



## **VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS**

Jim Friedman, Chairman  
Everard Ashworth, Vice Chairman  
Bruce E. Smith, Commissioner  
Nikos Valance, Commissioner  
Bruce Brennan, Commissioner

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

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### **PORT COMMISSION AGENDA REGULAR MEETING SEPTEMBER 28, 2016 AT 7:00PM VENTURA PORT DISTRICT OFFICE 1603 ANCHORS WAY DRIVE, VENTURA, CA**

*A Closed Session of the Board will be held at **5:00PM** at the Port District Office located at 1603 Anchors Way Drive, Ventura, CA, to discuss the items on the Attachment to Agenda- Closed Session Conference with Legal Counsel.*

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

#### **ADMINISTRATIVE AGENDA:**

**CALL TO ORDER:** *By Chair Jim Friedman.*

**PLEDGE OF ALLEGIANCE:** *By Chair Jim Friedman.*

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

#### **ADOPTION OF AGENDA (5 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](http://www.venturaharbor.com) (Public Notices). Each item on the agenda shall be deemed to include action by an appropriate motion, resolution or ordinance to take action on any item.*

#### **APPROVAL OF MINUTES**

*The Minutes of the September 14, 2016 Workshop Meeting will be considered for approval.*

#### **PUBLIC COMMUNICATIONS (3 minutes)**

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

#### **CLOSED SESSION REPORT (3 minutes)**

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

#### **BOARD COMMUNICATIONS (5 minutes)**

*Port Commissioner's may present brief reports on port issues, such as seminars, meetings and literature that would be of interest to the public and/or Commission, as a whole. Port Commissioner's must provide a brief*

*summary and disclose any discussions he or she may have had with any Port District Tenants related to Port District business.*

**DEPARTMENTAL STAFF REPORTS (10 minutes)**

*Ventura Port District Staff will give the Commission reports on their Department.*

**GENERAL MANAGER REPORT (5 minutes)**

*The General Manager of the Ventura Port District will report on items of general interest to the Port Commission and members of the public.*

**LEGAL COUNSEL REPORT (5 minutes)**

**CONSENT AGENDA: (5 minutes)**

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

**A) Approval of New Office Lease Agreement for Wave Realty**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #201 consisting of 439 square feet between the Ventura Port District dba Ventura Harbor Village and Karla Reed and Stephen M. Foster dba Wave Realty for a two-year term.

**B) Approval of New Lease Agreement for Karen Dupuy dba Ventura Fish Co.**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new lease agreement for the premises located at 1449 Spinnaker Drive #F consisting of 563 square feet between the Ventura Port District dba Ventura Harbor Village and Karen Dupuy dba Ventura Fish Co. for a two-year term.

**C) Acceptance of \$169,660 Shellfish Grant**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for \$169,660, which reflects the terms and conditions of the grant agreement for year two.

**D) Approval of First Amendment to Professional Services Agreement with Plauché & Carr, LLP**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with *Plauché & Carr, LLP* in the total amount of \$25,000 to provide legal services for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**E) Approval of First Amendment to Professional Services Agreement with Dudek**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with *Dudek* in the total amount of \$202,550 to provide environmental consultant services for the Permitting Strategy for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**F) Approval of First Amendment to Professional Services Agreement with Scott Lindell**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with Scott Lindell, Fisheries and Marine Biologist, in the amount of \$19,920 to provide consultant services for the Ventura Shellfish Enterprise Program (VSE).

**STANDARD AGENDA:**

**1) Approval of New Conflict of Interest and Disclosure Code**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3317 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3283.

**2) Approval of Professional Services Agreement for Special Legal Services**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize funding in the amount of \$8,500 to retain outside legal services provided by *Plauché & Carr, LLP* to analyze and report on leasing alternatives related to the Shellfish Grant.

**3) Ventura Isle Marina Dock Replacement Plan**

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation from Safe Harbor Marinas regarding the proposed dock replacement plan as required by the Amendment No. 3 to 2003 VIM Master Lease approved on April 13, 2016.

**REQUEST FOR FUTURE AGENDA ITEMS**

**ADJOURNMENT**

*This agenda was posted on Friday, September 23, 2016 at 5:00 p.m.  
at the Port District Office and on the Internet - [www.venturaharbor.com](http://www.venturaharbor.com) (Port Commission).*

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

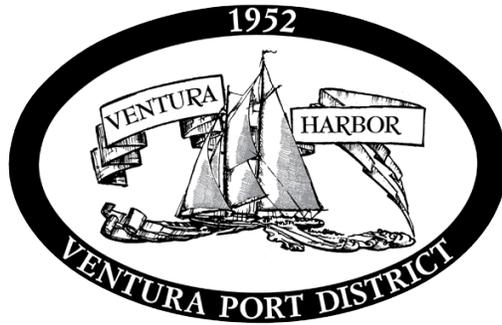
## REVISED

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

**WEDNESDAY, SEPTEMBER 28, 2016**

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

- a) Property: **1575 Spinnaker Drive #201**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney  
Under Negotiation: New Office Lease Agreement with Wave Realty
  
- b) Property: **1449 Spinnaker Drive #F**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney  
Under Negotiation: New Lease Agreement with Ventura Fish Co.
  
- c) Property: **1559 Spinnaker Drive #108, #109A**  
Negotiating Parties: Oscar Pena, Brian Pendleton, Andy Turner  
Under Negotiation: New Lease Terms with Ventura Dive & Sport
  
- d) Property: **Parcels 15, 16, 18**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney  
Under Negotiation: SRP Lease Negotiations
  
- e) Property: **1591 Spinnaker Drive #115**  
Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney  
Under Negotiation: Restaurant Lease Negotiations



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

APPROVAL OF MINUTES

SEPTEMBER 14, 2016



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

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

### **Commissioners Present:**

Jim Friedman, Chair  
Everard Ashworth, Vice Chair  
Bruce E. Smith  
Nikos Valance  
Bruce Brennan

### **Commissioners Absent:**

None

### **Port District Staff:**

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

### **Legal Counsel:**

Andy Turner  
Emma Fabeck

## **AGENDA**

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

**PLEDGE OF ALLEGIANCE:** By Vice Chair Ashworth.

**ROLL CALL:** All Commissioners were present.

### **ADOPTION OF AGENDA**

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

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

## **APPROVAL OF MINUTES**

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

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

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

**PUBLIC COMMUNICATIONS:** None

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

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

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

## **CONSENT AGENDA:**

### **A) Approval of Change of Lessee's of the Lease Agreement for The Ultimate Escape Rooms**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new retail lease agreement for the premises located at 1591 Spinnaker Drive #117C consisting of 1,291 square feet between the Ventura Port District dba Ventura Harbor Village and Marilyn Ryemon, Annette Cortez, Alexis and Scott Crouse The Ultimate Escape Rooms for a two-year term with a two year option.

**ACTION:** Commissioner Smith moved, seconded by Commissioner Valance and carried by a vote of 5-0 to approve a new retail lease agreement for the premises located at 1591 Spinnaker Drive #117C consisting of 1,291 square feet between the Ventura Port District dba Ventura Harbor Village and Marilyn Ryemon, Annette Cortez, Alexis and Scott Crouse The Ultimate Escape Rooms for a two-year term with a two year option.

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

Recommended Action: Voice Vote.

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

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

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

Recommended Action: Voice Vote.

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

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

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

Recommended Action: Voice Vote.

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

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

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

Recommended Action: Voice Vote.

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

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

**F) Approval of Out of Town Travel Requests**

Recommended Action: Voice Vote.

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

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

**G) Extension of Option with Sondermann-Ring Partners**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to execute the attached Fourteenth Amendment to Option Agreement between Ventura Port District (“the Port”) and Sondermann-Ring Partners (“SRP”).

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

**WORKSHOP AGENDA:**

**1) Ventura Harbor Tsunami Planning Efforts**

Recommended Action: None

That the Board of Port Commissioners receive a presentation from Kevin Miller, Tsunami Program Officer from the California Governor’s Office of Emergency Services and Rick Wilson, PG CEG, Senior Engineering Geologist from the California Geological Survey on the tsunami planning efforts for Ventura Harbor.

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

**STANDARD AGENDA:**

**1) Appointment of Ad Hoc Committee for General Manager Compensation Review**

Recommended Action: Voice Vote.

That the Board of Port Commissioners appoint Commissioner Friedman and Commissioner Ashworth for an ad hoc committee to review and make recommendations to the Board on the compensation of the General Manager.

**ACTION: Commissioner Smith moved, (with the caveat that the timing of the review comes after the represented employees (i.e., ‘Miscellaneous’ and Harbor Patrol/Union) are already dealt with), seconded by Commissioner Brennan and carried by a vote of 5-0 to appoint Commissioner Friedman and**

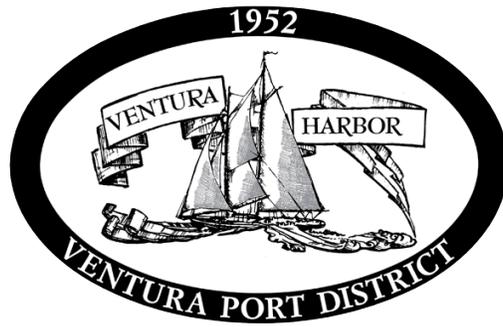
**Commissioner Ashworth for an ad hoc committee to review and make recommendations to the Board on the compensation of the General Manager.**

**REQUEST FOR FUTURE AGENDA ITEMS:** None

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

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Secretary



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

## DEPARTMENTAL STAFF REPORTS

DREDGING

FEDERAL

FACILITIES

HARBOR PATROL

MARINA

MARKETING

PROPERTY MANAGEMENT

TREASURER

## RWP DREDGING MANAGEMENT

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

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September 28, 2016

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

### **Subject: August/September 2016 Dredging Activities and Special Projects Report**

The Dredging Program Manager's activities for the August to mid-September 2016 period are reviewed below:

#### **FY2017 Federal Dredging Appropriations**

The U.S. Congress returned to work the week following Labor Day after their summer recess. Since it is now apparent that none of the FY2017 appropriations bills will have been finalized by the commencement of the new fiscal year on October 1, 2016, a Continuing Resolution (CR) must be passed by September 30 to avoid a government shutdown. It appears likely that a CR providing funding into December is likely. The final FY17 appropriation levels could then be resolved by the lame duck session of Congress that will convene after the November elections. From the Port District's perspective this timing is preferable to a CR that would extend until March 2017 that is being pushed by some of the conservative members of Congress.

It is still expected that the CR will include \$4.3 million for the dredging of Ventura Harbor which under the terms of Manson's existing contract with the Corps of Engineers will achieve a dredging volume of about 400,000 cu.yds. of material. I believe that at least an additional \$1.5 million will be required in order to achieve a total volume of 640,000 cu.yds. In recent years the Port District has been able to secure additional dredging funds via a "Work Plan" process that the Corps of Engineers develops after the Congress provides the Corps with the final appropriations levels. At this point, however, all we can do is wait for the CR process to play out.

#### **FY2018 Federal Dredging Appropriations**

While, as noted above, the FY2017 Congressional appropriations process is yet to be resolved, the Administration is currently preparing its proposed FY2018 Budget. We have therefore been working with Congresswoman Brownley's office to have the harbor's FY2018 funding requirements communicated to the Administration. Enclosed are two letters that the Congresswoman graciously forwarded to OMB and the Assistant Secretary of the Army for Civil Works requesting that \$6 million be included in the Administration's FY2018 budget.

#### **Harbor Maintenance Dredging Permits**

On September 8, 2016, the California Coastal Commission (CCC) approved a new 10 year maintenance dredging permit for the harbor. The permit includes all channels in the inner harbor as well as the federal entrance channel and sand traps.

On October 13, 2016, the Los Angeles Regional Water Quality Control Board has scheduled to consider an order establishing the discharge requirements for the Port Districts maintenance dredging program for the next 5 years.

**Harbor Village Phase II ADA Improvements**

While J&T Engineering and Construction has completed all of the ADA concrete work at Harbor Village, they have failed to install the stainless steel railings called for in their contract. They continue to insist that the railings will be installed any day now but the contract called for all work to be completed by September 3, 2016. As a consequence, J&T has been advised that liquidated damages are now accruing at the rate of \$500 per day (*see attached notice of 9/14/16*).

**Roof Rehabilitation Work (Phase II)**

Rasmussen and Associates expects to finalize the plans for the roof rehabilitation work at 1431, 1591, and 1691 Spinnaker Drive and have them submitted to the City for plan check review by the end of September.

**Harbor Village Phase III ADA Improvements**

RRM's construction plans for the phase III ADA improvements are presently undergoing their 2<sup>nd</sup> plan check review at the City Building Department. We hope to be able to seek competitive bids by early October.

**Harborwide ADA Improvement**

Jensen Design and Survey has now submitted construction plans to the City Building Department for ADA improvements at Harbor Cove, Surfers Knoll, VPD portion of the VIM parking lot, the launch ramp restroom area, and the VPD office.

Respectfully submitted,

*Richard Parsons*

Dredging and Special Projects Consultant

Attachments

JULIA BROWNLEY  
26TH DISTRICT, CALIFORNIA  
MEMBER OF CONGRESS  
<http://juliebrownley.house.gov>



WASHINGTON, DC OFFICE  
1019 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE: 202-225-5811  
FAX: 202-225-1100

THOUSAND OAKS, CA OFFICE  
223 EAST THOUSAND OAKS BOULEVARD, SUITE 411  
THOUSAND OAKS, CA 91360  
PHONE: 805-379-1779  
FAX: 805-379-1799

OXNARD, CA OFFICE  
300 EAST ESPLANADE DRIVE, SUITE 470  
OXNARD, CA 93036  
PHONE: 805-379-1779  
FAX: 805-379-1799

COMMITTEE ON VETERANS' AFFAIRS  
RANKING MEMBER, SUBCOMMITTEE ON HEALTH  
SUBCOMMITTEE ON DISABILITY ASSISTANCE  
AND MEMORIAL AFFAIRS

COMMITTEE ON  
TRANSPORTATION AND INFRASTRUCTURE  
SUBCOMMITTEE ON AVIATION  
SUBCOMMITTEE ON COAST GUARD AND  
MARITIME TRANSPORTATION  
SUBCOMMITTEE ON  
HIGHWAYS AND TRANSIT

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0526**

September 6, 2016

Jo-Ellen Darcy  
Assistant Secretary of the Army for Civil Works  
U.S. Army Corps of Engineers  
441 G Street NW  
Washington, DC 20314-0001

Dear Assistant Secretary Darcy:

As you work to develop the FY2018 budget request for the U.S. Army Corps of Engineers, I write to express my strong support for continued funding for the Ventura Harbor Port District. The Ventura Harbor plays an important role in my district and I am requesting that \$6 million be included in the Administration's budget.

You may recall from my previous correspondence that the Ventura Harbor is the homeport for the U.S. National Park Service, providing access to the Channel Islands National Park System. The park's mainland visitor center receives 300,000 visitors annually with 30,000 visitors traveling to the islands and another 60,000 use park waters. Ventura Harbor also services the largest squid fishing fleet on the West Coast with revenues of \$50 million. Its commercial and recreational fishing directly employ 600 crew members, truck drivers, and laborers with an additional 300 employees in nearby processing facilities. A recent economic study indicated that Ventura Harbor has a total economic impact of \$246 million.

Over the years, funding for dredging at Ventura Harbor has been inadequate and I appreciate the U.S. Army Corps of Engineers efforts to resolve these funding shortfalls. Specifically, the additional funding provided in the FY2016 work plan came at a critical juncture for the Harbor. Faced with an unprecedented level of shoaling on account of the 2016 El Nino, the US Coast Guard was forced to close the Harbor entrance. This had a devastating impact on the communities and industries that rely on the Harbor. Thankfully FY16 work plan funds were provided to address the situation and I remain appreciative of the Corps' well timed assistance. As you develop the FY2018 budget request, I urge U.S. Army Corps of Engineers to provide the requested \$6 million to dredge of Ventura Harbor.

If you require additional information, please do not hesitate to contact me or my Legislative Director, Sharon Wagener, at 202-225-5811. We look forward to working with you to ensure the continued success of Ventura County's ports and harbors.

Sincerely,

JULIA BROWNLEY  
Member of Congress

JULIA BROWNLEY  
28TH DISTRICT, CALIFORNIA  
MEMBER OF CONGRESS  
<http://jullabrownley.house.gov>



WASHINGTON, DC OFFICE  
1019 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
PHONE 202-225-5811  
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THOUSAND OAKS, CA 91360  
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SUBCOMMITTEE ON COAST GUARD AND  
MARITIME TRANSPORTATION  
SUBCOMMITTEE ON  
HIGHWAYS AND TRANSIT

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-0526**

OXNARD, CA OFFICE:  
300 EAST ESPLANADE DRIVE, SUITE 470  
OXNARD, CA 93036  
PHONE 805-379-1779  
FAX: 805-379-1799

September 6, 2016

Shaun Donovan  
Director  
Office of Management and Budget  
1650 Pennsylvania Avenue NW  
Washington, DC 20504-0002

Dear Director Donovan:

As you work to develop the FY2018 budget request for the U.S. Army Corps of Engineers, I write to express my strong support for continued funding for the Ventura Harbor Port District. The Ventura Harbor plays an important role in my district and I am requesting that \$6 million be included in the Administration's budget.

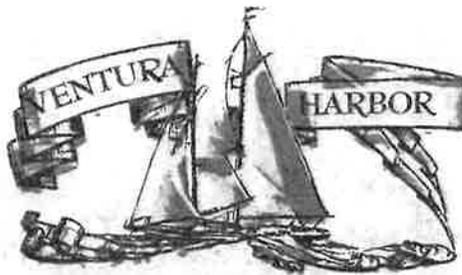
You may recall from my previous correspondence that the Ventura Harbor is the homeport for the U.S. National Park Service, providing access to the Channel Islands National Park System. The park's mainland visitor center receives 300,000 visitors annually with 30,000 visitors traveling to the islands and another 60,000 use park waters. Ventura Harbor also services the largest squid fishing fleet on the West Coast with revenues of \$50 million. Its commercial and recreational fishing directly employ 600 crew members, truck drivers, and laborers with an additional 300 employees in nearby processing facilities. A recent economic study indicated that Ventura Harbor has a total economic impact of \$246 million.

Over the years, funding for dredging at Ventura Harbor has been inadequate and I appreciate the Administration's efforts to resolve these funding shortfalls. Specifically, the additional funding provided in the FY2016 work plan came at a critical juncture for the Harbor. Faced with an unprecedented level of shoaling on account of the 2016 El Nino, the US Coast Guard was forced to close the Harbor entrance. This had a devastating impact on the communities and industries that rely on the Harbor. Thankfully FY16 work plan funds were provided to address the situation and I remain appreciative of the Administration's well timed assistance. As you develop the FY2018 budget request, I urge OMB to provide the requested \$6 million to dredge of Ventura Harbor.

If you require additional information, please do not hesitate to contact me or my Legislative Director, Sharon Wagener, at 202-225-5811. We look forward to working with you to ensure the continued success of Ventura County's ports and harbors.

Sincerely,

JULIA BROWNLEY  
Member of Congress



BOARD OF PORT COMMISSIONERS  
Jim Friedman, Chairman  
Everard Ashworth, Vice-Chairman  
Bruce E. Smith, Commissioner  
Nikos Valance, Commissioner  
Brian Brennan, Commissioner  
Oscar Peña, General Manager

September 14, 2016

Mr. Jerome Contreras  
J&T Engineering and Construction  
5776 Lindero Canyon Road, Suite 156  
Westlake Village, CA 91362

J&T Engineering and Construction  
350 North Lantana Street, Suite F-350  
Camarillo, CA 93010

**Re: Ventura Harbor Village Accessibility Improvement Project-Phase II,  
Liquidated Damages for Delay**

Mr. Contreras:

Pursuant to Special Condition SC-1 of the Agreement dated April 18, 2016 between the Ventura Port District and J&T Engineering and Construction, all work on the subject project was to have been completed by September 3, 2016. I spoke with your brother, Michael, during the week of September 6, 2016, and advised him of this fact.

Pursuant to Special Condition SC-2 of the aforementioned agreement, I must bring to your attention that liquidated damages are now occurring at the rate of \$500.00 for each calendar day's delay until the work is satisfactorily completed. Furthermore, your failure to install the stainless steel railings specified in the contract has created a hazardous condition, the consequences of which is a potential liability hazard for which you will be held responsible.

I urge you to remedy this situation as soon as possible.

A handwritten signature in black ink, appearing to read "Richard Parsons", with a long, sweeping underline.

Richard Parsons  
Project Manager

**Ventura Port District**  
1603 Anchors Way Drive, Ventura, CA 93001-4229  
805/642-8538 • FAX 805/658-2249  
[www.venturaharbor.com](http://www.venturaharbor.com)



## **August 2016 Federal Legislative Update**

### **Fiscal Year 2018 Budget Preparations**

While Congress has yet to finalize the FY17 appropriations bills, work is well underway within the Administration to prepare for the Administration's proposed FY18 budget. The budget, typically released in early February, will likely be delayed to account for a transition to a new President. However, this has not impacted the internal agency actions to formulate the annual proposal.

Within the US Army Corps of Engineers specifically the FY18 budget is beginning to take shape. Over the course of the past few months Corps Headquarters has been compiling and reviewing FY18 project needs from districts and divisions around the country. Those requests were compiled and sent to the Office of the Assistant Secretary of the Army (ASA) for Civil Works. From now through the fall Corps HQ will continue budget negotiations with the ASA's Office as well as the Office of Management and Budget (OMB). OMB is expected to make final FY18 budget decisions around Thanksgiving.

An Administration Budget for the Corps is just a starting point; it's up to Congress to provide a final level of funding through the appropriations process. Regardless of who is in the White House it is not unusual to see a low level of funding proposed by the Administration and then those cuts reversed by Congress.

### **Water Resource Bill Fails to Advance Before Recess, But Hope Remains**

Despite calls from a broad coalition of stakeholders for a vote in the House and Senate on Water Resourced Development Act (WRDA) authorization bill – which have cleared committee in both chambers – Congress left town without such a vote. After focusing much of the year on unrelated aviation legislation, House Transportation & Infrastructure Committee Chairman Bill Shuster (R-PA) appears content to let the Senate take the lead.

Senate Majority Leader Mitch McConnell has pledged to bring the Senate version of the bill before the full chamber in September, but only if other pending business is addressed. Senate Environment & Public Works Chairman Jim Inhofe (R-OK) is working with Committee Ranking Member Barbara Boxer to clear the way for quick Senate consideration. EPW released its committee report (S. Rpt. 114–283) to

accompany S. 2848. Committee staff has met informally with their House counterparts to discuss their bills and Members have engaged other stakeholders and their colleagues to smooth out issues. Hope remains high that a final bill might reach President Obama before Election Day although a lame duck resolution is more likely.

The EPW-approved bill authorizes nearly \$5 billion in funding for EPA-administered water programs in addition to WRDA bill's usual authorization for Corps of Engineers projects and programs. The pending House bill does not contain any funding for the EPA because of jurisdictional differences between committees in the House and Senate.

### **Congressional Schedule**

Note Congress is in recess and will return to Washington, DC the week of September 5<sup>th</sup>.



## **Federal Outlook & Update – September 2016**

After a seven-week break, both the House and Senate have returned to Washington, DC. A few issues are dominating the September schedule. Foremost on the list is passing a Continuing Resolution (CR) to keep the federal government open after the start of the new fiscal year on October 1. Members will likely pass a CR providing funding into December, but there is a push by members of the House Freedom Caucus to pass a longer CR, perhaps through March 2017. Negotiations regarding the CR are ongoing and early indications point to the FY16 funding levels as the base line for an FY17 CR. Maintaining the FY16 level of funding during a CR is a key issue for the US Army Corps of Engineers and the programs and projects supported by it. It is possible that the Senate could vote on a CR as early as September 15<sup>th</sup> and then head home early to campaign forcing the House to adopt the Senate approach. Should the Senate fail in passing a CR this week they will try again the week of September 19<sup>th</sup>.

Other issues on the list for consideration include \$1.1 billion to respond to the Zika virus, and how to pay for it; and a major water resource bill (see below). Funding for Zika as well as emergency funding for the summer flooding in Louisiana could get tacked onto a CR. The House may also vote to impeach IRS Commissioner John Koskinen. Conservatives in the House have been demanding the vote to address their charges of misconduct by Koskinen.

### **Senate Expected to Take Up WRDA Bill**

The Senate is ready to take up the Water Resources Development Act of 2016 on the Senate floor. The Senate bill includes significant new funding for drinking and waste water systems, in addition to WRDA's normal authorization of Corps of Engineers' navigation and flood projects.

House and Senate committee staff met throughout August to smooth over differences between the bills passed by committee in each chamber. The greatest difference between the two is that the House bill does not contain additional funding for the EPA to address lead contamination and other water quality challenges. While much of this funding is intended to address Flint, Michigan, some of the funding would be available elsewhere.

Senate Minority Leader Harry Reid (D-NV), who is retiring from Congress at the end of the year, raised the possibility that Democrats might block WRDA's passage unless they get a deal from Republicans to consider unrelated legislation, including the nomination of Merrick Garland to the Supreme Court. However, Reid did not act on his threat.

The House is also finalizing preparations to move a WRDA bill and if House leadership agrees, we could see a House bill brought to the floor under the suspension calendar the week of September 19th. If the House is successful, this would pave the way for both House and Senate staff to conference the WRDA bills during the month of October and have a final conference report ready for final consideration during the post-election lame duck session.

### **Clinton, Trump Transition Teams Taking Shape**

Whereas presidential candidates once shunned public discussion of transition planning for fear of “measuring the drapes” before Election Day, the need for the President-elect to have a functioning Administration ready to go at noon on January 20 has necessitated formal transition operations by each major party nominee (and third party candidates if they meet a 15 percent threshold in major polls). The job of these committees is to establish departmental policy positions and begin vetting candidates for more than 1500 political appointments, including Cabinet secretaries, which need to be filled in a new Administration.

Hillary Clinton named former White House Chief of Staff and Center for American Progress founder John Podesta as her transition chairman. Former Senator and Secretary of the Interior Ken Salazar and former Michigan Governor Jennifer Granholm will lead the team. Salazar is well versed in California and Colorado River water issues, although it is not yet clear how this may translate into transition policy or appointments. Granholm is also widely believed to be the front-runner for Energy Secretary if Clinton wins. Joining them will be Center for American Progress President Neera Tanden, former Obama national security adviser Tom Donilon and Maggie Williams, a long-term aide to Hillary Clinton.

Donald Trump announced that New Jersey Governor Chris Christie would chair his transition committee. While several individuals have been mentioned for roles in his transition, no formal announcements have yet been made.

### **Clinton, Trump Call for More Infrastructure Spending**

Each nominee has promised to push for significant new spending on infrastructure, including water systems, if elected. Hillary Clinton has pledged to spend \$225 billion over five years on infrastructure that includes transportation, water, energy, and high-speed broadband access. She would also spend \$25 billion to capitalize a new national infrastructure bank to attract private funding to invest in a broad range of infrastructure.

Clinton has offered that this new spending would be paid for through “business tax reform.” However, she has not offered additional details on the questions that have bedeviled earlier infrastructure bank proposals, such as where it would be housed, its governance structure, project evaluation criteria, and financial controls.

Donald Trump has also called for more spending, saying that he would seek \$500 billion. He has not offered details on where this funding would come from or on the types of

infrastructure he favors supporting. He has discussed selling special bonds that might support some or all of this funding, but again, details are not available.

**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: September 28, 2016

TO: Board of Port Commissioners  
FROM: Joe A. Gonzalez, Facilities Manager  
SUBJECT: September 2016 Facilities Report

**I. Maintenance**

Staff is continuing to paint several areas throughout the Harbor:

- a. Harbor Patrol's Docks have been refurbished with new marine grade primer and paint.



- b. All four of the Monument signs located at the entrances of the Ventura Harbor Village parking lots have been re-furbished with new primer and paint.



- c. I'm glad to report that the Entrance monument walls project under our Capital improvement projects is going well and we are currently 90% complete, Contractor has ordered and is waiting for the custom built stainless steel brackets that are going to be replaced that fastened the tower caps. We anticipate they will be in by next week; below are photos on our progress.



## II. Landscaping:

Staff is continuing on upgrading and installing drip lines for water conservation in several places where the planters are and throughout the Ventura Harbor Village landscaping areas.



## III. Marina

Staff continues to perform the monthly inspections on all gangways, docks, and fire extinguisher fire boxes. This month several gangway wheels were replaced as a preventive maintenance due to wear and tear.

## IV. Marketing

The Maintenance Department continues to provide assistance to the Marketing Department on weddings, set-up for events, during events, installation of banners/flyers, or whatever the needs are to make a successful event. Additionally, staff assisted on the organization of all marketing storage containers. We are currently creating a storage area for marketing at the 1575 building.

## V. Construction Projects

### Phase One: COMPLETED

The Verizon Mono Palm project was started on April 26<sup>th</sup> and I've been meeting with Luke Beere, Superintendent from O.C.I.K Wireless telecom Specialist on a regular basis. I'm glad to report that the project is continuing to go well. O.C.I.K is on schedule. Phase One (construction) has been completed, the communication cabling/conduits have been run from the street side to the cell site, the cell site's foundation has been poured and the block brick walls for the communication room have been installed. All exterior stucco finish is completed. Antenna base has been set in place; all inspections from the City of Ventura have been passed.



**Phase Two: COMPLETED**

Phase Two (Communication) started last week. Phase Two consists of installation of the Mono Palm, all communication software, etc. Phase two is expected to be finished within the next two weeks. Phase Three (Landscaping repairs) will start after Phase Two is completed.



**Phase Three: COMPLETED:**

The Verizon Mono Palm project was completed this month. Inspections from all inspectors have passed; all landscaping has been done, and now considered 100% completed. Below are photos of the finished product.



**VENTURA PORT DISTRICT  
DEPARTMENTAL STAFF REPORT**

Meeting Date: September 28, 2016

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

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**Public Safety Overview:**

The summer is now over and our efforts and planning resulted in a very successful experience for thousands of visitors. Staff met and exceeded the challenges during what I would estimate to be Ventura Harbors most visited summer to date. Both water and landside activities were up and our staff responded to the needs of the public. We will be tallying our stats to include in next months report.



We have already transitioned to preparing for the Fall/Winter months ahead. While we do not see the volume of visitors as we do in the summer, the emergencies are far more technical as the weather is often a significant contributing factor. Next month is the opening of lobster season. The addition of hundreds of unlit buoys will be returning to our local waters along with recreational hoop net fishermen and divers. This primarily nighttime activity can be inherently dangerous and has resulted in accidents in the past, including one fatality last year. We will closely monitor the season and work with allied agencies, as needed, to enhance safety.

**Boating Rescues:**

Our staff responded to numerous vessels in distress near the surf line this summer. This often occurs as people navigate too close to the shoreline. When they encounter mechanical problems they spend valuable time trying to make repairs before calling for assistance and dropping anchor. Even at times dropping anchor is ineffective due to the fact they cannot put out enough line for their anchors to properly dig in or wind and surf causes it to drag.





Sometimes vessels ignore our warnings to stay farther offshore. In one such case a sailboat was contacted multiple times over the course of a couple of days for being too close to the surf. On the third day when the winds picked up as forecasted the captain found himself unable to exit to safer waters and was washed aground. While there were no injuries the 32' sailboat became an immediate hazard to the safety of beach goers and the environment. The Port District and the City of Ventura collaborated to mitigate the hazard at one of our areas more popular beaches. The City financed the vessel

being pulled off the beach thanks to a significant discount from local business owner Paul Amaral of Channel Watch Marine Boat US.

### **Landside Rescues:**

Included in most monthly reports are the 911 landside calls we also respond to. Due to our proximity and rapid response capability we are often first on scene to 911 calls in and immediately near the Harbor. This level of service is especially valuable to our community. Our primary efforts are to establish scene safety, provide a scene size up to incoming units, and provide lifesaving stabilization to victims. More often, just the positioning our truck with the emergency lights activated ensures no further accidents or injury occur to first responders. The past few months we also responded to and were first on scene to multiple traffic accidents in the Harbor area. Here is a snapshot of some.



### **Beach Rescues:**

We did not see any significant beach rescues this summer for which we mostly attribute to the California State Parks Lifeguard contract and the additional Lifeguard Tower, which was placed at Surfers Knoll along with the mobile truck unit. There were a number of routine rescues and we will be collecting the stats from State Parks to include with next months stats.

This year we did have a number of stingray hits. This is the second year we have regularly seen this type of injury. We have perfected our response to include bringing a trashcan of hot water to the beach and victim. The hot water decreases the severe pain associated with the sting and in most cases the victim is significantly better within the next 30 minutes. In most of all of this year's responses, a full 911 response was not necessary due to the experience of our staff and Lifeguards with this issue.



### **Moorpark & Thousand Oaks Beach Bus:**

Summer is over and I plan to follow up regularly with both of my contacts from each city. Both expressed they had never considered our Harbor before, but were open to the idea for the following summer. I will work with the Marketing Department to try to put together materials to enhance our chance of success.

### **Port District & Ventura City Collaboration:**

The Port District received the matching funds from the City of Ventura for the June 7 deceased whale disposal. Due to a discount received by Paul Amaral of Channel Watch Marine, each party's share was approximately \$1200 dollars.

I am currently working with the City of Ventura Parks Department to dispose of the 32' sailing vessel that went aground on Marina Park this summer. Once the City gets title to the vessel, I will use the Surrendered and Abandoned Vessel Exchange (SAVE) grant money to dispose of the vessel.

### **Harbor Patrol Injury & Illness Prevention Program:**

A number of years ago the Harbor Patrol implemented an in-house Injury & Illness Prevention Program to prevent on the job injuries and ensure our staff is best prepared for the arduous emergencies we are summoned to throughout the year. This program allows for staff to exercise within a very modest gym that was funded from the Harbor Patrol Budget and set up in the Port District Headquarters. The equipment is also available for use to all Port District Staff. Additional lockers were purchased last month so that office staff could store their workout clothing on site. The program has been a success and on the job injuries within the Harbor

Patrol have decreased significantly since 2012. This personal use equipment has started to show signs of age, intermittent failures, and will need to be replaced over the next year. I expect we will be able to purchase additional modest equipment while staying within our existing operational budget.

### **Beach Trash and Deceased Marine Life:**

This summers large crowds trash exceeded our limited resources and receptacles. The Harbor Patrol along with Maintenance ended up picking up and emptying trashcans throughout the summer to continue our mission of providing a safe and enjoyable attraction.

Our beach and harbor encounters numerous deceased marine life throughout the year. The often large and decomposed carcasses provide a challenge to our staff. Unfortunately, there are no services to call to assist with this human health issue. We are left with limited ways we can mitigate these carcasses. Our three options are to bury it in place, relocate it to a more remote area of the beach, or tow it out to sea. Federal Law requires the carcass to be buried in a hole approximately 6-8' deep, relocating it requires some form of lifting/dragging, and towing it to sea sometimes results in it returning due to the winds and currents. This summer we had a deceased dolphin that washed ashore during the busy summer season and before a holiday weekend. The crowds began to gather and demanded officials do something. After weighing the options the safest and most efficient method to remove the hazard was to drag it behind a truck towards a remote area near the river mouth. State Parks Officials towed the dolphin roughly 200 yards down the beach to a location where other deceased marine life had been relocated. A beachgoer took video from his phone and sent it to the news. By the end of the day, on July 4, it had made nationwide news and our Harbor Patrol was mentioned in the news. Attempts to clarify that State Parks was the lead agency were essentially ignored because of the stories appeal to the public. Our staff closely monitored the story and at last check there were over 300k Facebook views to the story. About half the responses thought this was cruel and insensitive to the dolphin and the other half understood the actions taken. While I personally agree this was a reasonable and appropriate method to mitigate the human health hazard that this presented to the public, we are open to other ideas on how we might deal with this issue in the future.



Like Page

A state parks supervisor towed a dead dolphin across the sand in front of families at the beach in Ventura during Fourth of July weekend, and it was captured on video by a father who called the sight "disturbing."

Removing the dolphin from the crowded beach that way was the best solution to a "difficult situation," the harbormaster said. The practice will be reviewed to see "how we might make the relocation of deceased animals more agreeable to the public," a Harbor Patrol news release said.

Read KTLA's story here: <http://on.ktla.com/8qUwu>



6.6K

2.3K Comments 1.5K Shares 358K Views

**Assisted & Supervised Special Events:**

Best Day Foundation “Day at the beach”  
 National Scholastic Surfing Association  
 Boys High School Beach Volleyball Competitions

**Soundings:**

Attachment 1

**911 Calls:**

Incident	Units	Priority	Problem	Agency	Address	City	Response Date
<a href="#">16-0054569</a>	HARB10, ME2, MED663	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1215 Anchors Way	Ventura	7/22/2016 2:46:07 PM
<a href="#">16-0054782</a>	HARB10, ME2, MED481	M7	SICK PERSON NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	7/23/2016 10:11:22 AM
<a href="#">16-0054794</a>	HARB10, ME5, MED664, MT5	M5	ALLERGIES/ENVENOMATION NON EMD	Ventura County Fire Department	1830 Spinnaker Dr	Ventura	7/23/2016 12:32:15 PM
<a href="#">16-0054851</a>	HARB10, ME2, MED482	M5	BEHAVIORAL EMERGENCY NON EMD	Ventura County Fire Department	1866 Spinnaker Dr	Ventura	7/23/2016 3:58:20 PM
<a href="#">16-0054900</a>	AIRSQ8, B10, B5, B61, CSTGRD5, HARB10, HMOFC, LIFEGD1, ME1, ME2, MED482, MT5, SAFETY, WR10, WR51, WR66	F3	WATER RESCUE	Ventura County Fire Department	668 E Harbor Blvd	Ventura	7/23/2016 6:52:01 PM
<a href="#">16-0055396</a>	HARB10, ME102, MED451, MED481	F4	TC	Ventura County Fire Department	E Harbor Bl / Olivas Park Dr	Ventura	7/25/2016 6:48:29 PM
<a href="#">16-0055705</a>	HARB10, ME2, MED482	M5	FALLS	Ventura County Fire Department	1575 Spinnaker Dr	Ventura	7/26/2016 11:15:10 PM
<a href="#">16-0056761</a>	HARB10, ME2, MED482	F4	TC	Ventura County Fire Department	1101 SPINNAKER DR	Ventura	7/31/2016 12:05:43 AM
<a href="#">16-0056947</a>	HARB10, ME2, MED661	M5	ANIMAL BITES/ATTACKS NON EMD	Ventura County Fire Department	1860 Spinnaker Dr	Ventura	7/31/2016 6:11:01 PM
<a href="#">16-0056972</a>	HARB10, ME2, MED664	M3	CHEST PAIN NON TRAUMA HIGH	Ventura County Fire Department	1567 Spinnaker Dr	Ventura	7/31/2016 7:52:25 PM
<a href="#">16-0057476</a>	HARB10, MED691, MT5	M5	TRAUMATIC INJURIES NON EMD	Ventura County Fire Department	1860 Spinnaker Dr	Ventura	8/2/2016 4:42:10 PM
<a href="#">16-0057741</a>	HARB10, ME102, MED481	M3	SICK PERSON HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	8/3/2016 7:44:57 PM
<a href="#">16-0057820</a>	HARB10, ME5, MED482	M3	UNCONSCIOUS/FAINT HIGH	Ventura County Fire Department	1215 Anchors Way	Ventura	8/4/2016 8:59:03 AM
<a href="#">16-0057923</a>	B10, B5, B9, CSTGRD3, EMS51, HARB10, LIFEGD1, ME1, MED662, WR10	F5	OCEAN RESCUE LOW	Ventura County Fire Department	Greenock Ln / Pierpont Blvd	Ventura	8/4/2016 3:38:32 PM
<a href="#">16-0058238</a>	HARB10, ME102, MED662	M5	TRAUMATIC INJURIES NON EMD	Ventura County Fire Department	1580 Spinnaker Dr	Ventura	8/5/2016 10:12:54 PM
<a href="#">16-0058442</a>	HARB10, ME102, MED481, MED482	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	SPINNAKER DR / ANGLER CT	Ventura	8/6/2016 8:42:50 PM
<a href="#">16-0058561</a>	HARB10, ME2, MED482	M5	STROKE (CVA)	Ventura County Fire Department	1603 ANCHORS WAY DR	Ventura	8/7/2016 12:13:56 PM
<a href="#">16-0058665</a>	HARB10, ME2, MED482	M1	CHEST PAIN NON TRAUMA NON EMD	Ventura County Fire Department	1559 Spinnaker Dr	Ventura	8/7/2016 8:29:04 PM
<a href="#">16-0060214</a>	HARB10, ME2, MED483	M7	FALLS NO CODE	Ventura County Fire Department	1510 ANCHORS WAY	Ventura	8/14/2016 12:56:06 PM
<a href="#">16-0060229</a>	HARB10, ME2, MED483	M1	BREATHING PROBLEMS NON EMD	Ventura County Fire Department	1830 Spinnaker Dr	Ventura	8/14/2016 2:18:00 PM
<a href="#">16-0060237</a>	HARB10, ME2, MED481	M5	SICK PERSON NON EMD	Ventura County Fire Department	1575 Spinnaker Dr	Ventura	8/14/2016 2:46:17 PM
<a href="#">16-0060806</a>	HARB10, ME5, MED663	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1050 Schooner Dr	Ventura	8/16/2016 5:13:16 PM
<a href="#">16-0060813</a>	HARB10, ME5, MED421, MED663	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1080 Navigator Dr	Ventura	8/16/2016 5:24:40 PM
<a href="#">16-0061177</a>	B9, HARB10, ME2, MED481	M5	SICK PERSON NON EMD	Ventura County Fire Department	1600 Spinnaker Dr	Ventura	8/18/2016 9:48:02 AM
<a href="#">16-0061383</a>	HARB10, ME5	F7	INVESTIGATION	Ventura County Fire Department	1755 Spinnaker Dr	Ventura	8/18/2016 9:38:41 PM
<a href="#">16-0061890</a>	HARB10, ME2, MED482	F4	TC	Ventura County Fire Department	Olivas Park Dr / E Harbor Bl	Ventura	8/21/2016 2:10:34 AM
				Ventura			8/21/2016



**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: September 28, 2016

TO: Board of Port Commissioners  
FROM: Frank Locklear, Marina Manager / Technology  
SUBJECT: Marina Report

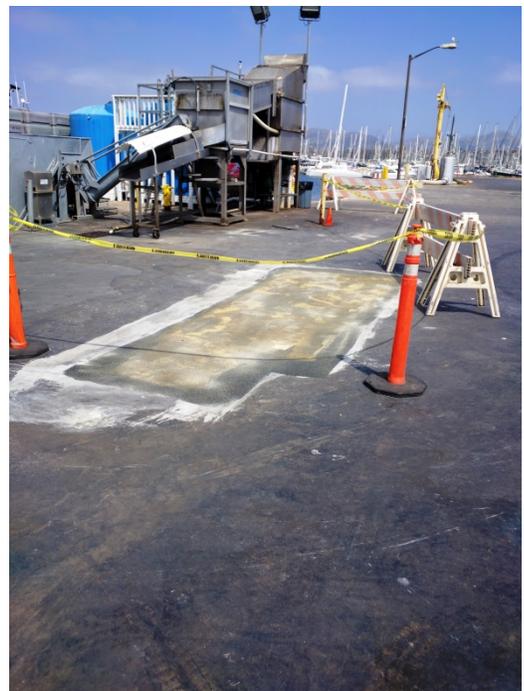
**I. Repairs to Surfaces on the Fish Pier and DeLuca Squid loading area**

The past several weeks has produced a temporary decline in squid offloading throughout California. This is not unexpected as we shift between summer and fall squid offloading seasons. We have taken this time to conduct repairs on two of our squid offloading areas.

The repairs were conducted on two days, Saturday, August 27 and Thursday, September 1, 2016. The time spent between the two dates were used for the base repair product to cure before application of the final top surface was applied. Both repaired areas are now ready for service.



The left picture is of the completed warranty surface repair directly underneath the Del Mar squid fish pump, which is located on the fish pier. This area was possibly compromised by a failure in the adhesion of the surface product. We will continue to evaluate the repair as time and squid offloading resumes.



The right picture is of the completed surface repair of an area on the common driveway near the DeLuca fish pump that had begun showing signs of surface wear. It is my opinion that this area was not subject to a failure of a previously applied surface, but the result of normal wear and tear. This repair will help reduce further damage to the surface, as a result of heavy forklifts moving over what was previously a rough and uneven surface.

## **II. Ventura Harbor Village Marina Occupancy**

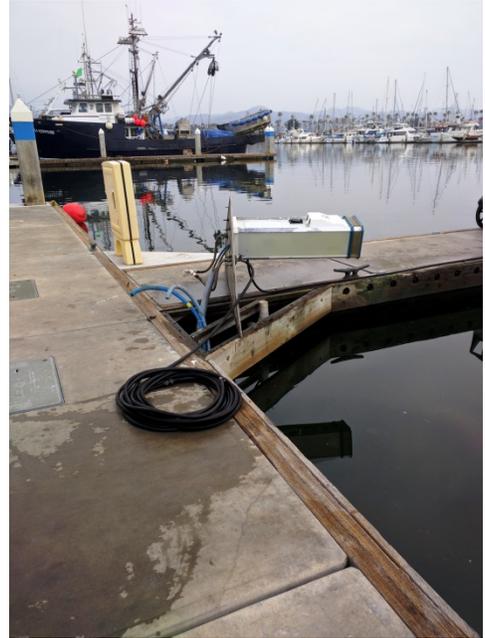
In September, the Ventura Harbor Village slip occupancy fell to 90.0%. This was due to the temporary return to out of state home ports of some seine vessels during the current pause in squid offloading.

## **III. Damage and Repair to Slip D-26**

The Dive Boat Spectre departed the slip on August 29 neglecting to disconnect the vessel's water hose from the dock. The dock base plate was ripped from the deck, severing the slip's water and electrical connections. The picture to the left reflects the damage that was done. District maintenance personnel repaired the damage and on September 7 the vessel owner was billed \$2,192.26 for the repair, which included parts and labor.

## **IV. Technology**

Progress on the installation of the District's new ATT VOIP telephone system continues. The new equipment has been received and the installation started.



# Events/Promotions

## National Parks' Centennial Celebration Event on August 25 at Ventura Harbor Village

- Ventura Harbor partnered with the Channel Islands National Park to celebrate the National Park Centennial by hosting a Thursday evening event featuring booths, live entertainment, yoga, Surf Brewery tasting, and the screening of the West of the West.
- 600 approximate in attendance throughout the evening, exposure to the Channel Islands and the presence of our local National Park.
- *"We are very grateful for our partnership and appreciate all the support and hard work that you contributed to making the event so successful. It was a lot of fun for us to work with you."* Yvonne Menard, Chief of Interpretation & Public Information Officer, Channel Islands National Park

## Seaside Kids Club- Summer Thursdays – June/July / August

- Ten weeks the Harbor Marketing Dept produced the first Seaside Kid's Club with activities, crafts and live entertainment aimed at weekday traffic increase and family awareness.
- Over 774 kids participated in the 10-week series
- 175 New Enewsletter subscribers joined
- A variety of tenants reported an increase in sales for Thursday traffic as a direct result. (Coastal Cone reported staffing like a weekend on Thursday was necessary)
- Majority of those interviewed learned of the Seaside Kids Club via Facebook and online
- 12% of the attendees surveyed were it was their first time to Ventura Harbor Village
- 57% of the attendees surveyed said they planned to dine in the Harbor
- 41% of the attendees surveyed said they planned to shop in the Harbor
- Seals and Island Foxes were given to kids that returned 3 times to the Seaside Kids Club – 93 kids returned 3 times!

## Wet Wednesday – Weekday Promotion June/ July/August/ September

- Continuous 16 Week weekday promotion
- Live entertainment at lunch by steel drummer (entertainment moved each week)
- Live entertainment each afternoon on Carousel Stage
- 11 Harbor Village tenants participated with special offers
- Primary promotion was online and social media
- Tenants reported an uptick all summer of the weekday traffic
- Better attendance in the daytime than the evening for promotion



**Wet WEDNESDAYS**  
SHOP, DINE & DRINK SPECIALS + LIVE MUSIC

# Marketing/Meetings/Media/Ads

## Marketing & Promotions

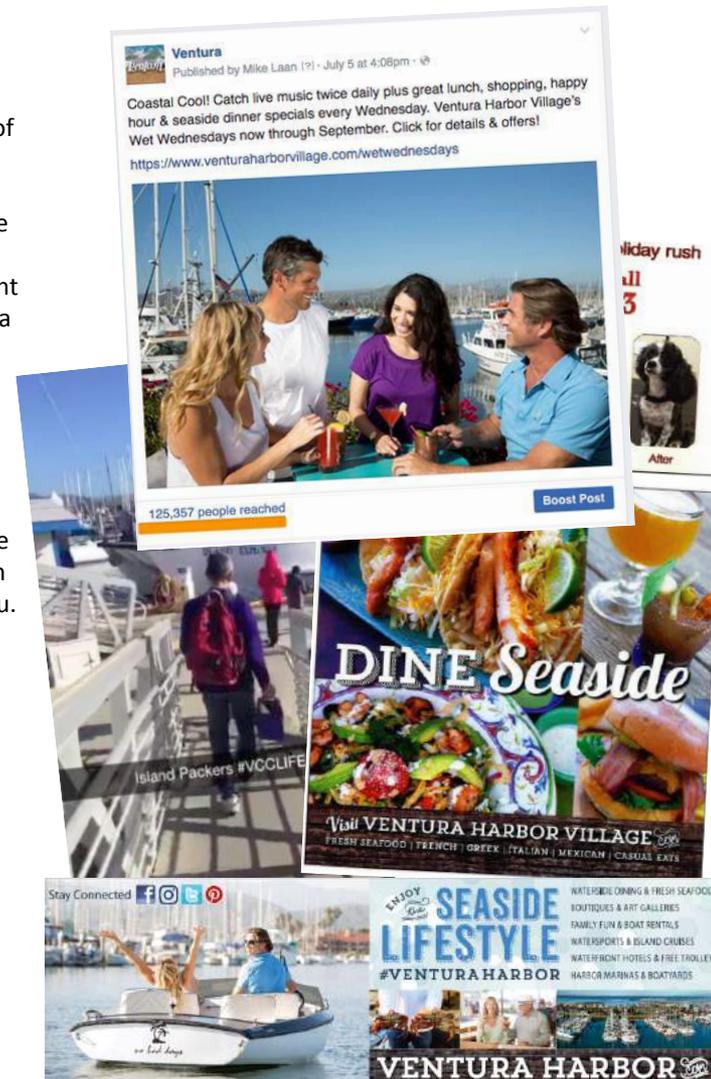
- Hosted a Film Crew and developed a shot itinerary to feature waterside dining, shopping and on the water fun for Visit Ventura – Ventura Visitors & Convention Bureau on August 26. Film will be part of a 5 –part series on Ventura.
- Worked with Ventura Visitors & Convention Bureau for a boosted Facebook post to promote Wet Wednesday- 125,357 people reached. Plus hosted Visit Ventura for a kayak trip using the 360 degree camera in which the video was posted to the Visit Ventura and Ventura Harbor social channels.
- Hosted Somerville Associates for an updated tour of Ventura Harbor businesses from PR development
- Developed greater visibility of Ventura Harbor this summer working in partnership with the California Welcome Center in Oxnard in The Collection, includes new stand, poster and promotional pieces.
- Attended the annual LA Visitors Bureau’s 2016 Market Outlook August 25, received comprehensive marketing and planning resources for the L.A. and surrounding markets like Ventura. Both domestic and international spending and insights.

## Ventura Visitor Profile Study

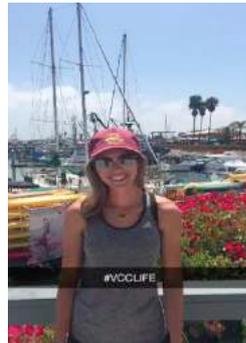
- Reviewed and revised questions for the Ventura survey regarding visitation to Ventura Harbor Village and Ventura Harbor by both residents and visitors. Study is slated to begin in Fall 2016 in conjunction with a number of partners including Ventura County Coast and Ventura Visitors & Convention Bureau.

## Advertising

- Living Here Annual Ventura Publication: Published a Ventura Harbor ad with Ventura County Star annual publication (July) 50,000 distribution
- Developed a Harbor coop working with PACE Publishing for the Ventura Inspiration Guide – secured special rates, coop design page and secured 5 partners
- Secured full page inside front page ad for Ventura Harbor /Ventura Harbor Village ad for Ventura Inspiration Guide
- Partnered with Ventura Visitors & Convention Bureau and Downtown Ventura on a new Ventura brochure/map which will be distributed in Certified Racks throughout California and selected states. Ventura Harbor partnered at (\$2,500) for a full panel. Offered a second panel by Marlyss Auster, President & CEO of (VCB) and developed a harbor coop for tenants, sold all 4 spaces. Brochure in design.
- 805 Living Magazine- Dine Seaside Ventura Harbor ad ran in the September Issue.

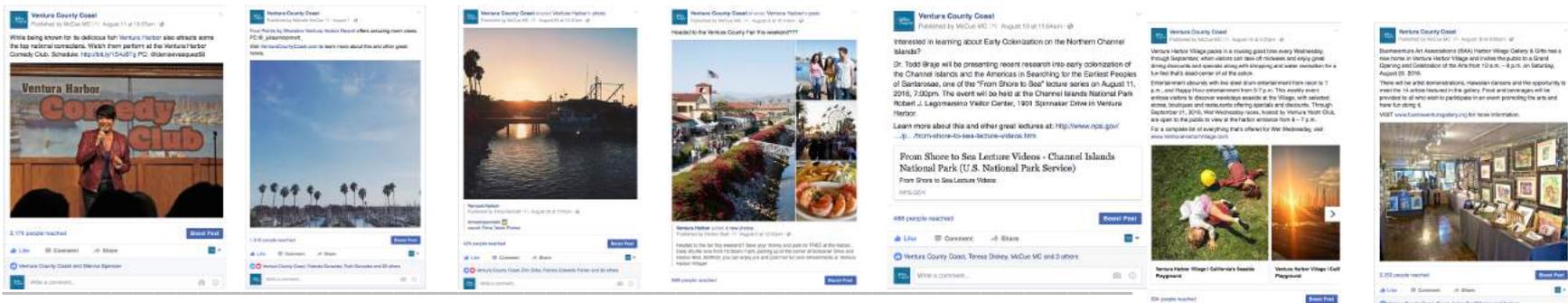


# Ventura County Coast Coverage



Snapchat:  
115 Hours Watched!

Snapchat:  
303 Hours Watched!



@VisitVCCoast Instagram

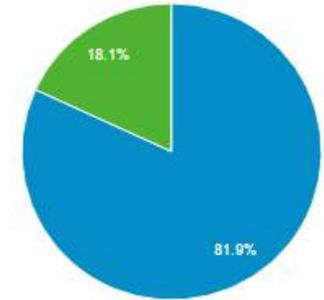
# Website Analytics

## VenturaHarbor.com



Data from July 1 – August 31, 2016

■ New Visitor ■ Returning Visitor



Top 5 Pages Visited on VenturaHarbor.com (July-August 2016):

1) Home 2) Harbor Cove Café 3) Beaches 4) Village Carousel 5) Directions

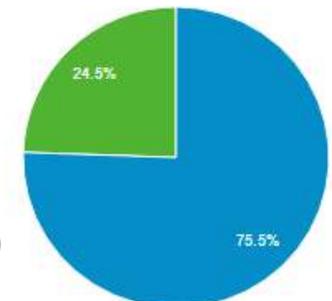
Where people are coming from: 1) Google 2) Direct 3) Yahoo 4) Bing 5) AOL 6) Marriott.com 7) Facebook Mobile 8) DuckDuckGo.com 9) YellowPages.com 10) PetFriendlyTravel.com

## VenturaHarborVillage.com



Data from July 1 – August 31, 2016

■ New Visitor ■ Returning Visitor



Top 5 Pages Visited on VenturaHarborVillage.com (July-August 2016):

1) Home 2) Dine 3) Events 4) Play 5) Shop

Where people are coming from: 1) Google 2) Direct 3) Yahoo 4) Facebook Mobile 5) Bing 6) VenturaHarbor.com 7) Facebook.com 8) camarillo.macaronikid.com 9) VenturaCountyWest.com 10) Yelp Mobile

# Social Media Analytics

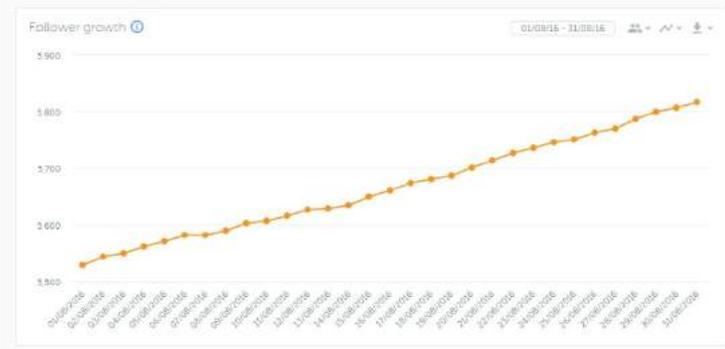
## Instagram (5,817 Followers)

Your new followers increased by

**▲ 5%**

since last month

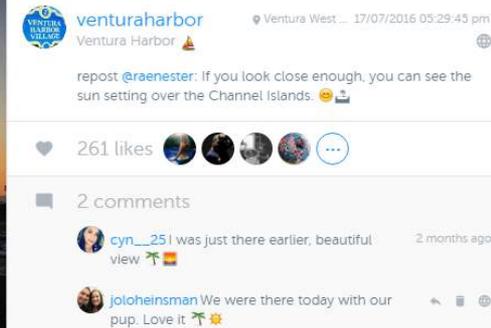
### Iconosquare Instagram Follower Growth



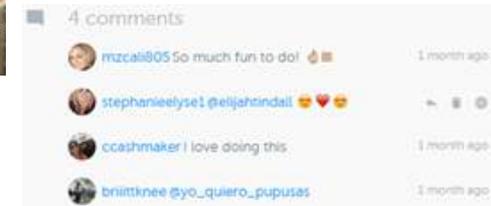
“Locals Know” Campaign 29,883 People Reached



261 Likes



223 Likes



# Social Media Analytics (Cont.)

## Facebook (16,224 Followers)



## Twitter (3,886 Followers)

Your Tweets earned 44.4K impressions over this 62 day period



## Seaside Kids Club Event Promotion



26,993 Total Event Reach

## Wet Wednesdays Promotions



4,626 People Reached



7,342 People Reached

## Ventura Harbor Village E-Newsletter (7,704 Subscribers as of August 23, 2016)



July 1 "Red, White & Blue – SEA What's New This Summer!"  
Open Rate: 17.9%

July 21 "Summer Sizzles at Ventura Harbor Village"  
Open Rate 16.7%

August 3 "3 Ways to Entertain, Laugh & Play this Week Seaside"  
Open Rate: 18.0%

August 23 "Channel Islands Centennial Celebration"  
Open Rate: 21.4%

# Social Media Analytics (Cont.)

## PokemonGO Promotion

**ATTENTION! POKEMON HIDING AT THE BOTTOM OF OUR BEERS! COME GET THEM NOW**

**venturanarbor** @venturanarbor · August 22 at 7:04pm  
 Cheers to catching them all! 🍻 report @knowwyagr #VenturaHarbor #PokemonGo #CatchThemAll

**Ventura Harbor** added 2 new photos to the album: Pokemon GO — with Coastal Cone Waffle Company and Coffee Clix & Post  
 Published by Harbor Seal 11 · July 11

Pokemon have invaded Ventura Harbor Village We'll try to CATCH THEM ALL here! Have fun and please remember to be safe and play during Ventura Harbor Village business hours! #PokemonGo #PokemonGo #CatchThemAll

**Creations from Ventura Harbor**

**Ventura Harbor** added 9 new photos to the album: Pokemon GO — with Scooped Cafe & Bar and 8 others  
 Published by Harbor Seal 11 · July 11

Pokemon have invaded Ventura Harbor Village WEY try to CATCH THEM ALL. First Have fun and please remember to be safe and play during Ventura Harbor Village business hours! #PokemonGo #PokemonGo #CatchThemAll

5,534 people reached

1,024 people reached

## Channel Islands National Park 100 Years Event Promotion

**Ventura Harbor with Channel Islands National Park and 4 others**  
 Published by Harbor Seal 11 · August 22 at 7:04pm

You're invited! The National Park Service Celebrates 100 Year Party at Ventura Harbor Thursday, August 25th, 5-10 PM. Hosted by Channel Islands National Park & Ventura Harbor, the festivities will include a movie screening of West of the West: Tales from California's Channel Islands and more!

Event details: [bit.ly/CHISNPS100](http://bit.ly/CHISNPS100) #FindYourPark #FoundersDay

**CHANNEL ISLANDS NATIONAL PARK CENTENNIAL CELEBRATION**

27,520 People Reached

1,307 Reactors, Comments & Shares

995 Like	803 On Post	192 On Shares
51 Love	47 On Post	4 On Shares
4 Wow	4 On Post	0 On Shares
66 Comments	32 On Post	34 On Shares
193 Shares	186 On Post	7 On Shares

996 Post Clicks

250 Photo Views	170 Link Clicks	576 Other Clicks
-----------------	-----------------	------------------

27,520 people reached

654 Reactions

28 Comments 186 Shares

Write a comment

**Pascale Landry** Looking forward to it!!! Love our National Parks! ❤️  
 Unlike · Reply · Message · 1 · August 23 at 10:50pm

**Claudia Davoli** See ya there!!!  
 Unlike · Reply · Message · 1 · August 23 at 11:53am

**Barbara Tomblin** Hoping to be there if I survived a swim in that cold ocean today.

**VENTURA PORT DISTRICT**  
**DEPARTMENTAL STAFF REPORT**

Meeting Date: September 28, 2016

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

**I. Tenant Improvements Underway**

- 1) *The 805 Bar & Grilled Cheese and Copa Cubana* - 1575 Spinnaker Drive, #102 –The back patio separation wall to contain alcohol and customers within his space is still in progress and estimated completion is fourth quarter of 2016.
- 2) *Milano’s Italian Restaurant* – 1575 Spinnaker Drive, #100 – Construction to the new interior bar is moving along nicely. Estimated completion is fourth quarter in 2016. The tenant is currently open for business.
- 3) *The Ultimate Escape Rooms* --- 1591 Spinnaker Drive #117C – The plans have been submitted to the City of Ventura, the tenant is waiting for approvals to move forward. Estimated opening is fourth quarter of 2016.
- 4) *Lost in Socks* --- 1575 Spinnaker Drive #107A – Lost in Socks opened with a positive response from customers. They continue to add to their inventory and sales are growing monthly. Please see attached photos of the finished product of construction.
- 5) *Mermaid Gallery* --- 1575 Spinnaker Drive #107B --- Mermaid Gallery rebranded their store from the former Tina O’Brien Gallery and has found that it was the best decision they made. Their new location and rebranding has helped their sales grow from previous years. Please see attached photos.

**II. Projects**

- 1) *Parking Program* --- The parking program committee has been meeting weekly on preparing memos, maps, signage and implementation of this program. The first phase of signage has been installed at Ventura Isle Marina designated parking section. This was presented and approved by VIM and they are pleased with the results. We are continuing to work on the other aspects of this program and will keep you updated on the progress.

**III. Leasing**

- 1) Leasing Packet:
  - Distributing leasing packet; these can be printed or found on the website for circulation.
  - Posting ads online and in publications.
- 2) Overview of FY2016/2017 leasing strategy goals:
  - Obtain monthly, quarterly and annual data from real estate organizations and sources;
  - Procured Co-star for real estate analytics;
  - Increase annual rental revenue to VPD at (or above) consumer price index;
  - Attendance and participation with real estate, trade shows, webinars and networking events and others as applicable;
  - Annual memberships with leasing, real estate and development organizations;
  - Visit prospective tenant locations and meet with business owners.

**IV. Occupancy level at Harbor Village**

CATEGORY	Harbor Vacancy Sq Ft	Harbor Vacancy %	Harbor Available Sq Ft	Harbor Available %	City * Vacancy %	City * Available %
Office	0	0%	0	0%	16.4%	25.6%
Retail	0	0%	5,634	28.5%	6.5%	13.9%
Restaurant	1,537	4.8%	1,537	4.8%	5.7%	11%

\*Based on comparable square footage

#### IV. July Sales Report

The attached summary provides sales for three categories: restaurants, retail and charters. The reports compare the monthly sales for 2016 and 2015. They also include year-to-date comparisons. Restaurant and retail categories posted noteworthy increases in sales. For example, retail sales in July 2016 were 33.18% higher than July 2015 sales.

The year-to-date sales for July 2016 were up 1.35% from the same time last year. However, there was a decrease of 17.94% for Charters; this was mostly due to the Santa Cruz Island landing dock closed for Island Packers' boat trips.

#### Attachments

Attachment 1 – July Tenant Sales

##### LOST IN SOCKS



##### MERMAID GALLERY



##### VENTURA ISLE MARINA (parking program signs)



ATTACHMENT 1

**Ventura Harbor Village  
Tenant Sales Summary**

Month of July-2016	<u>July-2016</u>	<u>July-2015</u>	<u>% Change</u>
Restaurants	\$ 2,004,423	\$ 1,641,951	22.08%
Retail	\$ 516,127	\$ 387,533	33.18%
Charters	\$ 774,400	\$ 780,917	-0.83%
Total	\$ 3,294,950	\$ 2,810,401	17.24%

Year-to-date through July 2016	<u>July-2016</u>	<u>July-2015</u>	<u>% Change</u>
Restaurants	\$ 9,341,411	\$ 8,744,907	6.82%
Retail	\$ 2,033,926	\$ 1,831,177	11.07%
Charters	\$ 2,791,434	\$ 3,401,747	-17.94%
Total	\$ 14,166,771	\$ 13,977,831	1.35%

**VENTURA PORT DISTRICT  
DEPARTMENTAL STAFF REPORT**

Meeting Date: September 28, 2016

---

TO: Board of Port Commissioners  
CC: Oscar Peña, General Manager  
FROM: Gloria Adkins, Accounting Manager  
SUBJECT: Quarterly Treasurers Report

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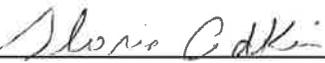
As of June 30, 2016, the District held cash and investments with a market value of \$9,585,944. Funds held in investments represent those not needed for general operating activities.

Local Agency Investment Fund (LAIF) holds 85% of the June 30, 2016 fund balance:

Enterprise (Operating) Fund	\$ 2,126,949
Dredging Reserve Fund	3,000,000
Capital Improvement Fund	4,368,865
Capital Improvement –Fisheries Fund	<u>90,130</u>
Total Funds	\$9,585,944

The District has \$1,506,991 invested in a stable money market and the Federal National Mortgage Association through Stifel Nicolaus. These funds had a net portfolio yield of 0.90%. There has been no activity change in this investment during this quarter.

The Investment Portfolio Report for June 30, 2016 attached herewith includes all of the District's Funds.

Submitted by:   
Gloria Adkins  
Accounting Manager

Date: August 24, 2016

**ATTACHMENTS:**

Attachment 1 – Investment Portfolio Report for June 30, 2016

Attachment 2 - :LAIF Performance Report Quarter Ending June 30, 2016

**ATTACHMENT 1**

**Ventura Port District  
Investment Portfolio Report  
Quarter Ending 6/30/2016**

<u>Security Type</u>	<u>Issuer</u>	<u>CUSIP Number</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Par Value</u>	<u>Book Value</u>	<u>Percent of Portfolio</u>	<u>Market Value</u>	<u>Market Value Source</u>
<b>Cash Investments</b>									
State Pool (LAIF)	LAIIF-State Treasury		On Demand	0.55%	9,585,944	9,585,944	85%	9,586,540	LAIIF
<b>Total Cash Investments LAIF</b>						<b>\$ 9,585,944</b>	<b>85%</b>	<b>\$ 9,586,540</b>	
<b>Cash Investments Stifel Nicolaus</b>									
Federal National Mortgage Association		3136G0Z61	11/14/2017	0.90%	1,500,000	1,500,000	13%	1,500,240	Stifel Nicolaus
Stifel Bank & Trust Money Market Funds				0.03%	6,751	6,751	0.1%	6,751	Stifel Nicolaus
				0.90%					
<b>Total Investments Stifel Nicolaus</b>						<b>\$ 1,506,751</b>	<b>13%</b>	<b>\$ 1,506,991</b>	
<b>Cash Deposits</b>									
Demand Deposits-									
Main checking	Wells Fargo		On Demand	N/A	N/A	140,880	1%	140,880	Wells Fargo
Petty Cash	Ventura Port District		On Demand	N/A	N/A	1,307	0.01%	1,307	Ventura Port District
<b>Total Cash Deposits</b>						<b>\$ 142,187</b>	<b>1%</b>	<b>\$ 142,187</b>	
<b>Cash in County Treasurer's Pooled Investment Program</b>									
County Treasurer's Pool	Ventura County Treasury		On Demand	0.680%	16,815	16,815	0.15%	16,815	Ventura County Treasury
<b>Total Cash in County Treasury</b>						<b>\$ 16,815</b>	<b>0.15%</b>	<b>\$ 16,815</b>	
<b>TOTAL ALL FUNDS</b>						<b>\$ 11,251,697</b>	<b>100%</b>	<b>\$ 11,252,533</b>	

Notes:  
I certify that this report accurately reflects all of the Districts investments, and is in conformance with the adopted District Investment Policy. Furthermore, I certify to the best of my knowledge, sufficient investment liquidity and anticipated revenues are available to the meet the District's budgeted expenditure requirements for the next six months.

8/24/2016

Submitted by: *J. Alan Colkin*



ATTACHMENT 2  
**JOHN CHIANG**  
**TREASURER**  
**STATE OF CALIFORNIA**



**PMIA Performance Report**

Date	Daily Yield*	Quarter to Date Yield	Average Maturity (in days)
06/30/16	0.58	0.55	167
07/01/16	0.58	0.58	177
07/02/16	0.58	0.58	177
07/03/16	0.58	0.58	177
07/04/16	0.58	0.58	177
07/05/16	0.58	0.58	173
07/06/16	0.58	0.58	171
07/07/16	0.58	0.58	168
07/08/16	0.58	0.58	168
07/09/16	0.58	0.58	168
07/10/16	0.58	0.58	168
07/11/16	0.58	0.58	167
07/12/16	0.58	0.58	171
07/13/16	0.58	0.58	169

\*Daily yield does not reflect capital gains or losses

**LAIF Performance Report**

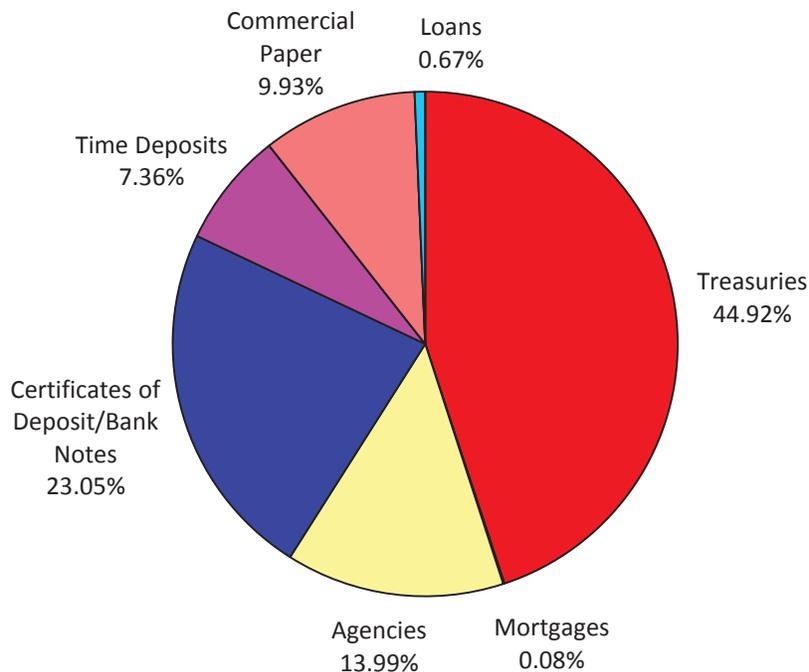
**Quarter Ending 06/30/16**

Apportionment Rate: 0.55%  
 Earnings Ratio: 0.00001495296852820  
 Fair Value Factor: 1.000621222  
 Daily: 0.58%  
 Quarter to Date: 0.55%  
 Average Life: 167

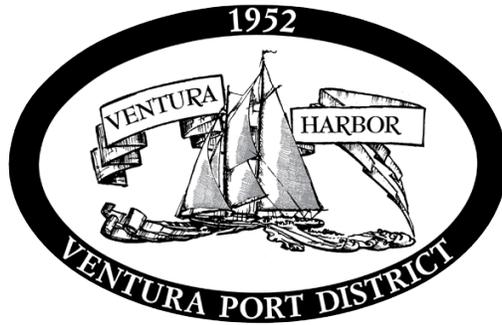
**PMIA Average Monthly Effective Yields**

**Jun 2016 0.576%**  
 May 2016 0.552%  
 APR 2016 0.525%

**Pooled Money Investment Account  
 Portfolio Composition  
 06/30/16  
 \$75.4 billion**



Based on data available as of 7/15/2016



BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

CONSENT AGENDA ITEM A

APPROVAL OF NEW OFFICE LEASE  
AGREEMENT FOR WAVE REALTY

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM A**  
Meeting Date: September 28, 2016

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TO: Board of Port Commissioners  
FROM: Robin Baer, Property Manager  
SUBJECT: Approval of New Office Lease Agreement for Wave Realty,  
1575 Spinnaker Drive #201

---

**RECOMMENDATION:**

That the Board of Port Commissioners approve a new office lease agreement for the premises located at 1575 Spinnaker Drive #201 consisting of 439 square feet between the Ventura Port District dba Ventura Harbor Village and Karla Reed and Stephen M. Foster dba Wave Realty for a two-year term.

**BACKGROUND:**

Wave Realty has been a tenant since September 2015. Ms. Reed and Mr. Foster have grown over the past year and continue to increase visibility with their business. They have enjoyed being a Village tenant and would like to continue with renewing for two more years.

**FISCAL IMPACT:**

This new lease reflects current market rental rates for office space in the complex. The annual occupancy cost for this tenant is \$9,300. The minimum rent over the two year term is adjusted annually by 3% per year.

We look forward to continued future success with this tenant. Staff recommends the Board's approval of the new lease transaction.



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

## CONSENT AGENDA ITEM B

APPROVAL OF NEW LEASE  
AGREEMENT FOR KAREN DUPUY DBA  
VENTURA FISH CO.

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM B**  
Meeting Date: September 28, 2016

---

TO: Board of Port Commissioners  
FROM: Robin Baer, Property Manager  
SUBJECT: Approval of New Lease Agreement for Karen Dupuy dba Ventura Fish Co,  
1449 Spinnaker Drive #F

---

**RECOMMENDATION:**

That the Board of Port Commissioners approve a new lease agreement for the premises located at 1449 Spinnaker Drive #F consisting of 563 square feet between the Ventura Port District dba Ventura Harbor Village and Karen Dupuy dba Ventura Fish Co. for a two-year term.

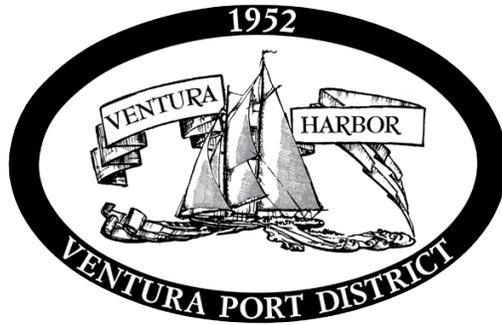
**BACKGROUND:**

Ventura Fish Company has been a Village tenant since September 2013. The Ventura Fish Company is a family-owned business located in Ventura, CA. They provide their customers with fresh, quality fish at an affordable price, while keeping our oceans healthy. As part of being managed under a U.S. fishery management plan, they meet 10 national standards that ensure fish stocks are maintained and overfishing is eliminated. They work with the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NMFS) and take an NMFS observer on each of their fishing trips.

**FISCAL IMPACT:**

This new lease reflects current market rental rates for office space in the complex. The annual occupancy cost for this tenant is \$16,000. The minimum rent over the two year term is adjusted annually by 3% per year.

We look forward to continued future success with this tenant. Staff recommends the Board's approval of the new lease transaction.



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

CONSENT AGENDA ITEM C  
ACCEPTANCE OF \$169,660  
SHELLFISH GRANT

**VENTURA PORT DISTRICT**  
BOARD COMMUNICATION

**CONSENT AGENDA ITEM C**

Meeting Date: September 28, 2016

---

TO: Board of Port Commissioners  
FROM: Brian Pendleton, Business Operations Manager  
SUBJECT: Acceptance of \$169,660 Shellfish Grant

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**RECOMMENDATION:**

That the Board of Port Commissioners authorize the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for \$169,660, which reflects the terms and conditions of the grant agreement for Year 2.

**SUMMARY:**

The grant is for a two year period on a one-plus-one yearly basis and is contingent upon funding availability. Year 1 grant period is from September 1, 2015 to August 31, 2016. Year 2 grant period is from September 1, 2016 to August 31, 2017. The total two-year grant amount is approximately \$300,000 (\$265,000 to the District). Funding for both years has now been made available. The objective of the grant is to provide:

- A technically sound and thorough strategy to successfully obtain all required government entitlements necessary to establish twenty 100-acre aquaculture leases in the state waters of the Santa Barbara Channel.
- Successfully permitted applications for the leases, associated environmental review documents, and completed baseline sampling protocol and data necessary for a California Department of Public Health (CDPH) Shellfish Growing Area Certificate; and,
- A comprehensive outreach strategy aimed at soliciting the support and participation of various stakeholders by educating prospective commercial fishermen, investors/entrepreneurs, shellfish processors, and consumers about the benefits of locally sourced and sustainably raised mussels.

**BACKGROUND:**

Increasing the supply of safe, sustainably produced domestic seafood is a priority for NOAA and the Department of Commerce. The Ventura Shellfish Enterprise (VSE) is a multi-stakeholder initiative that seeks to permit and manage a commercial shellfish culture is technically proven as a method for the production of high value seafood with limited environmental impacts. However, the permitting process in California for such production is uncertain and not adequately developed to attract participation. VSE seeks to address several regulatory and planning challenges that create impediments to the expansion of a domestic marine shellfish culture industry in California.

Year 1 Task 1 - Strategic Permitting Analysis is underway but not complete. Task 2 – Environmental Reports and Permitting follows Task 1. Task 3 Education and Outreach includes website development, social media initiatives and educational workshops. The VSE website has been established and planning begins this fall for public workshops. Year two grant funding has been made available to the District in the amount of \$169,660.

Since Year 1 – Strategic Permitting Analysis is underway but not yet complete. The California Sea Grant as grant awardee (the District is sub-awardee) has agreed to request a routine extension allowing for a total of three years to complete Tasks 1-3. It is anticipated the extension will be granted by November 2016 which would provide the District through August 31, 2018 to complete Tasks 1-3.

**FISCAL IMPACT:**

The grant requires a cost-share in the amount of \$192,610 for Year 1 and \$162,610 for Year 2 for a total of \$355,220. The cost-share is achieved through in-kind contributions of time as identified in the attached budget. Additional staff time and District legal counsel costs not reimbursable by the grant are necessary for grant and professional service agreement management.

VPD will directly pay approximately \$18,200 in unreimbursable consultant costs, plus \$8,500 in unreimbursable outside legal counsel expenses to explore alternative aquaculture leasing structures more fully discussed under separate report "Approval of Professional Services Agreement for Special Legal Services". If it is determined during the grant period there are additional budgetary impacts, staff will return to the Board.

**ATTACHMENT:**

Attachment 1 - CA Sea Grant College Program 90-4 Budget

**ATTACHMENT 1**

**Research Subaward Agreement  
Subaward Amendment-**

<b>Pass-through Entity (PTE)</b>				<b>Subrecipient</b>			
PTE Name				Subrecipient Name			
The Regents of the University of California on behalf of the San Diego Campus				Ventura Port District			
PTE Principal Investigator (PI): James Eckman				Subrecipient Principal Investigator (PI): Richard Parsons			
PTE Federal Award No: NA14OAR4170075		FAIN: Not applicable		Federal Awarding Agency: NOAA			
Project Title: VENTURA SHELLFISH ENTERPRISE: STRATEGIC PERMITTING INITIATIVE TO SUBSTANTIALLY INCREASE SHELLFISH FARMING IN SOUTHERN CALIFORNIA							
Amount Funded This Action: \$169,660.00		Amendment No: 001		Subaward No: 65623541		PO #: S9001165	
Total Amount of Federal Funds Obligated to date (including this action): \$264,470.00				Subject to FFATA: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Subaward Project Period: 9/1/2015 – 8/31/2017	
<b>Amendment(s) to Original Terms and Conditions</b>							
This Amendment revises the above-referenced Research Subaward Agreement as follows:							
Action: This Subaward is hereby revised to include any and all applicable changes required by the implementation of 2 C.F.R. § 200 UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS.							
<input checked="" type="checkbox"/> <b>NEW SUBAWARD PERIOD OF PERFORMANCE.</b> The Subrecipient’s period of performance for this Agreement (the period funded or obligated thus far) is extended to <b>8/31/2017</b> . The current budget period is 9/1/2016 to 8/31/2017.							
Note: Increased funding of \$169,660.00 is for Project R/AQ-137B / PI: Richard Parsons (SEAVEN2/93963D)							
INTERNAL ACCOUNTING Req: 78126781 Fund: SEAVEN2 Index: 93963D							
Subrecipient Institutions who rely on their Financial Conflict of Interest policy shall report any financial conflict of interest to <a href="mailto:info-coi@ucsd.edu">info-coi@ucsd.edu</a> . Any financial conflicts of interest identified shall subsequently be reported to the Federal Prime Sponsor (PHS or NSF). Such report shall be made before expenditure of funds authorized in this Subrecipient Agreement and within 45 days of any subsequently identified financial conflict of interest.							
<b>All other terms and conditions of this Subaward Agreement remain in full force and effect.</b>							
By an Authorized Official of Pass-Through Entity:				By an Authorized Official of Subrecipient:			
_____				_____			
Name: Katherine Philbin		Date		Name:		Date	
Title: Senior Contract Officer				Title:			

- Attachments:**  
Budget  
Notice of Award

ATTACHMENT 1

**Audit Status (check all that apply)**

**Does the subrecipient receive an annual audit in accordance with OMB Circular A-133 (or Uniform Guidance 2 C.F.R. § 200.500)?**

**Yes**

**Were any audit findings reported?**

**Yes**

*If "Yes," please explain in **Comments** section.*

**No**

**Please attach a complete copy of your most recent A133 audit report (PDF or other electronic file) or provide the URL link to a complete copy:**

**Note:** *A complete copy of Subrecipient's most recent audit report, or the Internet URL link to a complete copy, must be furnished to UCSD Sponsored Projects before a subaward can be issued.*

**No**

**Please complete and return the [Subrecipient Mini-Audit Questionnaire](#).**

**Subrecipient is a:**

- Non-profit entity (under federal funding threshold)
- Foreign entity
- For profit entity
- Government entity

**Note:** *If this box is checked, the mini audit and supporting documents must be received prior to execution of the subaward modification.*

**Comments:**

*The information, certifications, and representations above have been read, signed, and made by an authorized institutional representative of the Subrecipient named herein. The appropriate programmatic and administrative personnel involved in this application are aware of agency policies in regard to subawards and are prepared to establish the necessary inter-institutional agreements consistent with those policies. Any work begun and/or expenses incurred prior to execution of a subaward agreement are at the Subrecipient's own risk.*

\_\_\_\_\_  
Signature of Subrecipient's Authorized Institutional Representative

\_\_\_\_\_  
Name and title of Authorized Institutional Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Email Address

ATTACHMENT 1

**California Sea Grant College Program**

**90-4 Budget**

OMB Control NO. 0648-0362  
Expiration Date 9/30/2004

<b>INSTITUTION</b>			<b>GRANT/PROJECT NO.</b>	
Ventura Port District				
<b>PROJECT TITLE</b>				
Ventura Shellfish Enterprise: Strategic Permitting Initiative to Significantly Increase Shellfish Farming in Southern California				
<b>PRINCIPAL INVESTIGATOR</b>			<b>YR 2 BEGIN:</b>	<b>END:</b>
Lindell, Ashworth, Bush, Parsons, Santschi, Imondi			Sep-16	Aug-17
<b>A. SALARIES AND WAGES</b>			<b>MAN-MONTHS</b>	
<b>1. SENIOR PERSONNEL</b>	<b>No. of People</b>	<b>Amt. Of Effort</b>	<b>Sea Grant Funds</b>	<b>Cost-Share</b>
a. (Co) Principal Investigator	1	0.75	7,440	
b. Associates (Faculty or staff				
Sub Total			7,440	-
<b>2. OTHER PERSONNEL</b>				
a. Co - PI	-	-	-	-
a. Co - PI Everard Ashworth		1.60		59,250
a. Co - PI Doug Bush	-	1.60	-	43,200
a. Co - PI Richard Parsons	-	1.60	-	34,560
a. Co - PI Linda Santschi	-	2.00	-	12,800
a. Co - PI Ralph Imondi	-	2.00	-	12,800
g. Technical-shop	-	-	-	-
h. Other	-	-	-	-
Total Salaries and Wages			7,440	162,610
<b>B. FRINGE BENEFITS</b>			2,520	-
Total Personnel (A and B )			<b>9,960</b>	<b>162,610</b>
<b>C. PERMANENT EQUIPMENT</b>			-	-
<b>D. EXPENDABLE SUPPLIES AND EQUIPMENT</b>			-	-
<b>E. TRAVEL</b>				
1. Domestic - U.S. and its Possessions (Inc. Puerto Rico)			2,500	-
2. International				-
Total Travel			<b>2,500</b>	-
<b>F. PUBLICATIONS AND DOCUMENTATION COSTS</b>			-	-
<b>G. OTHER COSTS</b>				
1. Outside Consultant: Task 1 – Strategic Permitting Analysis			137,200	-
2. Outside Legal Counsel: Task 1- Strategic Permitting Analysis			20,000	
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
			-	-
Total Other Costs			<b>157,200</b>	-
<b>TOTAL DIRECT COSTS</b>			(A through G) 169,660	162,610
<b>INDIRECT COSTS</b>				
On Campus (Cost-share IDC Base: )	0%	0		-
Off Campus: (Cost-share IDC Base: )	0%	0		-
Total Indirect Cost				-
<b>TOTAL COSTS</b>			<b>169,660</b>	<b>162,610</b>

**ATTACHMENT 1**

FORM CD-451 (REV 10-98) LF DAO 203-26  U. S. DEPARTMENT OF COMMERCE  <p align="center"><b>AMENDMENT TO FINANCIAL ASSISTANCE AWARD</b></p>		<input type="checkbox"/> GRANT <input checked="" type="checkbox"/> COOPERATIVE AGREEMENT ACCOUNTING CODE  AWARD NUMBER NA14OAR4170075		
RECIPIENT NAME The Regents of the University of California, San Diego		AMENDMENT NUMBER 9		
STREET ADDRESS 9500 Gilman Drive Scripps Institution of Oceanography, UC San Diego		EFFECTIVE DATE 09/01/2015		
CITY, STATE, ZIP CODE La Jolla CA 92093-0210		EXTEND WORK COMPLETION TO N/A		
CFDA NO. AND PROJECT TITLE 11.417 Ventura Shellfish Enterprise				
<b>COSTS ARE REVISED AS FOLLOWS</b>	<b>PREVIOUS ESTIMATED COST</b>	<b>ADD</b>	<b>DEDUCT</b>	<b>TOTAL ESTIMATED COST</b>
FEDERAL SHARE OF COST	\$8,552,888.00	\$109,778.00	\$0.00	\$8,662,666.00
RECIPIENT SHARE OF COST	\$4,219,020.00	\$192,610.00	\$0.00	\$4,411,630.00
TOTAL ESTIMATED COST	\$12,771,908.00	\$302,388.00	\$0.00	\$13,074,296.00
REASON(S) FOR AMENDMENT To provide additional funding for the project entitled "Ventura Shellfish Enterprise" per the recipient's application dated 4/24/2015, which are incorporated by reference.				
This Amendment approved by the Grants Officer is issued in triplicate and constitute an obligation of Federal funding. By signing the three documents, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. Upon acceptance by the Recipient, two signed Amendment documents shall be returned to the Grants Officer and the third document shall be retained by the Recipient. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally terminate this Amendment.				
<input checked="" type="checkbox"/> Special Award Conditions (Attachment B)  <input type="checkbox"/> Line Item Budget (Attachment A)  <input checked="" type="checkbox"/> Other(s) This award is being made under competitive Federal Funding Opportunity Number NOAA-OAR-SG-2015-2004399 posted at Grants.gov on 02/24/2015.				
SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER Nadia Musa		TITLE Grants Officer		DATE 07/13/2015
TYPE NAME AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL William Park		TITLE Senior Contract and Grant Officer		DATE 07/22/2015

ATTACHMENT 1  
**Special Award Conditions**

**Award Number:** NA14OAR4170075  
**Amendment Number:** 9

**1) Performance Reports - (Annual)**

An annual performance report must be submitted to the Program Office at least 90 days prior to the end of each budget period.

A final performance report that covers the remaining 90 days and summarizes activities conducted during the entire award must be submitted within 90 days following the end date of the project.

**2) Data Sharing**

Environmental data and information, collected and/or created under this grant/cooperative agreement will be made visible, accessible and independently understandable to users, free of charge or at minimal cost, in a timely manner (typically no later than two years after the data are collected or created) except where limited by law, regulation, policy or by security requirements.

(1) The Data/Information Sharing Plan (and any subsequent revisions or updates) will be made publicly available at time of award and, thereafter, will be posted with the published data.

(2) Environmental data and information produced under this award and which are made public must be accompanied by the following statement: These environmental data and related items of information have not been formally disseminated by NOAA and do not and should not be construed to represent any agency determination, view or policy.

(3) NOAA may at its own discretion, use information from the Data/Information Sharing Plan to produce a formal metadata record and include that metadata in a catalogue to indicate the pending availability of new data.

(4) Failing to share environmental data and information in accordance with the submitted Plan may lead to disallowed costs and be considered by NOAA when making future award decisions

**3) Matching Requirement**

Since this amendment requires the Recipient to provide \$192,610 in project-related costs from non-federal sources, the Recipient must maintain in its official accounting records an accounting of \$302,388.

**4) New Amendment SAC**

This amendment under award number NA14OAR4170075, to The Regents of the University of California, San Diego, supports the work described in the Recipient's proposal entitled "Ventura Shellfish Enterprise" dated 4/24/2015, which is incorporated into the award by reference. Where the terms of the award and proposal differ, the terms of the award shall prevail.

**5) Multi-Year Special Award Condition**

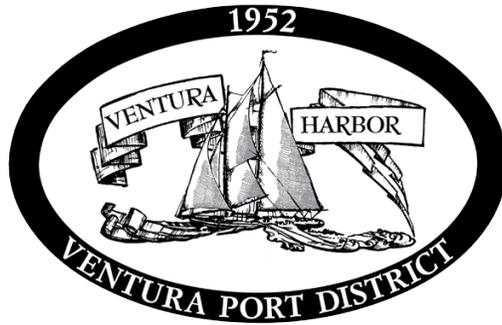
## ATTACHMENT 1

(MULTI-YEAR) The award period and budget(s) incorporated into this amendment cover a two-year period for a total amount of \$299,393 in Federal funds. However, Federal funding available at this time is limited to \$109,778 for this funding period. Receipt of any prospective funding is contingent upon the availability of funds from Congress, satisfactory performance, continued relevance to program objectives, and will be at the sole discretion of the Department of Commerce. The Department of Commerce is not liable for any obligations, expenditures, or commitments which involve any amount in excess of the Federal amount presently available. The Recipient will be responsible for any and all termination costs it may incur should prospective funding not become available. No legal liability will exist or result on the part of the Federal Government for payment of any portion of the remaining funds which have not been made available under the award. Notifications affecting funding or notice of non-availability of additional funding for prospective years will be made only by the Grants Officer. The amendment to obligate prospective funding available shall be made on Form CD-451, "Amendment to Financial Assistance Award," if at all possible prior to the expiration of each year's activities.

The funding period for this amendment is 9/1/2015 through 8/31/2016 and may be extended through 8/31/2017.

### **6) 2 CFR Part 200 - Uniform Guidance**

This amendment is subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), which is codified at 2 C.F.R. Part 200. The Uniform Guidance applies to Federal award funds that are uncommitted or unobligated by the recipient as of the date an authorized official of the recipient signs and returns the Form CD-451 without modification, within 30 days of receipt. The recipient is not obligated to segregate or otherwise track old funds and new funds but may do so at its discretion.



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

## CONSENT AGENDA ITEM D

APPROVAL OF FIRST AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT  
WITH PLAUCHE & CARR, LLP

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM D**  
Meeting Date: September 28, 2016

---

TO: Board of Port Commissioners  
FROM: Brian Pendleton, Business Operations Manager  
SUBJECT: Approval of First Amendment to Professional Services Agreement with Plauché & Carr, LLP

---

**RECOMMENDATION:**

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with *Plauché & Carr, LLP* in the total amount of \$25,000 to provide legal services for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**SUMMARY:**

The Ventura Port District has been awarded a two year, approximately \$300,000 Sea Grant fund (approximately \$265,000 to the District) to contract with qualified consultant(s) that will enable development of a permitting strategy, necessary permitting components, environmental reports and public outreach required for sustainably cultivated shellfish production to occur through Ventura Harbor.

Staff believes it is clearly in the District's best interest to ratify the amended agreement with *Plauché & Carr, LLP* to meet the objectives of the grant by providing outside legal counsel on the Task 1 - Strategic Permitting Analysis and Task 2 – Environmental Reports and Permitting as further detailed in the Sea Grant and Professional Services Agreements.

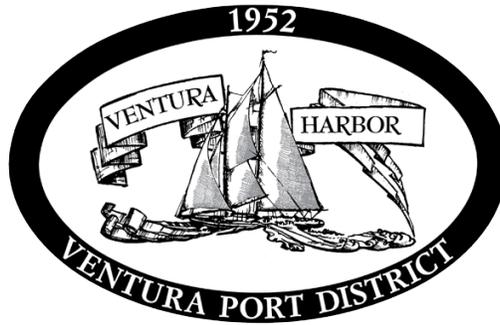
**BACKGROUND:**

*Plauché & Carr, LLP* is a Seattle-based law firm with a practice focused on environmental, land use, and natural resource-based issues. *Plauché & Carr, LLP* has represented a number of non-profit, private, and governmental entities regarding environmental and regulatory matters ranging from regulatory compliance/permitting, to administrative litigation, to litigation in state and federal courts, to conservation land acquisition.

If the District approves the First Amendment to Professional Services Agreement with *Plauché & Carr, LLP* to continue to assist with the project, Robert Smith will continue to serve as lead counsel. Robert is an attorney with ten years' experience working in California on land use and environmental issues, on behalf of both private and public clients. During his previous employment at two Los Angeles-based firms, Robert advised and represented numerous clients regarding compliance with the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") and represented several coastal cities and private clients before the California Coastal Commission ("CCC"), California Department of Fish and Wildlife ("CDFW"), Los Angeles County, and U.S. Army Corps of Engineers ("Corps").

**FISCAL IMPACT:**

The grant is for a two year period on a one-plus-one basis and is contingent upon funding availability. Funding has been made available for both years. Year 1 funding is in the amount not to exceed \$5,000 for outside legal counsel. Year 2 funding is in the amount not to exceed \$20,000 for outside legal counsel. The combined Year 1 and Year 2 funding is \$25,000 for *Plauché & Carr, LLP* to provide outside legal services.



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

## CONSENT AGENDA ITEM E

APPROVAL OF FIRST AMENDMENT  
TO PROFESSIONAL SERVICES  
AGREEMENT WITH DUDEK

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM E**  
Meeting Date: September 28, 2016

---

TO: Board of Port Commissioners  
FROM: Brian Pendleton, Business Operations Manager  
SUBJECT: Approval of First Amendment to Professional Services Agreement with Dudek

---

**RECOMMENDATION:**

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with *Dudek* in the total amount of \$202,550 to provide environmental consultant services for the Permitting Strategy for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

**SUMMARY:**

The Ventura Port District has been awarded a two year, approximately \$300,000 Sea Grant fund (approximately \$265,000 to the District) to contract with qualified consultant(s) that will enable development of a permitting strategy, necessary permitting components, environmental reports and public outreach required for sustainably cultivated shellfish production to occur through Ventura Harbor.

Staff believes it is clearly in the District's best interest to ratify the amended agreement with *Dudek* to meet the objectives of the grant by providing environmental consultant services on the Task 1 - Strategic Permitting Analysis and Task 2 – Environmental Reports and Permitting as further detailed in the Sea Grant and Professional Services Agreements.

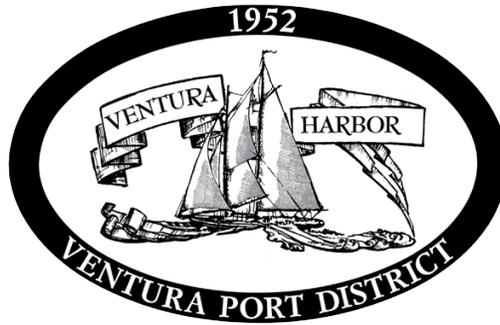
**BACKGROUND:**

*Dudek* will continue to work with the Ventura Port District and other VSE team members to identify and then clearly layout the most prudent and efficient permitting and review approach that also provides the greatest long-term benefits. The leases for mariculture activities and subsequent work proposed within navigable waters would be subject to a host of approvals from a variety of agencies, including federal (USFWS/NMFS, USACE), state (CA Coastal Commission, State Lands Commission, CDFW, RWQCB) and local agencies (Port of Ventura) for which the policy requirements must be met. By reviewing available materials and through pre-application meetings with the wildlife (NMFS, USFWS, CDFW) and other resource agencies such as USACE, the Coastal Commission and the California RWQCB, and by drawing from their combined experiences, *Dudek* will provide recommendations for successful environmental review and prepare the necessary State and Federal environmental documents.

Deliverables will include a Strategic Planning Document summarizing the path and timing of the necessary permits, data requirements, and reviews and necessary State and Federal environmental documents.

**FISCAL IMPACTS:**

The grant is for a two year period on a one-plus-one basis and is contingent upon funding availability. Funding for both years has been made available. Year 1 funding is in the amount not to exceed \$65,350 for environmental consultant services. Year 2 funding is in the amount of \$137,200 for environmental consultant services. . The combined Year 1 and Year 2 funding is \$202,550 for *Dudek* to provide the environmental consultant services. Of the \$202,550, \$184,320 (91%) will be reimbursable through the grant. \$18,230 (9%) will be paid with VPD funds.



**BOARD OF PORT COMMISSIONERS**

**SEPTEMBER 28, 2016**

**CONSENT AGENDA ITEM F**

**APPROVAL OF FIRST AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT  
WITH SCOTT LINDELL**

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**CONSENT AGENDA ITEM F**  
Meeting Date: September 28, 2016

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TO: Board of Port Commissioners  
FROM: Brian Pendleton, Business Operations Manager  
SUBJECT: Approval of First Amendment to Professional Services Agreement with Scott Lindell

---

**RECOMMENDATION:**

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with Scott Lindell, Fisheries and Marine Biologist, in the amount of \$19,920 to provide consultant services for the Ventura Shellfish Enterprise Program (VSE).

**SUMMARY:**

The Ventura Port District has been awarded a two year, approximately \$300,000 Sea Grant fund (approximately \$265,000 to the District) to contract with qualified consultant(s) that will enable development of a permitting strategy, necessary permitting components, environmental reports and public outreach required for sustainably cultivated shellfish production to occur at Ventura Harbor.

Staff believes it is clearly in the District's best interest to ratify the amended agreement with Scott Lindell to meet the objectives of the grant by providing consultant services on the Task 1 - Strategic Permitting Analysis and Task 2 – Environmental Reports and Permitting as further detailed in the Sea Grant and Professional Services Agreements.

**BACKGROUND:**

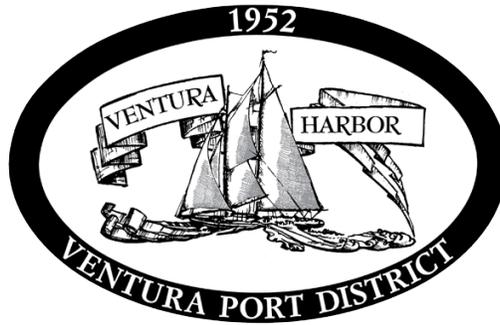
The consultant will continue to work with the Ventura Port District and other VSE team members to develop a detailed work and process outline for this permitting and planning process. VSE seeks NOAA Sea Grant funding to develop a permitting strategy and prepare all necessary permit application components, baseline studies and proposed permitting terms and conditions, including necessary mitigation and monitoring, plus the consumer education program.

The consultant will participate in meetings and teleconferences with various local, State and Federal resource managers and regulators as appropriate in a progressive order to further identify issues, explore opportunities, and decide upon a full plan that would meet regulatory approval.

The consultant will be available to the Ventura Port District and other VSE team members to ask and answer questions, offer guidance and direction, and discuss issues by phone or mail during the permitting/planning process.

**FISCAL IMPACT:**

The grant is for a two year period on a one-plus-one basis and is contingent upon funding availability. Funding for both years has been made available. Year 1 funding is in the amount not to exceed \$9,960 for consulting services. Year 2 is in the amount not to exceed \$9,960 for consulting services. The combined Year 1 and Year 2 funding is \$19,920 for Mr. Lindell to provide the consulting services.



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

## STANDARD AGENDA ITEM 1

APPROVAL OF NEW CONFLICT OF  
INTEREST AND DISCLOSURE CODE

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**STANDAR AGENDA ITEM 1**  
Meeting Date: September 28, 2016

---

TO: Board of Port Commissioners  
FROM: Jessica Rauch, Clerk of the Board  
SUBJECT: Approval of New Conflict of Interest and Disclosure Code

---

**RECOMMENDATION:**

That the Board of Port Commissioners adopt Resolution No. 3317 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3283.

**SUMMARY:**

It has been necessary from time to time to amend the District's Conflict of Interest Code to conform its disclosure obligations to recent changes in the law, and to identify new positions within the District for which the job duties entail the making of decisions having a potential financial impact on the District, such that employees holding such positions are required to file disclosure statements under the District's Code. The District recently added two new staff positions; Facilities Manager and Business Operations Manager. Exhibit A to the proposed Resolution identifies all designated positions and the disclosure categories they file under.

Once the Board adopts Resolution No. 3317, approving the new Conflict of Interest and Disclosure Code, it will be transmitted to the County of Ventura, along with a form of Certification signed by the Secretary of the Board.

**ATTACHMENTS:**

Attachment 1 – Resolution No. 3317



**RESOLUTION NO. 3317**

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS  
OF THE VENTURA PORT DISTRICT  
APPROVING ITS NEW 2016 CONFLICT OF INTEREST CODE**

WHEREAS, the Political Reform Act, Government Code section 81000 et seq., requires local government agencies to adopt and promulgate Conflict of Interest Codes; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs., § 18730) which contains the terms of a standard Conflict of Interest Code, which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings; and

WHEREAS, the terms of California Code of Regulations, Title 2, Section 18730, and any amendment to it duly adopted by the Fair Political Practices Commission, are hereby incorporated by reference as the Conflict of Interest Code for the Ventura Port District, and along with the attached Exhibit A, which designates positions requiring disclosure and Exhibit B, which set forth disclosure categories for each designated position, constitute the Conflict of Interest Code of the Ventura Port District; and

WHEREAS, persons holding positions designated in Exhibit A shall file Form 700 Statements of Economic Interests with the Filing Officer specified for that position in Exhibit A; and

WHEREAS, in preparing the form 700, designated filers need only disclose those financial interests falling within the disclosure categories designated for that filer's position as stated in Exhibits A and B; and

WHEREAS, pursuant to said Act, the Ventura Port District ("District") adopted its initial conflict of interest code ("Code") which has since been updated and amended several times, with the latest action being the adoption of Board Resolution No. 3283 on September 9, 2015; and

WHEREAS, the Board has determined that it is in the best interest of the District to amend the Code in certain particulars outlining new positions in the District; and

WHEREAS, as a result of such amendment, the Board finds it is desirable and in the best interests of the District to rescind the existing Code and adopt the new Code in the manner set forth herein as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3283 and all prior versions of the Code, which were previously passed, approved, and adopted by the Board, and adopts in its place Exhibit A, Exhibit B and Exhibit C of its Conflict of Interest and Disclosure Code of the Ventura Port District, to include additional positions within the District, which are shown on Exhibit A attached hereto.



ATTACHMENT 1

BE IT FURTHER RESOLVED that those individuals holding newly designated positions, as set forth in Exhibit A, shall file Statements of Economic Interests with the Clerk of the District within 30 days of the adoption of this Resolution.

BE IT FURTHER RESOLVED that a secretari ally certified copy of this Resolution, including the attached Exhibit A, B, and C, shall be forwarded to the Ventura Board of Supervisors as an amendment to the Conflict of Interest and Disclosure Code of the Ventura Port District.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Port Commissioners of Ventura Port District held on the 28th day of September 2016 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

(Seal)



ATTACHMENT 1  
CERTIFICATION OF THE SECRETARY OF  
VENTURA PORT DISTRICT

I, the undersigned, do hereby certify:

1. I am the duly elected and acting Secretary of the Ventura Port District.
2. The foregoing Resolution approving the new Conflict of Interest and Disclosure Code of the Ventura Port District was adopted at a regular meeting of the Board of Port Commissioners held on September 28, 2016.

IN WITNESS WHEREOF, I have executed this Certificate of Secretary of the District this 28th day of September 2016.

---

Oscar Peña, Secretary  
Ventura Port District  
Board of Port Commissioners

**ATTACHMENT 1**  
**EXHIBIT A – DESIGNATED POSITIONS AND FILING OFFICERS**

# of POSITIONS	POSITION TITLE	DISCLOSURE CATEGORIES (From Exhibit B)	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
5	<b>Members of the Board of Port Commissioners</b>	1,2	<b>COB</b>
1	<b>General Manager</b>	1,2	<b>COB</b>
1	<b>Harbormaster</b>	2	<b>AC</b>
1	<b>Business Operations Manager</b>	2	<b>AC</b>
1	<b>Accounting Manager</b>	2	<b>AC</b>
1	<b>Marketing Manager</b>	2	<b>AC</b>
1	<b>Marina Manager</b>	2	<b>AC</b>
1	<b>Property Manager</b>	2	<b>AC</b>
1	<b>Facilities Manager</b>	2	<b>AC</b>
Consultants <sup>1</sup>			

**Notes:**

- 1) The Filing Official for the Members of the Board and the General Manager is the Clerk of the Ventura County Board of Supervisors.
- 2) The Filing Official for all other positions is the Clerk of the Ventura Port District.

<sup>1</sup> The disclosure, if any, required of a consultant will be determined on a case-by-case basis by the head of the agency or designee. The determination of whether a consultant has disclosure requirements should be made in writing on a Fair Political Practices Commission Form 805. The determination should include a description of the consultant's duties and based upon that description, a statement of the extent, if any, of the disclosure requirements. Each Form 805 is a public record and should be retained for public inspection either in the same manner and location as the Conflict of Interest Code, or with appropriate documentation at the location where the Conflict of Interest Code is maintained, cross-referencing to the Form 805.

ATTACHMENT 1  
**EXHIBIT B – DISCLOSURE CATEGORIES**

The terms *italicized* below have specific meaning under the Political Reform Act. In addition, the financial interests of a spouse, domestic partner and dependent children of the public official holding the designated position may require reporting. Consult the instructions and reference pamphlet of the Form 700 for explanation.

**Category 1 – BROADEST DISCLOSURE**

[SEE FORM 700 SCHEDULES A-1, A-2, B, C, D and E]

- (1) All sources of *income, gifts, loans and travel payments*;
- (2) All *interests in real property*; and
- (3) All *investments and business positions in business entities*.

**Category 2 – REAL PROPERTY**

[SEE FORM 700 SCHEDULE B]

All interests in real property, including interests in real property held by business entities and trusts in which the public official holds a business position or has an investment or other financial interest.

**Category 3 – LAND DEVELOPMENT, CONSTRUCTION AND TRANSACTION**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which engage in land development, construction, or real property acquisition or sale.

**Category 4 – PROCUREMENT**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which provide services, supplies, materials, machinery or equipment which the designated position procures or assists in procuring on behalf of their agency or department.

**Category 5 – REGULATION AND PERMITTING**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which are subject to the regulatory, permitting or licensing authority of, or have an application or license pending before, the designated position's agency or department.

**Category 6 – FUNDING**

[SEE FORM 700 SCHEDULES A-1, A-2, C, D and E]

All investments, business positions and sources of income, gifts, loans and travel payments, from sources which receive grants or other funding from or through the designated position's agency or department.

~~ATTACHMENT 1~~  
**APPENDIX - DESIGNATING OFFICIALS WHO**  
**MANAGE PUBLIC INVESTMENTS**

Pursuant to Government Code section 87200 et seq., certain city and county officials, as well as all "other officials who manage public investments," are required to disclose their economic interests in accordance with the Political Reform Act. This Appendix provides the relevant definitions for determining which public officials qualify as "other officials who manage public investments," designates the agency's positions which qualify as such, and states the Filing Officer for each designated position.

**APPLICABLE DEFINITIONS**

As set forth in 2 California Code of Regulations section 18701, the following definitions apply for the purposes of Government Code section 87200:

(1) "Other public officials who manage public investments" means:

(A) Members of boards and commissions, including pension and retirement boards or commissions, or of committees thereof, who exercise responsibility for the management of public investments;

(B) High-level officers and employees of public agencies who exercise primary responsibility for the management of public investments, such as chief or principal investment officers or chief financial managers. This category shall not include officers and employees who work under the supervision of the chief or principal investment officers or the chief financial managers; and

(C) Individuals who, pursuant to a contract with a state or local government agency, perform the same or substantially all the same functions that would otherwise be performed by the public officials described in subdivision (1)(B) above.

(2) "Public investments" means the investment of public moneys in real estate, securities, or other economic interests for the production of revenue or other financial return.

(3) "Public moneys" means all moneys belonging to, received by, or held by, the state, or any city, county, town, district, or public agency therein, or by an officer thereof acting in his or her official capacity, and includes the proceeds of all bonds and other evidences of indebtedness, trust funds held by public pension and retirement systems, deferred compensation funds held for investment by public agencies, and public moneys held by a financial institution under a trust indenture to which a public agency is a party.

(4) "Management of public investments" means the following non-ministerial functions: directing the investment of public moneys; formulating or approving investment policies; approving or establishing guidelines for asset allocations; or approving investment transactions.

**DESIGNATED POSITIONS AND FILING OFFICERS**

Based on the foregoing, the following agency positions and/or consultants qualify as “other officials who manage public investments” and shall file Statements of Economic Interests (Form 700) pursuant to Government Code section 87200 et seq. with the below-designated Filing Officers:

# of POSITIONS	POSITION TITLE/CONSULTANT	FILING OFFICER (Designate County Clerk of Board [COB] or Local Agency's Clerk [AC])
5	Members of the Board of Port Commissioners	COB
1	General Manager	COB
1	Harbormaster	AC
1	Business Operations Manager	AC
1	Accounting Manager	AC
1	Marketing Manager	AC
1	Marina Manager	AC
1	Property Manager	AC
1	Facilities Manager	AC
1	Consultant	AC

ATTACHMENT 1  
**EXHIBIT C - ADDITIONAL CODE PROVISIONS**

The following additions to the FPPC Standard Code are hereby incorporated into the Conflict of Interest and Disclosure Code of the Ventura Port District:

**DISQUALIFICATION**

1. An investment, interest in real property, income or source of income of a designated employee shall not be a basis for disqualification under this Conflict of Interest Code where such interest will foreseeably be affected only by the decisions to fix an ad valorem property tax rate or uniform assessments for the District applicable to the public generally. (Cal. Code of Regs., Title 2, Section 18703)
2. After disqualification, a designated employee may make an appearance, submit information, or express views on the same basis as any other citizen on matters related solely to his personal interest, provided that it is done publicly and provided that the person clearly indicates he is acting in a private capacity.
3. Rule of Necessity: Item No. 1 (above) does not prevent a designated employee from making or participating in the making of a governmental decision to the extent that his participation is legally required for an action or decision to be made. The fact that a designated employee's vote is needed to break a tie does not make this participation legally required for the purposes of this section. The attorney for the District is empowered to advise any designated employee whether or not the "Rule of Necessity" is applicable in any particular instance.

**OPINIONS OF COUNSEL AND OF THE COMMISSION**

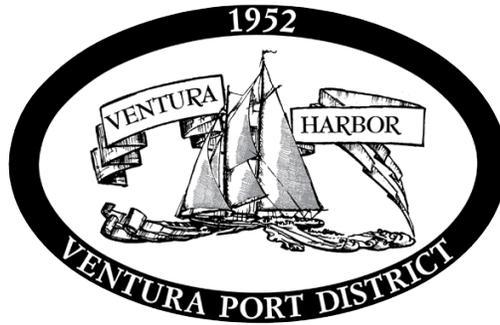
1. Opinion Requests. Any designated employee who is unsure of any right or obligation arising under this Code may, with the prior approval of the General Manager, request a formal opinion or letter of advice from the FPPC or a written opinion from the attorney for the District.
2. Evidence of Good Faith. If an opinion is rendered by the attorney for the District stating the facts and the law upon which the opinion is based, compliance by the designated employee with the conclusions of such an opinion is evidence of good faith in any civil or criminal proceeding brought pursuant to the Political Reform Act of 1974 on this Code, but may not be conclusive as to whether the designated employee acted in good faith. The designated employee's good faith compliance with the opinion of the District's attorney shall also act as a complete defense to any disciplinary action that the District may bring under Section 91003.5 of said Act of this Code. A designated employee may also seek an opinion or advice letter from the FPPC pursuant to Government Code Section 83114, which shall act as a complete defense in any subsequent enforcement proceeding brought by the FPPC.

**STATUTE OF LIMITATIONS**

1. No action based on a disqualification provision of this Code shall be brought pursuant to Government Code Section 91003(b) to restrain the execution of or to set aside official action of the District unless the complaint or petition is filed and served upon the District within 90 days following the official action.

**DEFINITIONS**

1. The definitions contained in the Political Reform Act of 1974 (Government Code Section 81000 et. seq.) and regulations adopted pursuant thereto are incorporated into this Conflict of Interest Code. Conflict of Interest disclosure reports shall be made on Fair Political Practices Commission Form 700, or any successor forms thereto.



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

## STANDARD AGENDA ITEM 2

APPROVAL OF PROFESSIONAL  
SERVICES AGREEMENT FOR SPECIAL  
LEGAL SERVICES

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 2**  
Meeting Date: September 28, 2016

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TO: Board of Port Commissioners  
FROM: Brian Pendleton, Business Operations Manager  
SUBJECT: Approval of Professional Services Agreement for Special Legal Services

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**RECOMMENDATION:**

That the Board of Port Commissioners authorize funding in the amount of \$8,500 to retain outside legal services provided by *Plauché & Carr, LLP* to analyze and report on leasing alternatives related to the Shellfish Grant.

**SUMMARY:**

The Ventura Port District, in collaboration with the Ventura Shellfish Enterprise (VSE), was awarded a two year, approximately \$300,000 Sea Grant (\$265,000 funding directly to the District) to contract with qualified consultant(s) that will enable development of a permitting strategy and all necessary permitting components required for sustainably cultivated shellfish production to be landed at Ventura Harbor.

There has been significant progress made in Task 1 of the Shellfish Grant, which is the research and development of a permitting strategy as outlined above. However, it has become evident that the scope and funding allocated from the Sea Grant for Task 1 legal services is insufficient. Given that the State California Department of Fish and Wildlife (“CDFW”) has issued very few leases for offshore aquaculture over the past two decades (primarily renewals), there is a lack of clarity as to what leasing structures may be available to this District, or other government entities, and cooperatives such as the VSE.

**BACKGROUND:**

*Plauché & Carr, LLP* is a Seattle-based law firm with a practice focused on environmental, land use, and natural resource-based issues. *Plauché & Carr, LLP* has represented a number of non-profit, private, and governmental entities regarding environmental and regulatory matters ranging from regulatory compliance/permitting, to administrative litigation, to litigation in state and federal courts, to conservation land acquisition. On October 14, 2015 the District selected *Plauché & Carr, LLP* and Robert Smith as lead counsel to provide the Task 1 legal services for the Shellfish Grant.

For this additional task, Robert Smith will also serve as lead counsel. Mr. Smith is an attorney with ten years’ experience working in California on land use and environmental issues, on behalf of both private and public clients. During his previous employment at two Los Angeles-based firms, Robert advised and represented numerous clients regarding compliance with the California Environmental Quality Act (“CEQA”) and National Environmental Policy Act (“NEPA”) and represented several coastal cities and private clients before the California Coastal Commission (“CCC”), California Department of Fish and Wildlife (“CDFW”), Los Angeles County, and U.S. Army Corps of Engineers (“Corps”).

The Shellfish Grant contemplated the Ventura Port District, as a member of VSE would hold all entitlements for a group of offshore aquaculture leases that will in turn be subleased to individual producer-fishermen for shellfish farming. However State regulations are silent on subleasing, instead providing guidance only for assignments of lease. CDFW is reviewing these leasing requirements and evaluating options while seeking input from potential lessees. Mr. Smith will provide a report with an analysis of likely alternatives that CDFW may permit, and

important considerations of each alternative for the District. Mr. Smith will present the findings of his report to the Commission.

As a follow up task, Mr. Smith can assist the District in preparing draft lease documents and negotiating with CDFW. However, staff believes it is premature to authorize this work which is preliminarily estimated at \$10,000.

**FISCAL IMPACT:**

The additional legal services for *Plauché & Carr, LLP* are not to exceed \$8,500. The District has funds available for the professional services.

**ATTACHMENT:**

Attachment 1 – *Plauché & Carr, LLP* Letter of Engagement

PLAUCHÉ & CARR

LLP



Samuel W. Plauché

811 First Avenue, Suite 630, Seattle, WA 98104

Amanda M. Carr

TEL: (206) 588-4188 FAX: (206) 588-4255

www.plauchecarr.com

June 17, 2016

Ventura Port District  
Attn: Oscar F. Peña, General Manager  
1603 Anchors Way  
Ventura, CA 93001

Re: Engagement of Plauché & Carr LLP Legal Services

Dear Mr. Peña:

We are pleased that you have selected Plauché & Carr LLP to represent you. We look forward to a valued relationship with you and successfully achieving your goals. This letter constitutes our agreement setting forth the terms of our representation.

**Scope of Our Representation**

Our client in this matter will solely be the Ventura Port District (“Client”). We do not represent and will not be deemed to have an attorney-client relationship with any of Client’s current or future parents, subsidiaries, shareholders, members, partners, employees, directors, joint venturers, or other affiliates or constituents solely on account of our representation of Client in this matter or any future matters.

Our services will include generally providing advice regarding potential transactional options for formation and operation of a shellfish enterprise project (“Project”), including but not limited to (1) preparing a memorandum describing potential leasing and/or subleasing options from the California Fish and Game Commission for the Client and/or other potential entities, and outlining potential project management and operational alternatives, including the potential advantages and risks associated with each option; (2) preparing a presentation on the memorandum and available options for the Board of Port Commissioners; (3) one in-person meeting with the Board of Port Commissioners to discuss available transactional and management options; and (4) discussing such options with Client’s staff and addressing staff revisions and questions prior to the in-person meeting. The objective of the representation is to advise the Client regarding the alternatives legally available to obtain control of the Project site, identify a variety of alternatives available to the Client concerning its role in management and operation of the Project, and identify the potential legal risks, resource demands, and potential benefits of each option.

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ATTORNEY-CLIENT COMMUNICATION**

This letter will apply to such services, unless superseded by another written agreement. Our representation is limited to the specific services that you request and that we have agreed to undertake.

### **Roles of Attorney and Client**

Our responsibilities under this agreement are to provide legal counsel and assistance to you in accordance with this letter, and to provide statements to you that clearly state the basis for our fees and charges. We will not disclose confidential information of yours to any other client, even where that information might have some bearing on their interests. Likewise, we will not disclose the confidences of any other client to you, even where that information might have some bearing on your interests, and you agree that we are under no obligation to do so. You also agree to keep us informed of developments related to this representation and to pay our statements in a timely manner, as further described below. To allow us to conduct a conflicts check, you represent that you have identified to us all persons and entities that are or may become involved in this matter, including all such persons or entities that are affiliated with you. You also agree to notify us if you become aware of any other persons or entities that are or may become involved in this matter. During the course of this engagement, we may express opinions or beliefs to you about the effectiveness of various courses of action or about the results that might be anticipated. Such statements are expressions of opinion only, and should not be construed as promises or guarantees.

### **Your Obligations about Fees and Billings**

Client and Plauché & Carr LLP have agreed to a budget of Eight Thousand Five Hundred Dollars (\$8,500) for the scope of work described above, which will be inclusive of our attorneys' fees for services rendered and a maximum of \$1,000 in costs and expenses (for example, travel expenses, copying costs, etc.) incurred by us in performing such scope of work. For any travel related cost or expense greater than \$500.00, including, without limitation, travel expenses, lodging expenses, meal expenses, and per diem expenses, we agree to obtain your prior written consent before such cost or expense is incurred. Client shall be responsible for expenses in excess of the amount provided under the budget provided, however, we agree to obtain your prior written consent before such expense is incurred, which such consent shall be in your sole and absolute discretion. Plauché & Carr LLP provides its clients with monthly invoices for legal services performed and expenses incurred. Each monthly invoice reflects both professional and other fees for services rendered through the end of the prior month, as well as expenses incurred on the client's behalf that have been processed by the end of the prior month. Processing of some expenses may be delayed until the next month and billed thereafter. This matter will be billed at our public agency rate, established in the attached 2016 Billing Rates. Plauché & Carr LLP reserves the right to revise its Billing Rates; however, during the initial term of this Agreement, defined as the last date as this Agreement is signed through July, 2017, Robert Smith's Billing Rates will remain as provided in the 2016 Billing Rates. Monthly payments will be paid within 30 days of receipt of our monthly invoice, up to and not exceeding the amount of the budget.

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New and unanticipated issues that require legal counsel may arise. We will continue to evaluate these issues as they arise and, if we anticipate that such issues will require efforts beyond the scope of this fee arrangement, we will discuss those with you separately, and we agree not to perform any work beyond the scope of such fee arrangement without your prior written approval.

We will continue to monitor the amount of time we expend on the matters covered pursuant to this agreement. If either Client or Plauché & Carr LLP requests a modification to this agreement based on a substantial change in the amount of work required, the other party will give good faith consideration to that request. While we will endeavor to keep you informed in an ongoing basis of the level of effort on these matters, you should always feel free to contact us with any questions or concerns in that regard. We believe that such open communication is a critical aspect of a successful attorney-client relationship.

From time-to-time clients have questions about the format of the bill or description of work performed. If you have any questions, please ask them when you receive the bill, so we may address them on a current basis.

### **Disputes and Arbitration**

Should any dispute arise that cannot be resolved between us, whether in tort, contract or otherwise, arising out of or relating to the relationship between Client, its affiliates or successors (“Client Arbitration Parties”) and Plauché & Carr LLP, its attorneys or staff or any of their successors (the “Plauché & Carr Arbitration Parties”) we both agree to submit the dispute to binding arbitration. By agreeing to arbitrate, you are agreeing to waive your right to a jury trial. Any issue concerning the location of the arbitration, the extent to which any dispute is subject to arbitration, the applicability, interpretation, or enforceability of this agreement shall be resolved by the arbitrator; provided, however, notwithstanding anything contained in this Engagement Letter to the contrary, any and all issues or disputes between the parties shall be governed by California law and venue shall at all times be held in Ventura County. Arbitration shall be conducted pursuant to the California Arbitration Act, Cal. Code Civ. Proc. § 1280 *et seq.* All aspects of the arbitration shall be treated as confidential and neither the parties nor the arbitrator may disclose the content or results of the arbitration, except as necessary to comply with legal or regulatory requirements. The result of the arbitration shall be binding on the parties and the judgement of the arbitrator’s award may be entered in any court having jurisdiction.

### **Conflicts**

The RPC defines whether a past or present relationship with any party prevents us from representing you. Without your consent, we will not represent any other party to the matter we undertake for you, nor any other matter substantially related to the same. As with any other client and any other matter, you will have our complete loyalty with respect to any such matter. However, it is possible that during the time we are representing you, some of our current or future clients may ask us to represent them in matters in which you are involved as another party. Both our own prudent business conduct, and the interests of our other clients, call for us to seek to retain the ability to take unrelated matters for all of our clients. We thus ask you in connection with this engagement to consent in advance to our acceptance of future matters (including litigation matters)

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ATTORNEY-CLIENT COMMUNICATION***

adverse to Client, provided that those matters are not substantially related to the work that we have done for you. By entering into this agreement, you consent to such adverse representations. Thus, for example, you agree that we would be able to take a new lawsuit or transactional matter for one of our current or future clients, adverse to Client so long as the adverse matter is not substantially related to the work we have done for you. This consent also includes being adverse to you in any regulatory, administrative, legislative or rulemaking proceeding. We take very seriously our obligations to maintain the confidentiality of information we receive from all our clients, including Client and any other clients covered by this consent. Accordingly, we will continue to maintain the confidences of both Client and our other clients.

To also assure mutuality of trust, we maintain a conflict of interest index. Your name will be included in our list of clients to ensure we comply with the RPC with respect to your representation. Based on information you have provided us, we have checked the following names against our conflict of interest index: Ventura Port District, Ev Ashworth, Oscar F. Peña, Brian Pendleton, Jim Friedman, Greg Carson, Bruce Smith, Nikos Valance. Based on that check, we have not identified any conflicts and we can represent the client(s) referenced above. Please review the list to see if any other persons or entities should be included. If you do not tell us to the contrary, we will assume that this list is complete and accurate. We request that you update this list for us if you become aware of any changes in the future, including those caused by changes to the scope of our representation, as described herein.

#### **Limitations on Liability**

Plauché & Carr LLP is a limited liability partnership (LLP). Similar to the corporate form of business organization, the LLP form generally limits the liability of the individual partners of the firm to the capital they have invested in the firm for claims arising from services performed by the firm. Our form of organization as an LLP will not diminish the ability to recover damages from the firm or from any individuals who directly caused the loss.

#### **New Matters**

When we are engaged by a new client on a particular matter, we are often later asked to work on additional matters. Such new matters may be subject to a new, signed supplement to this agreement, but if no revised agreement is executed, the same terms apply for all future matters unless revised in writing. Similarly, unless specifically noted in this agreement, this agreement does not cover and is not a commitment by either of us to undertake any appeals or collection procedures. Any such future work would also have to be agreed upon in a signed supplement.

#### **Electronic Communication**

E-mail, Extranet and other forms of electronic communication are increasingly important business tools, and we make appropriate use of them in communication with our clients. However, there are risks associated with them. While we have no reason to believe that our own e-mail or other electronic communication systems are not secure, you should be aware that the information sent or stored electronically might be accessed by third parties. We may when appropriate, communicate with you by e-mail unless you ask us not to. Please note that e-mail can be subject to delays and nondelivery; you should confirm with us that we have received and read your e-mail

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communications. We have measures in place to protect against sending and receiving viruses, but we cannot guarantee that these will be completely effective.

### **Civility in Litigation**

In litigation, courtesy is customarily honored with opposing counsel, such as extensions to file pleadings or responses to other deadlines, when such courtesies do not jeopardize a specific client interest, such as an external business deadline. In our experience, the reciprocal extension of such courtesies saves our clients' time and money. By signing this letter, you will be confirming your approval of this practice in your case.

### **Termination of this Agreement**

Our relationship with you will be deemed concluded when we have completed our agreed-upon services which presumptively shall have occurred at any time when we have performed no work on your behalf for six consecutive months. You, of course, have the right to end our services at any time. If you do so, you will be responsible for the payment of fees and costs accrued but not yet paid, plus interest, and any reasonable fees and costs in transferring the case to you or your new counsel. By the same token, we reserve the right to terminate our services to you at any time consistent with the requirements of the Rules of Professional Conduct, upon written notice or order of the court. If we terminate our services to you, we will provide a limited amount of work to transition the matter to another attorney. Such termination could happen if you fail to pay our fees and costs as agreed, fail to cooperate with us in this matter, or if we determine we cannot continue to represent you for ethical or practical concerns. Your obligations for fees and charges accrued prior to termination shall survive termination of this engagement.

### **Client Files**

In the course of your representation, we will maintain a file in which we may place correspondence, agreements, governmental filings, disclosures, pleadings, transcripts, exhibits, physical evidence, expert reports, and other items reasonably necessary to your representation ("Client File"). The Client File shall be and remain your property. You agree that the documents containing our attorney work product, mental impressions or notes and drafts of documents shall be and remain our property and shall not be considered part of your Client File. In addition, electronic documents such as e-mail and documents prepared on our word processing system (but excluding printed copies thereof), and databases shall be and remain our property and shall not be considered part of your Client File. You agree that we may enact and implement reasonable retention policies for such electronic documents and that our firm has discretion to delete such documents. Upon completion of a specific project, your original Client File for that project shall be available to be taken by you. We will be entitled to make copies if we choose. If you do not take possession of the Client File at the conclusion of the project, we will retain your files for seven years. After seven years, we may have your files destroyed. If you would like your files maintained for more than seven years or returned, you must make separate arrangements with us.

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**Entire Agreement**

You and we understand that this letter and the Standard Form Contract for Professional Services Agreement between the parties constitute the entire agreement pertaining to the engagement of Plauché & Carr LLP, and that it shall not be modified by any policies, procedures, guidelines or correspondence from you or your representative unless agreed to in writing by Plauché & Carr LLP; provided, however, in the event of any conflict between this letter and the Professional Services Agreement, Section 22 of the Professional Services Agreement shall control.

**Establishing the Attorney-Client Relationship**

We have agreed to begin work on this matter on your behalf. If this engagement letter meets with your approval, please sign and date one of the original letters and return it to us in the enclosed, self-addressed, stamped envelope. Please keep the other original for your records. Return of a signed letter gives us notice that you agree with these terms of our representation. If you do not return a signed engagement letter by July 5, 2016, we will assume that you do not wish to have us continue our legal representation of the above-referenced client(s) in this matter and our representation will end.

If you have any questions at any time about our services or billings, please do not hesitate to call us. We look forward to working with you.

Very truly yours,



Robert M. Smith

RMS:tt  
Enclosures

**AGREED AND ACCEPTED**

**Ventura Port District**

By: \_\_\_\_\_

Dated: \_\_\_\_\_

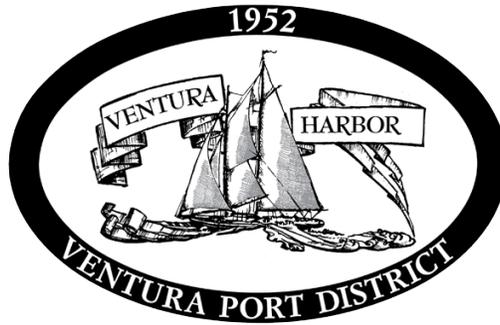
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***PRIVILEGED AND CONFIDENTIAL  
ATTORNEY-CLIENT COMMUNICATION***

**PLAUCHÉ & CARR LLP**

**2016 Hourly Billing Rates**

	<b>Public Agency (Aquaculture)</b>
<b>Samuel (“Billy”) W. Plauché</b>	<b>\$ 375.00</b>
<b>Peter Dykstra</b>	<b>\$ 300.00</b>
<b>Amanda M. Carr</b>	<b>\$ 275.00</b>
<b>Robert M. Smith</b>	<b>\$ 275.00</b>
<b>Jesse G. DeNike</b>	<b>\$ 215.00</b>
<b>J. Matthew Moore</b>	<b>\$ 215.00</b>
<b>Jessica F. Anderson</b>	<b>\$ 175.00</b>
<b>Paralegal</b>	<b>\$ 75.00 - \$ 100.00</b>



# BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

## STANDARD AGENDA ITEM 3

# VENTURA ISLE MARINA DOCK REPLACEMENT PLAN

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 3**  
Meeting Date: September 28, 2016

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TO: Board of Port Commissioners  
FROM: Brian Pendleton, Business Operations Manager  
SUBJECT: Ventura Isle Marina (VIM) Dock Replacement Plan

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**RECOMMENDATION:**

That the Board of Port Commissioners receive a presentation from Safe Harbor Marinas regarding the proposed dock replacement plan as required by the Amendment No. 3 to 2003 VIM Master Lease approved on April 13, 2016.

**SUMMARY:**

On April 13, 2016 the Board of Port Commissioners approved the Consent to Assignment of Lease and Leasehold Deed of Trust for Ventura Isle Marina from CLP Ventura Marina, LLC, ("CLP") CLP to SHM Ventura Isle, LLC ("SHM Ventura Isle"); and Amendment No. 3 to 2003 VIM Master Lease.

**BACKGROUND:**

A major provision of the Amendment No. 3 to Ground Lease include replacement of certain VIM dock(s) with the following schedule: SHM Ventura Isle is required to retain an engineer within 30 days of the executed Amendment No. 3 to develop a plan for the replacement and possible reconfiguration of docks G, H and I (Phase I Dock Work). That plan is to be submitted to the District within three (3) months. Once approved by the District, SHM Ventura Isle will have three (3) years to complete the Phase I Dock Work. Within two (2) years of the executed Amendment No. 3, SHM Ventura Isle is required to retain an engineer to develop a plan for the replacement and possible reconfiguration of docks L and M (Phase II Dock Plan). That plan will be submitted to the District within three (3) months. Once approved by the District, SHM Ventura Isle will have three (3) years to complete the Phase II Dock Work.

SHM submitted a plan for both Phase I and Phase II Dock Replacement of G, H, I, L, and M and presented it to staff. SHM then resubmitted plans with minor modifications resulting from staff comments. SHM is prepared to present these plans to the Board as in informational item only to receive Commission and public comment.

**FISCAL IMPACTS:**

The District will receive a one-time plan review fee of \$2,500 from SHM. Additionally the District will retain environmental consultant services ranging from approximately \$30,000 to \$35,000. However, SHM will pay for the environmental consultant services.

**NEXT STEPS:**

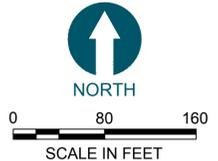
The District will retain and direct environmental consultant services to begin the California Environmental Quality Act (CEQA) document preparation which is a four to five month process. Staff will return to the Commission in the 1<sup>st</sup> quarter of 2017 with formal recommendations regarding certification of the environmental documentation and approval of the proposed project.

**ATTACHMENTS:**

Attachment 1–VIM Dock Replacement Plan



\* ADA COMPLIANT SLIP



DESIGN DEVELOPMENT PACKAGE

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**SAFE HARBOR MARINAS**  
VENTURA ISLE, LLC



REVISIONS				
REV	DATE	BY	APP'D	DESCRIPTION

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: R RAZONABLE  
 CHECKED BY: F MASSABKI  
 APPROVED BY: R MASON  
 SCALE: AS NOTED  
 DATE: 8/3/2016

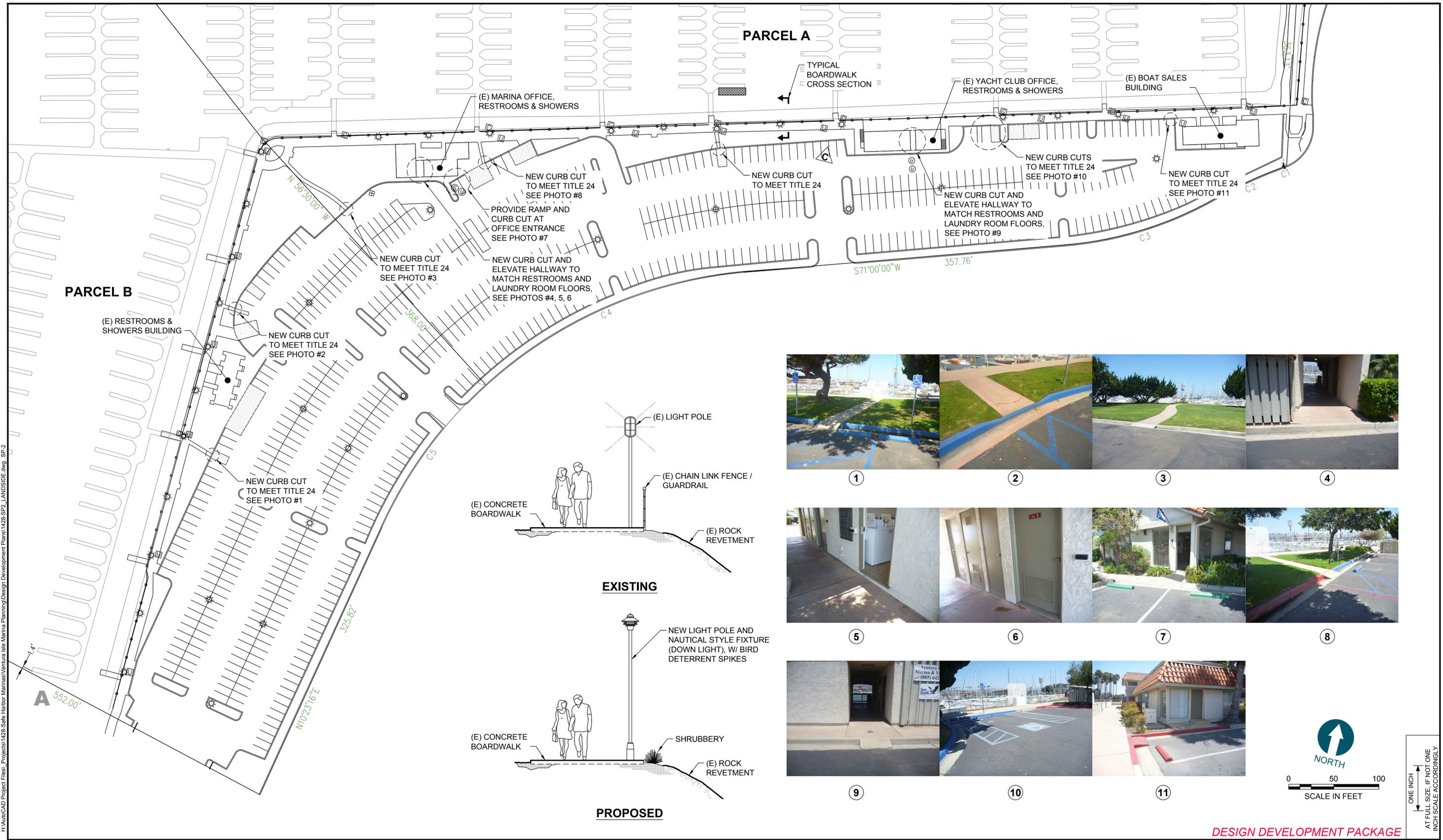
**VENTURA ISLE MARINA**  
DOCK REPLACEMENT PROJECT

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**PROPOSED MARINA PLAN**  
Phases 1-3

**SP-1**

SHEET NO. 1 OF 5



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**SAFE HARBOR MARINAS**  
VENTURA ISLE, LLC



REVISIONS				
REV	DATE	BY	APP'D	DESCRIPTION

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: R RAZONABLE  
 CHECKED BY: F MASSABKI  
 APPROVED BY: R MASON  
 SCALE: AS NOTED  
 DATE: 8/3/2016

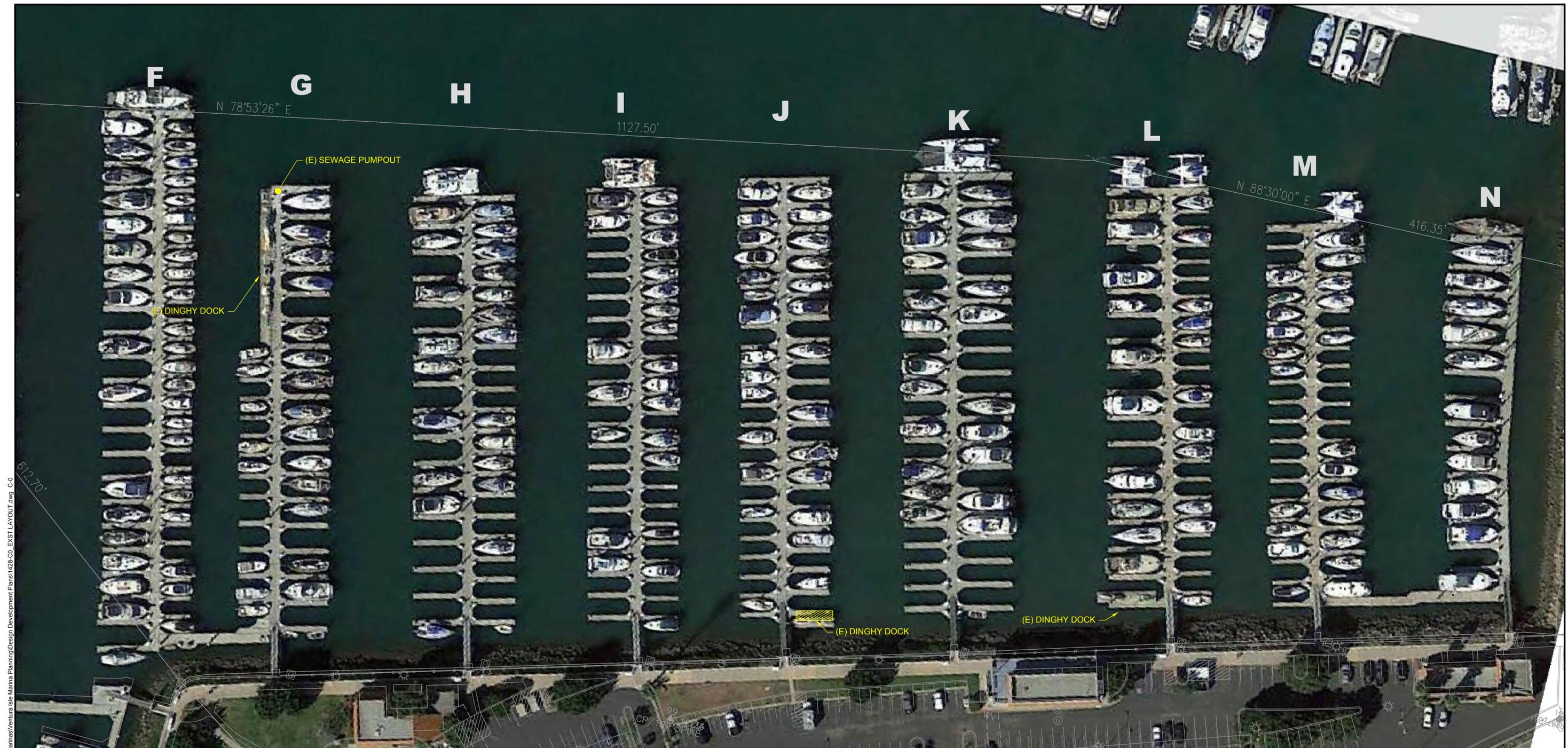
**VENTURA ISLE MARINA**  
DOCK REPLACEMENT PROJECT

**LANDSIDE IMPROVEMENT**  
SITE PLAN

**SP-2**

SHEET NO. 2 OF 5

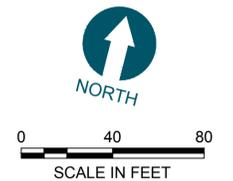
DESIGN DEVELOPMENT PACKAGE



**Existing Slip Mix**  
Ventura Isle Marina - Parcel A

Slip Size	Dock F	Dock G	Dock H	Dock I	Dock J	Dock K	Dock L	Dock M	Dock N	Total
25	28	13						11		41
28										11
30			2	25	23	2	23	20		95
35			20	20	20	20			5	85
40	22	17	16					2	7	64
45						18	16		3	37
50									4	4
Endtie	1		3	3	3	3	3	3	1	20
<b>Total</b>	<b>51</b>	<b>30</b>	<b>41</b>	<b>48</b>	<b>46</b>	<b>43</b>	<b>42</b>	<b>41</b>	<b>15</b>	<b>357</b>
Dock Area (SF)	11,093	8,445	9,623	9,398	9,664	11,181	9,242	8,480	5,604	<b>82,730</b>
Piles	13	25	35	23	22	36	26	12	19	<b>211</b>
Dinghy Dock (SF)		1,008			240		316			<b>1,564</b>

**NOTE:**  
AVERAGE SLIP SIZE EXCLUDING ENDTIES: 34.4'



DESIGN DEVELOPMENT PACKAGE

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**SAFE HARBOR MARINAS**  
VENTURA ISLE, LLC



REVISIONS				
REV	DATE	BY	APP'D	DESCRIPTION

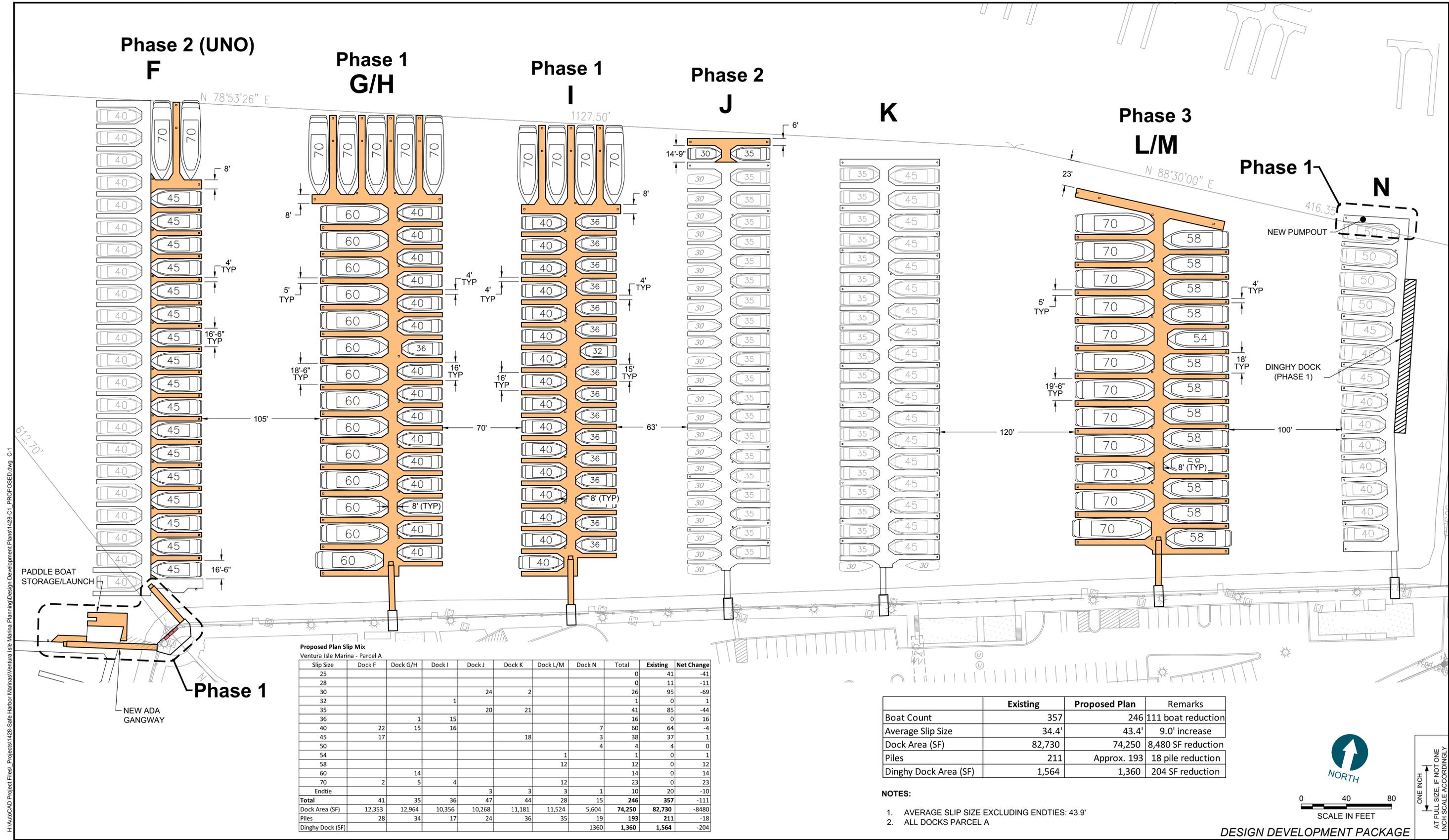
DESIGNED BY: \_\_\_\_\_  
DRAWN BY: R. RAZONABLE  
CHECKED BY: F. MASSABKI  
APPROVED BY: R. MASON  
SCALE: AS NOTED  
DATE: 8/3/2016

**VENTURA ISLE MARINA**  
**DOCK REPLACEMENT PROJECT**

**EXISTING PARCEL A DOCK LAYOUT**  
**MIX DESIGN AND QUANTITY TAKEOFFS**

**C-0**

SHEET NO. 3 OF 5

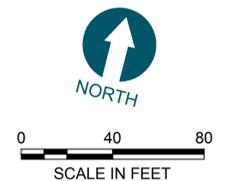


**Proposed Plan Slip Mix**  
Ventura Isle Marina - Parcel A

Slip Size	Dock F	Dock G/H	Dock I	Dock J	Dock K	Dock L/M	Dock N	Total	Existing	Net Change
25								0	41	-41
28								0	11	-11
30				24	2			26	95	-69
32			1					1	0	1
35				20	21			41	85	-44
36		1	15					16	0	16
40	22	15	16				7	60	64	-4
45	17				18		3	38	37	1
50							4	4	4	0
54						1		1	0	1
58						12		12	0	12
60		14						14	0	14
70	2	5	4			12		23	0	23
Endtie				3	3	3	1	10	20	-10
<b>Total</b>	<b>41</b>	<b>35</b>	<b>36</b>	<b>47</b>	<b>44</b>	<b>28</b>	<b>15</b>	<b>246</b>	<b>357</b>	<b>-111</b>
Dock Area (SF)	12,353	12,964	10,356	10,268	11,181	11,524	5,604	74,250	82,730	-8480
Piles	28	34	17	24	36	35	19	193	211	-18
Dinghy Dock (SF)							1360	1,360	1,564	-204

	Existing	Proposed Plan	Remarks
Boat Count	357	246	111 boat reduction
Average Slip Size	34.4'	43.4'	9.0' increase
Dock Area (SF)	82,730	74,250	8,480 SF reduction
Piles	211	Approx. 193	18 pile reduction
Dinghy Dock Area (SF)	1,564	1,360	204 SF reduction

- NOTES:**
1. AVERAGE SLIP SIZE EXCLUDING ENDTIES: 43.9'
  2. ALL DOCKS PARCEL A



DESIGN DEVELOPMENT PACKAGE



REVISIONS				
REV	DATE	BY	APPD	DESCRIPTION

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: R RAZONABLE  
 CHECKED BY: F MASSABKI  
 APPROVED BY: R MASON  
 SCALE: AS NOTED  
 DATE: 8/3/2016

**VENTURA ISLE MARINA**  
**DOCK REPLACEMENT PROJECT**

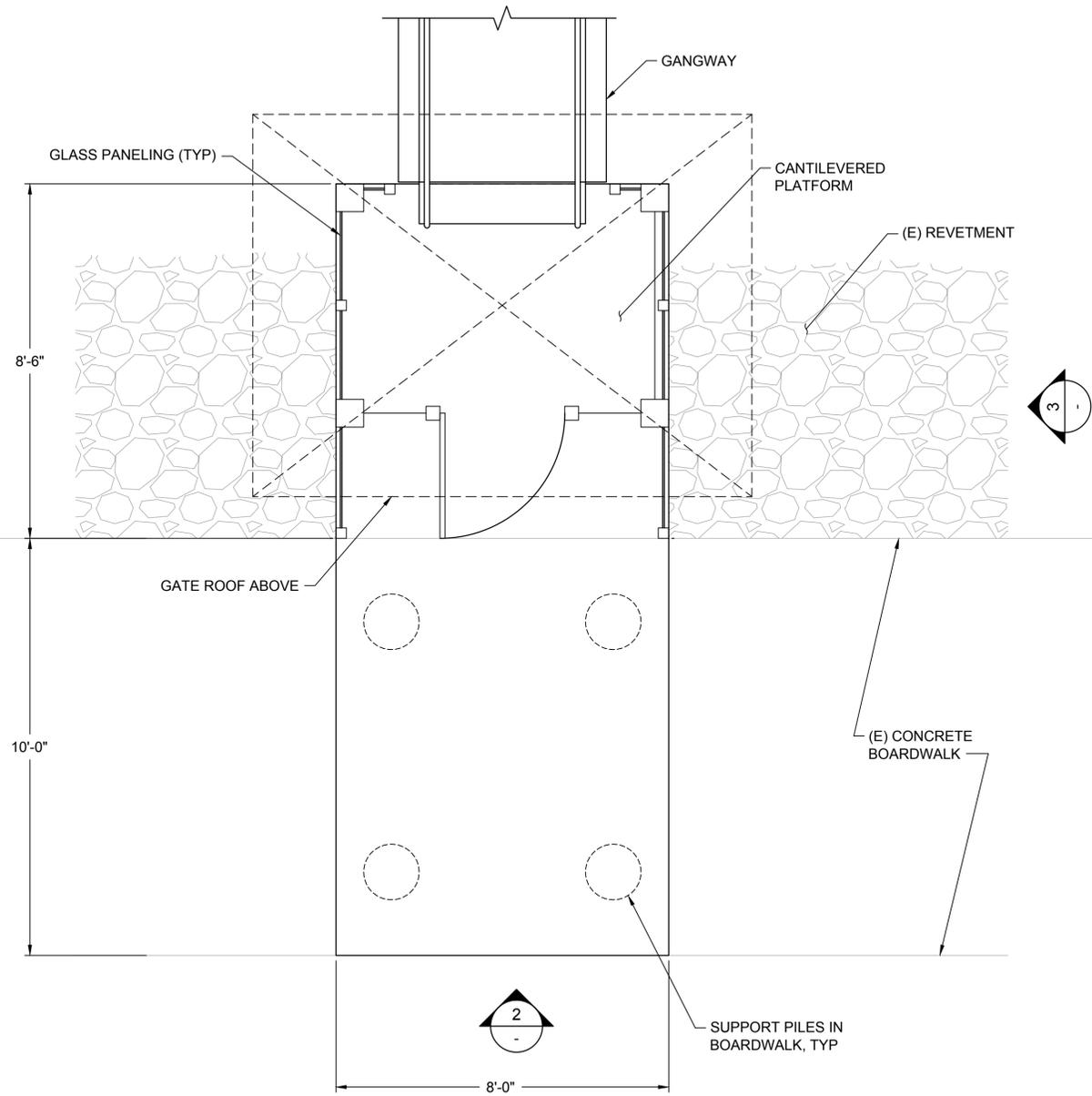
**PROPOSED PLAN PHASE 1-3**  
**(MIX DESIGN AND TAKEOFFS)**

**C-1**

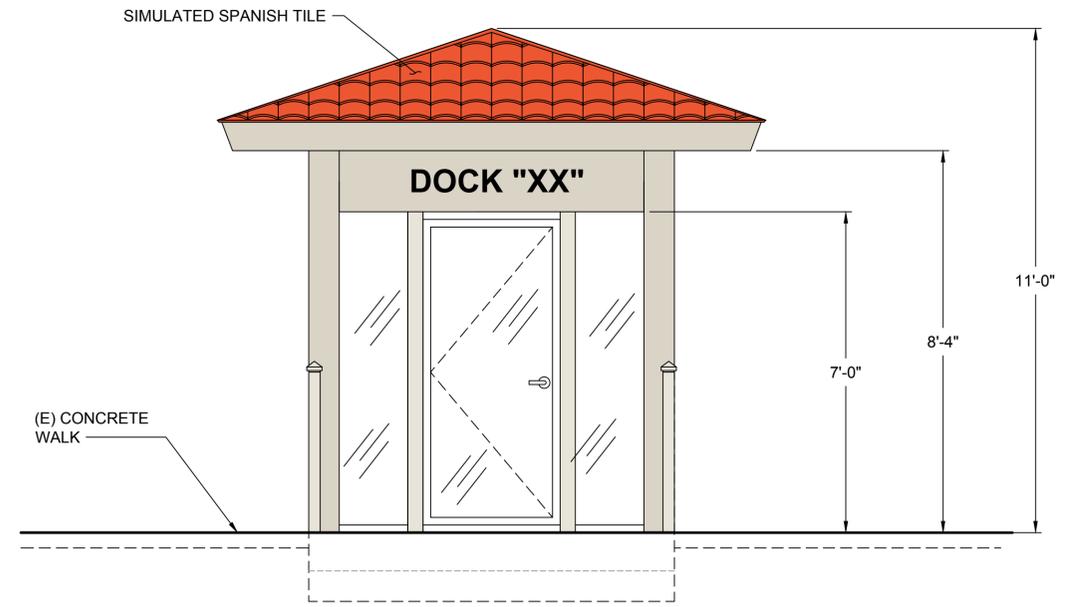
SHEET NO. 4 OF 5

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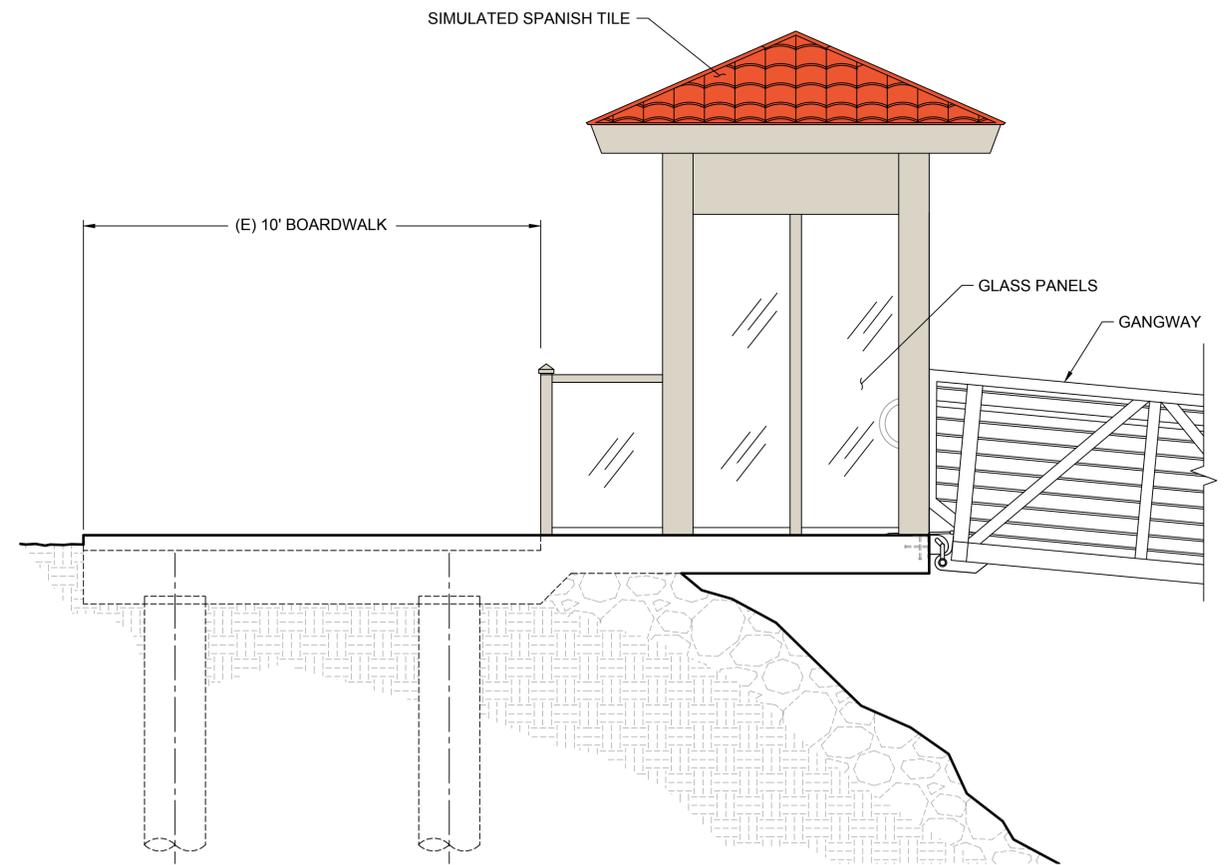
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Sep 13, 2016 4:42pm rrazonable



**1** TYPICAL PLATFORM / GATE PLAN  
SCALE: 1/2" = 1'-0"



**2** FRONT ELEVATION  
SCALE: 1/2" = 1'-0"



**3** RIGHT SIDE ELEVATION  
SCALE: 1/2" = 1'-0"

ONE INCH  
AT FULL SIZE, IF NOT ONE  
INCH SCALE ACCORDINGLY

DESIGN DEVELOPMENT PACKAGE



**SAFE HARBOR MARINAS**  
**VENTURA ISLE, LLC**



REVISIONS				
REV	DATE	BY	APPD	DESCRIPTION

DESIGNED BY: \_\_\_\_\_  
DRAWN BY: R RAZONABLE  
CHECKED BY: F MASSABKI  
APPROVED BY: R MASON  
SCALE: AS NOTED  
DATE: 8/3/2016

**VENTURA ISLE MARINA**  
**DOCK REPLACEMENT PROJECT**

TYPICAL PLATFORM / GATE PLAN

**C-2**

SHEET NO. 5 OF 5