** Purchases up to the Simplified Acquisition threshold (the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods), which is currently \$250,000, and is adjusted from time to time. Informal purchasing procedures are acceptable, but price or rate quotes must be obtained from an adequate number of sources. Purchases made should be distributed among a range of qualified vendors.
- (3) *Sealed bid:*** Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. Under this purchase method, formal and public solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price. This method is the preferred procurement method for construction contracts if the following conditions apply:
 - (a) A complete, adequate, and realistic specification or purchase description is available;
 - (b) Two or more responsible bidders are willing and able to compete effectively for the business, and,
 - (c) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

EXHIBIT A

If this method is used, the following requirements shall apply:

- (i) The invitation for bids will be publicly advertised, including through electronic advertising, and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date for opening the bids;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the terms or services in order for the bidder to properly respond;
- (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts will only be used in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (v) Any or all bids may be rejected if there is a sound documented reason.

(4) *Competitive proposals:* Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. This procurement method requires formal solicitation, fixed-price, or cost-reimbursement contracts, and is used when sealed bids are not appropriate. The contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with price being one of the various factors. If this method is used, the following requirements apply:

- (a) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (b) Proposals must be solicited from an adequate number of qualified sources;
- (c) The methods for conducting technical evaluations of the proposals received and for selecting recipients may include, but not be limited to: oral interviews, references, past performance, availability to perform work, and certifications as determined by project scope.
- (d) Any response that takes exception to any mandatory items in this proposal process may be rejected and not considered;
- (e) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and,

EXHIBIT A

- (f) Competitive proposal procedures may be used for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.

(5) Noncompetitive proposals: Also known as sole-source procurement, this may be appropriate only when one or more of the following criteria are met:

- (a) The item is available only from a single source;
- (b) The public emergency for the requirement will not permit a delay resulting from competitive solicitation;
- (c) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the nonfederal entity; or
- (d) After solicitation of a number of sources, competition is determined inadequate.

C. Contract Cost and Price

A cost or price analysis shall be performed in connection with every procurement action in excess of the Simplified Acquisition threshold (\$250,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, independent estimates shall be made prior to receiving bids and proposals.

- (1) Profit shall be negotiated as a separate element of the price for each contract in which there is a no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (2) Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District under Subpart E- Cost Principles of Part 200-Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- (3) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall be used.

EXHIBIT A

VI. VENDOR AND CONTRACTOR REGISTRATION DIRECTORY

The District invites vendors to express their interest in doing business with the District. Vendors and contractors to which this Procurement and Purchasing Policy apply may download registration forms from the District's website located at <https://venturaharbor.com/public-bidding/>. To properly register with the District, all such vendors and contractors interested in doing business with the District shall be required to complete a registration form and submit it to the District by email or mail.

VII. BUDGETING FOR CAPITAL IMPROVEMENT PROJECTS

In developing the District's fiscal budget, District staff shall use the following guidelines in identifying, managing, administering, and budgeting for capital projects for the following fiscal year:

- A. Start early in the fiscal year to clearly define a project; involve a range of staff levels; take into consideration aesthetics, marketing, and maintenance issues in developing projects.
- B. Provide any reports, plans, drawings, specifications, design ideas, cost benefit studies and analysis, and other related materials that may be necessary or useful in assisting the Board in determining whether a particular capital improvement project should be approved in connection with the Board's approval of the District's proposed budget for a particular fiscal year;
- C. Work diligently with any ad hoc committees of the Board for purposes of making recommendations of potential capital improvement projects;
- D. After a particular project has been identified and budgeted, District staff should diligently engage in interviewing and selecting qualified design or engineering firms or consultants to assist the District in designing and preparing the plans and specifications of such project;
- E. District staff shall work with the design or engineering firm or consultant in establishing project targets and milestones in order to ensure that the project is proceeding according to schedule and to plan.

VIII. EXHIBITS

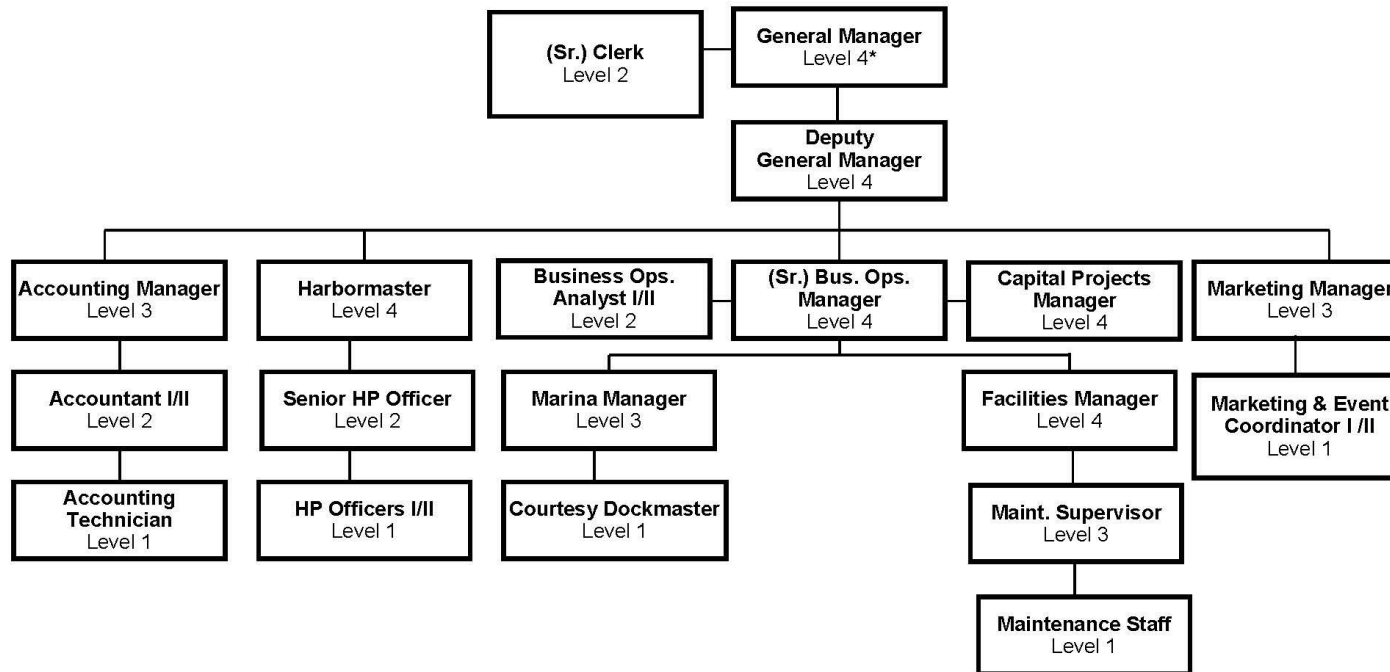
Exhibit A - District Employee Procurement Limits Chart

Exhibit B - UPCCA Summary Sheet

EXHIBIT A

EXHIBIT "A"

**Ventura Port District
Employee Procurement
Limits Chart
REV 9/2021**



Purchasing of Supplies Used in connection with or consumed on any work or project not subject to the UPCCA:

Level 1: Purchases totaling up to \$1,000
 Level 2: Purchases totaling up to \$2,500.00
 Level 3: Purchases totaling up to \$10,000.00
 Level 4: Purchases totaling up to \$25,000.00

Contracts for the Doing of any Public Project or Maintenance Work that is subject to the UPCCA:

Level 1: Contracts totaling up to \$1,000
 Level 2: Contracts totaling up to \$2,500.00
 Level 3: Contracts totaling up to \$10,000.00
 Level 4: Contracts totaling up to \$25,000.00
 GM: Contracts totaling up to \$60,000.00*

EXHIBIT A
EXHIBIT "B"

VENTURA PORT DISTRICT

UPCCA SUMMARY SHEET

Contracts for the Doing of "Public Projects"

- ☐ "Public Project" means any of the following:
 - Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased or operated facility.
 - Painting or repainting of any publicly owned, leased, or operated facility. A "facility" means any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work of improvement.
- ☐ Public Projects totaling up to \$60,000.00
 - Can be performed by the District's employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.
- ☐ Public Projects greater than \$60,000.01 but less than or equal to \$200,000.00
 - Must send out notice inviting informal bids
 - Contents of notice:
 - Describe project in general terms and how to obtain more detailed information about the project.
 - State the time and place for the submission of bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District's contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Mailing of Notice:
 - Mail notice to all contractors for the category of work to be bid as shown on the qualified bidder's list developed by the District.
 - Additional contractors and/or construction trade journals may be notified at the District's discretion.
 - If no list of qualified contractors is maintained by the District for the particular category of work to be performed, the notice inviting informal bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission's (the "Commission") current Cost Accounting Policies and Procedures Manual (updated December 2012).
 - If the product or service is proprietary in nature such that it can only be obtained from certain contractor(s), the notice inviting informal bids may be sent exclusively to such contractor(s).
 - All mailing of notices to contractors and construction trade journals inviting informal bids must be completed not less than 10 calendar days before bids are due.

EXHIBIT A

- Bids received in excess of \$200,000.00
 - If all bids received are greater than \$200,000.00, the Board can adopt by resolution by a four-fifths vote and award the contract at \$212,500.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable.
 - Otherwise, formal bidding procedures must be used for public projects of more than \$200,000.00.
- Awarding of Bid
 - The District can reject any **and all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least two business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for informal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account.
- Public Projects greater than \$200,000.00
 - Must send out notice inviting formal bids
 - Contents of notice:
 - Describe project in distinct terms and how to obtain more detailed information about the project.
 - State the time and place for the receiving and opening of sealed bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District's contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Publication of notice:
 - The notice inviting formal bids must be published in a newspaper of general circulation, printed and published in Ventura County, at least 14 calendar days before the date of the opening of the bids.
 - Mailing/Emailing/Faxing of Notice:
 - The notice inviting formal bids must also be sent electronically, if available, by email or fax, and mailed to the construction trade

EXHIBIT A

journals specified in the Commission's current Cost Accounting Policies and Procedures Manual (updated December 2012).

- Note: The District is not required to mail a notice to any specified trade journal if that trade journal is charging for its services or is out of business. Instead, the District should find some other method of notifying potential contractors of published jobs providing information on how to be added to the District's informal bidding lists (e.g., through the District's website).
- Adoptions of Plans
 - The board must adopt plans, specifications, and working details for all public projects exceeding \$200,000.00.
- Awarding of Bid
 - The District can reject any **and all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least two business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for formal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account or by the informal bidding procedures detailed for public projects greater than \$60,000.00 but less than or equal to \$200,000.00.

Contracts for the Doing of "Maintenance Work"

- "Maintenance Work" means any of the following:
 - Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - Minor repainting.
 - Resurfacing of streets and highways at less than one inch.
 - Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - Work to be performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

ATTACHMENT 2

EXHIBIT A

- ☐ Maintenance work totaling up to \$60,000
 - Can be performed by the District's employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.
- ☐ Maintenance Work greater than \$60,000 but less than or equal to \$200,000
 - Same requirements as for public projects greater than \$60,000 but less than or equal to \$200,000 – see above.
- ☐ Maintenance Work greater than \$200,000
 - Same requirements as for public projects greater than \$200,000 – see above.



BOARD OF PORT COMMISSIONERS

SEPTEMBER 15, 2021

STANDARD AGENDA ITEM 2

PARCELS 14 AND 20 DEVELOPMENT
PLANNING STATUS REPORT

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 2
Meeting Date: September 15, 2021

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Parcels 14 and 20 Development Planning Status Report

RECOMMENDATION:

That the Board of Port Commissioners receive an informational report to discuss potential future development of Parcels 14 and 20 located at 1404 through 1644 Anchors Way Drive.

SUMMARY:

On October 7, 2020, the Board of Port Commissioners adopted Ordinance No. 53, which authorized execution of the Assignment of the Existing Parcel 20 Master Lease and Option Agreement between Ventura Port District and Derecktor Marine Holdings (DMH) for a new 50-Year Master Lease. Subsequently DMH acquired the marine fuel and bait business on Parcel 14 between the public launch ramp and Parcel 20.

Pursuant to the Option Agreement, DMH will submit a formal development plan to the Port District by October 18, 2021 for review by staff and subsequent consideration by the Board of Port Commissioners. On July 14, 2021, staff facilitated a meeting between DMH, the City and Coastal Commission staff, to receive early feedback regarding their draft development plan. Approvals from these regulatory bodies and others, known as "entitlements" are typically a multi-year process. This report is informational in nature and no formal action or decisions regarding the proposed development plan will be made by the Board.

BACKGROUND:

Leonora Valvo and Tom Derecktor, owners of DMH, have assembled a project team, which reviewed the prior development plan described as the Ventura Harbor Marina and Yacht Yard (VHMY) Expansion project to determine what changes may be appropriate and mutually beneficial for DMH and the District. To this end, the parties would like to engage the public and stakeholders to discuss their draft development proposal. Ms. Valvo and Mr. Derecktor have prepared presentation materials for this discussion which are included as Attachment 1.

VHMY Plan and Prior Approvals

On November 18, 2015, the Board:

- Adopted Resolution No. 3289 certifying the Mitigated Negative Declaration and Mitigation Monitoring Program for the VHMY Expansion project;
- Approved the Project by Resolution No. 3289, with conditions as depicted in the Final Initial Study- Mitigated Negative Declaration (IS-MND); and,
- Authorized the General Manager to File the Notice of Determination (NOD) with the State Office of Planning and Research and the Ventura County Clerk.

The VHMY Expansion project generally included:

- Expansion and improvements of the existing VHMY to increase the number of boat slips from 40 to 80 (40 new boat slips).
- The proposed expansion involved removing the existing dock structure, concrete ramps, a portion of the existing pier, and fuel docks;
- Construction of an expanded dock structure;
- Relocation of the fuel dock;
- Onshore parking improvements; and,
- Other related facility improvements including a new American with Disabilities Act (ADA) ramp and new 2-story marine building with added restroom/shower facilities.

The VHMY Expansion project was not approved or permitted by the City or Coastal Commission, nor was it executed.

In addition to the Port District, City and Coastal Commission, the development plan will need project approvals from other regulatory bodies including but not limited to the U.S. Army Corps of Engineers and Los Angeles Regional Water Quality Control Board. The development plan is subject to the California Environmental Quality Act (CEQA). The Port District will act as lead agency and retain environmental consultant services to assist with this review process.

FISCAL IMPACTS:

The report is informational. There is no fiscal impact.

ATTACHMENTS:

Attachment 1 - DMH Development Planning Presentation

DERECKTOR MARINE HOLDINGS PARCEL 20 MASTER PLAN

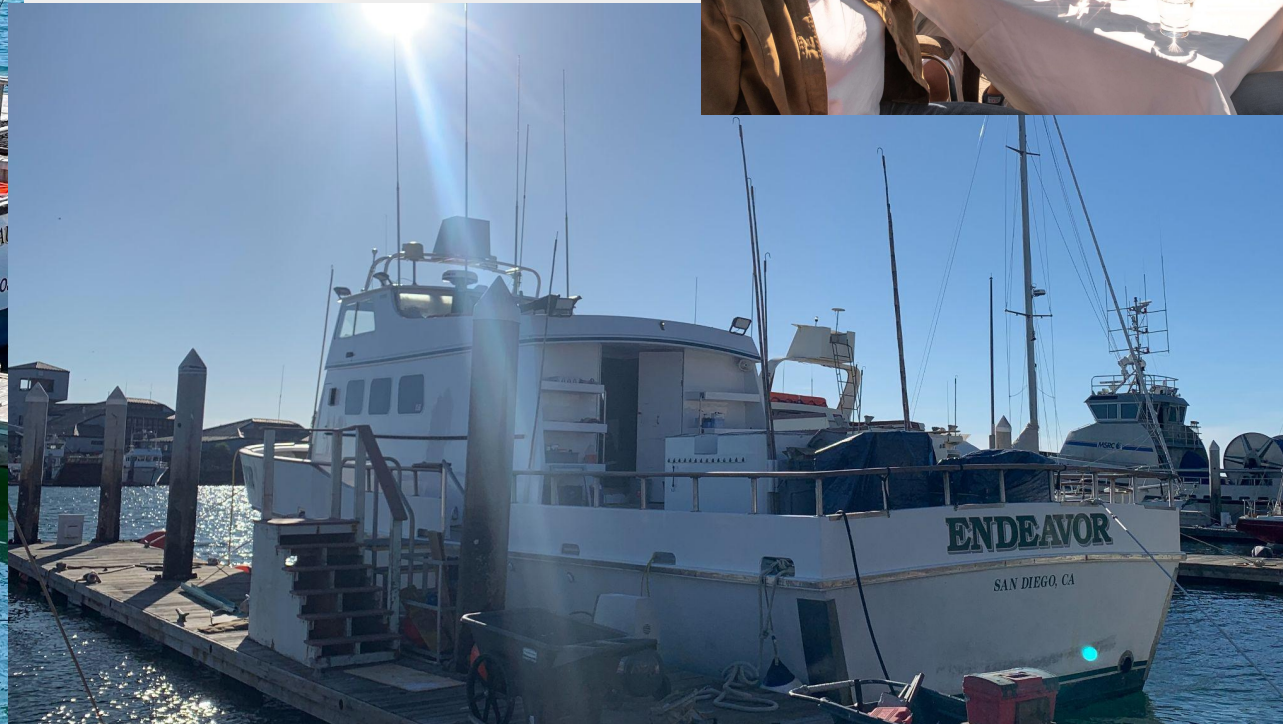
September 2021

DEVELOP PARCEL 20 INTO A VIBRANT GATHERING PLACE THROUGH IMPROVEMENTS, UPGRADES AND ADDITIONS

THE BEGINNING



The communities Parcel 20 serves



EXISTING SITE (detail)



Parcel 20 Main Property

Landside: 1. Two Story Restaurant, 2. Sport fishing Standalone Structure, 3. Small Office, 4. Parking Lot, 5. Dry Storage, 6. Boat Yard, 7. Boatyard Office & Store

Waterside: 8. Marina, 9. Floating Office (Boat US), 10. Pier & Crane 11. Boat Haul Out

Parcel 20 Fuel Facility

Landside: 12. Fuel Pad/Pump , 13. Store & Office

Waterside: 14. Fuel Office & Pumps, 15. Slips& Bait Receivers

PROPOSED SITE IMPROVEMENTS

BOATYARD IMPROVEMENTS

ATTACHMENT 1



DRY STACKED STORAGE

Dry Stack Storage solves many problems:

- Increases small boat storage capacity
- Reduces public parking lot congestion (no trailers!)
- Increases Parcel 20 parking capacity
- Reduces marina congestion
- Enables physically impaired boaters to use their boats

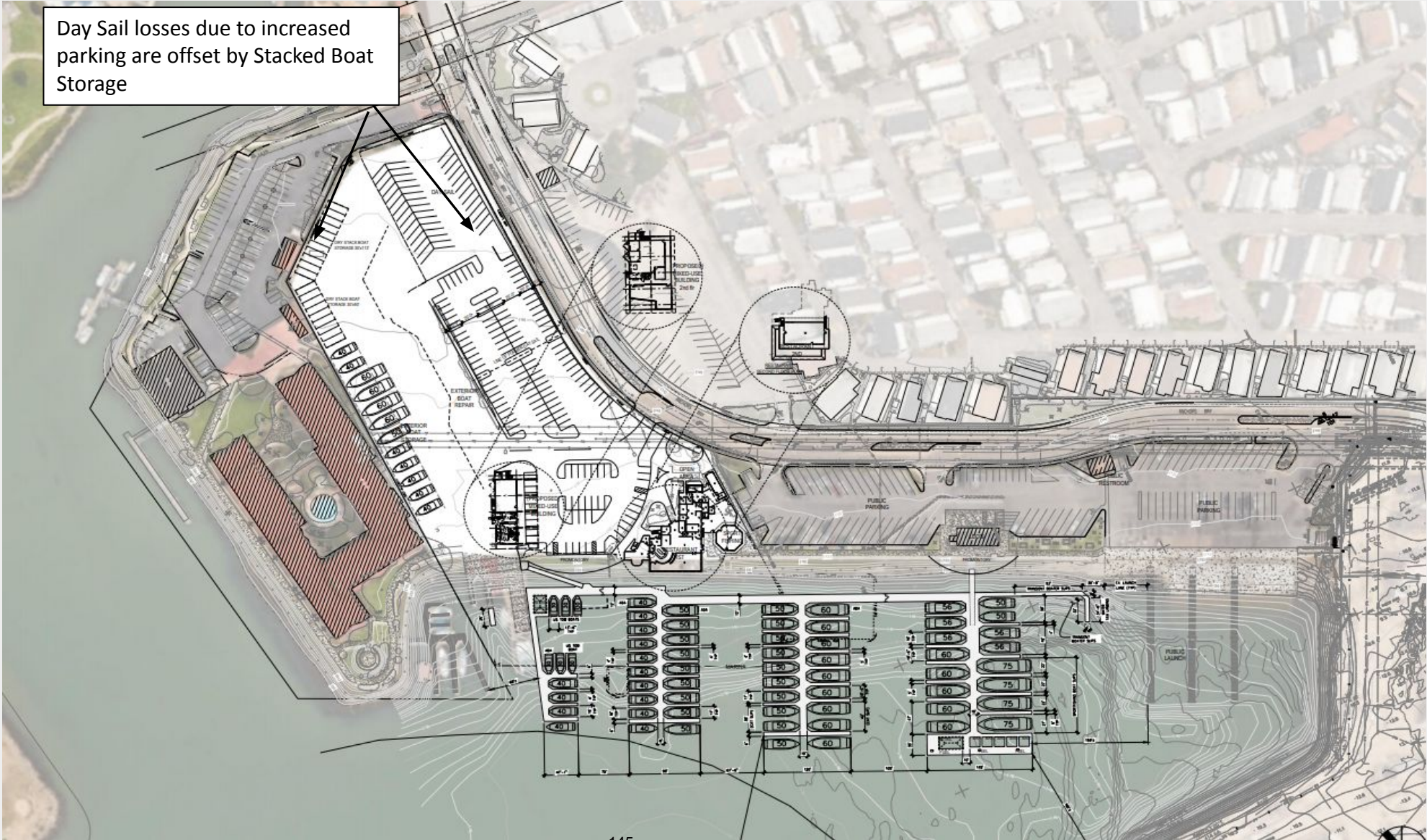


ATTACHMENT 1



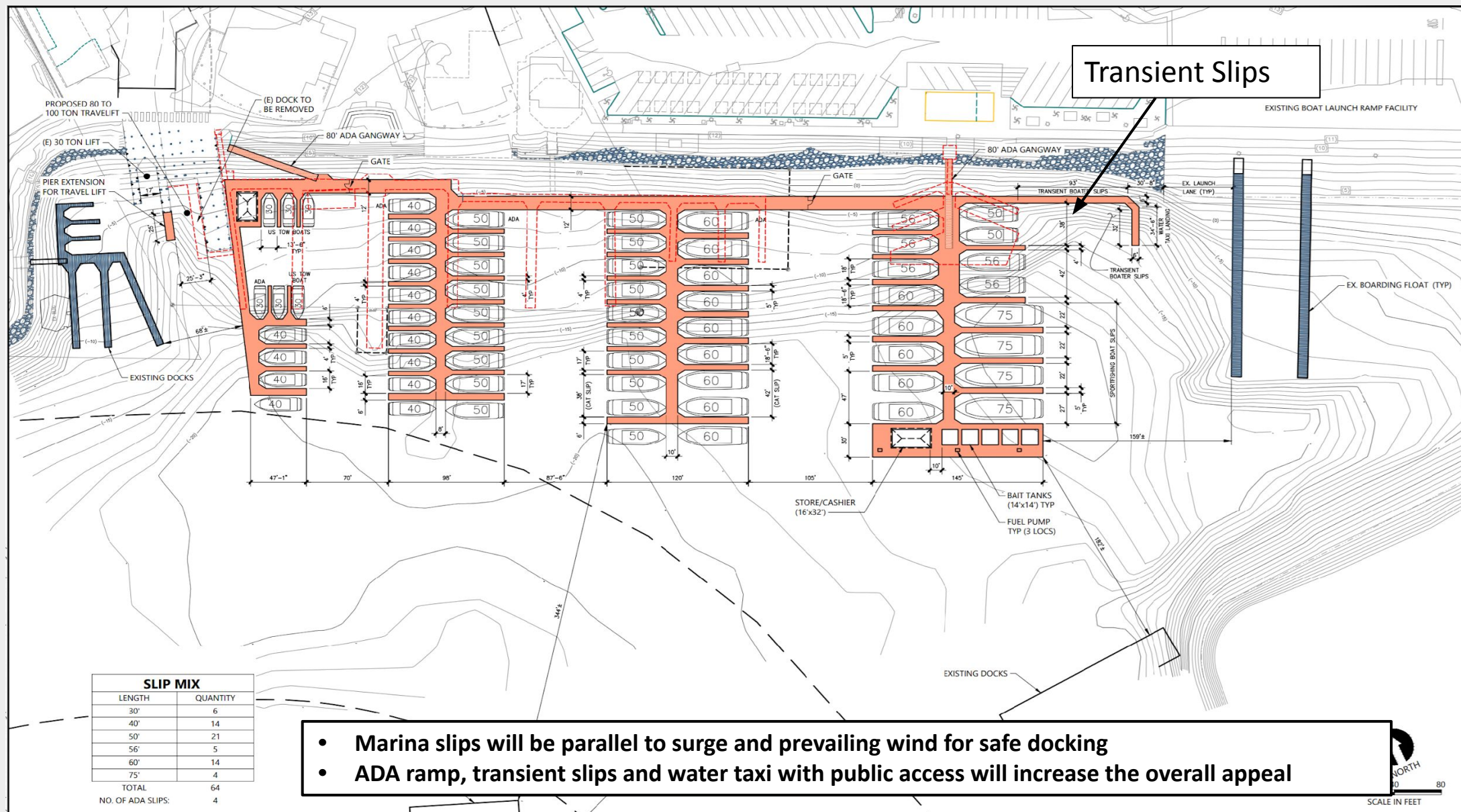
MARINA IMPROVEMENTS

ATTACHMENT 1



NEW MARINA LAYOUT

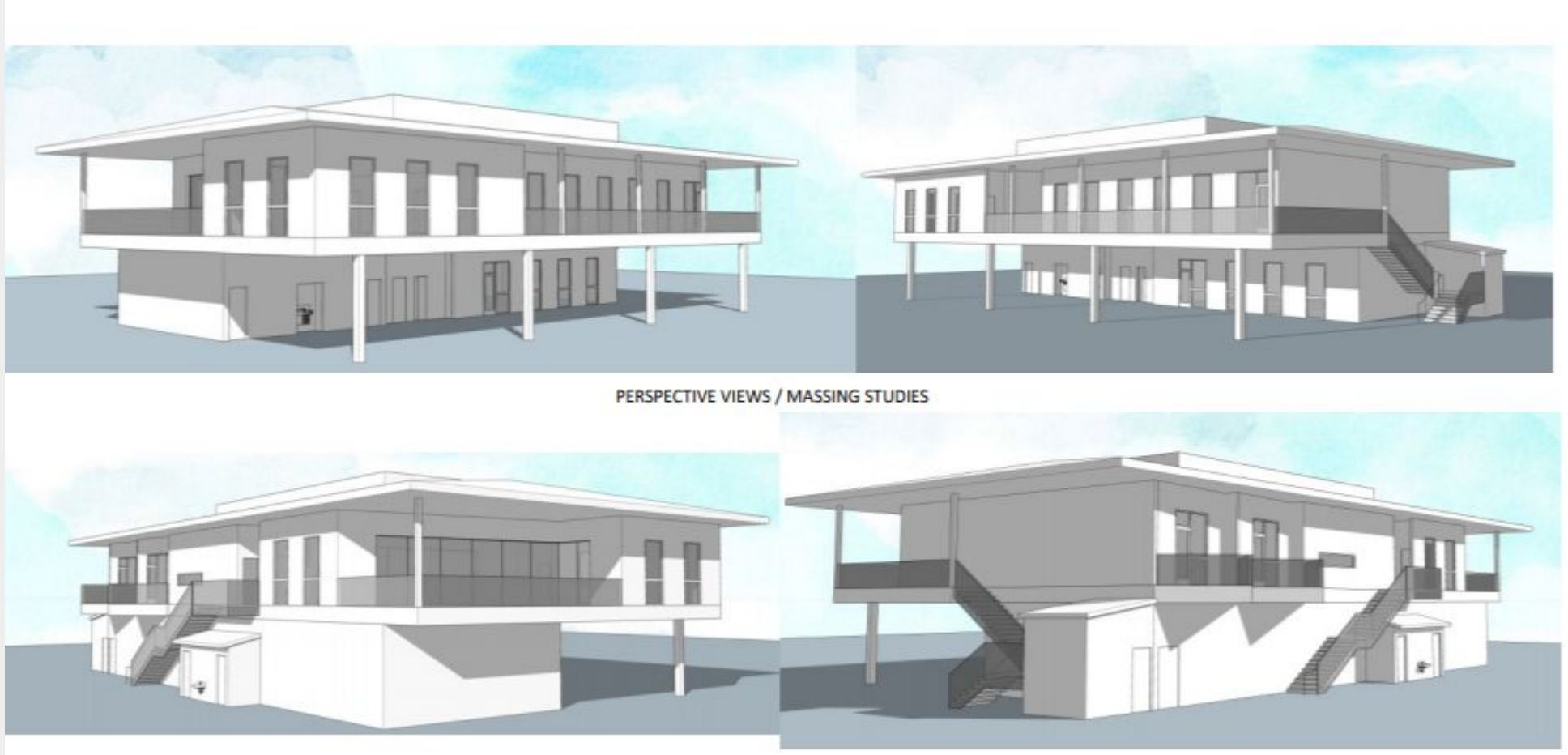
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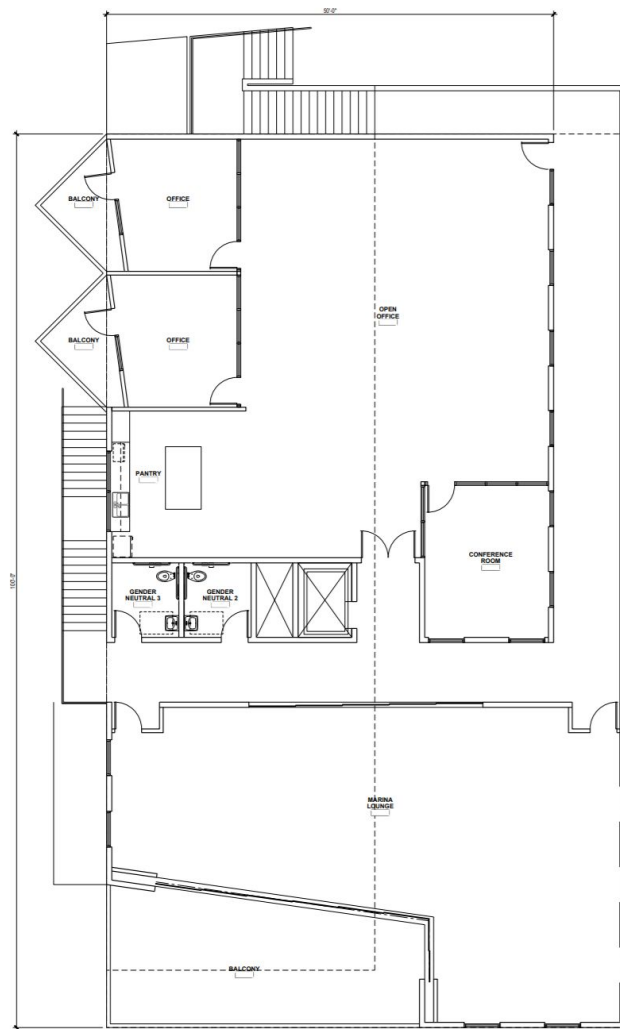
- Marina slips will be parallel to surge and prevailing wind for safe docking
- ADA ramp, transient slips and water taxi with public access will increase the overall appeal

MARINA SERVICES, CHANDLERY & BOATYARD OFFICE BUILDING

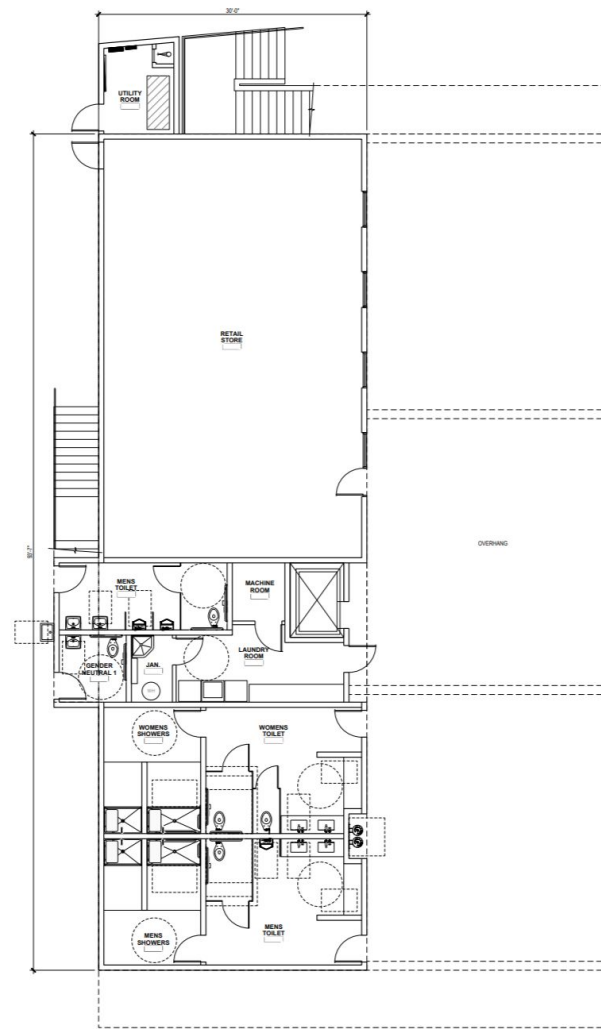
ATTACHMENT 1



PERSPECTIVE VIEWS / MASSING STUDIES



A2 2ND FLOOR FOOTPRINT
SCALE: —



A1 1ST FLOOR FOOTPRINT
SCALE: —

SERVICES & AMMENITIES

ATTACHMENT 1



The Advanced Boatbuilding Center will build on Derecktor's pedigree in renewable energy (hydrokinetic turbines etc.) and hybrid electric propulsion.



Working with a growing team of experts, Derecktor Marine Holdings has created an aggressive but achievable development plan.

