



VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

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

Oscar Peña, General Manager
Christopher Chan, Legal Counsel
Jessica Rauch, Clerk of the Board

PORT COMMISSION AGENDA REGULAR MEETING SEPTEMBER 9, 2015 AT 12:30PM VENTURA PORT DISTRICT OFFICE 1603 ANCHORS WAY DRIVE, VENTURA, CA

A **Closed Session** of the Board will be held at approximately **11:00AM** in the Port District Office located at 1603 Anchors Way Drive, Ventura, California to discuss items on the Attachment to Agenda-Closed Session Conference with Legal Counsel and then reconvene thereafter to the Regular Meeting.

The Board will convene in **Open Session** at the Port District Office located at 1603 Anchors Way Drive for its Regular Meeting at **12:30PM**.

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 (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 July 22, 2015 regular meeting will be considered for approval.

PUBLIC COMMUNICATIONS (3 minutes)

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

CLOSED SESSION REPORT (3 minutes)

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

BOARD COMMUNICATIONS (5 minutes)

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

STAFF COMMUNICATIONS (5 minutes)

Ventura Port District Staff will update the Commission on important topics.

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 Restaurant Lease Agreement for The Greek Mediterranean Steak & Seafood

Recommended Action: Motion

That the Board of Port Commissioners approves by motion a new Restaurant lease agreement between the Ventura Port District dba Ventura Harbor Village and the Greek at the Harbor Restaurant, Inc. dba The Greek Mediterranean Steak & Seafood for the premises located at 1583 Spinnaker Drive #101 consisting of a total of 3,765 square feet for a three (3) year term with a five (5) year option to extend.

B) Approval of New Office Lease Agreement for Ahmad Vahedian, Ph.D.

Recommended Action: Motion

That the Board of Port Commissioners approves by motion a new Office lease agreement between the Ventura Port District dba Ventura Harbor Village and Ahmad Vahedian, Ph.D for the premises located at 1575 Spinnaker Drive #204C consisting of a total of 275 square feet for a two (2) year term.

C) Approval of Out of Town Travel Requests

Recommended Action: Motion

That the Board of Port Commissioners approve by motion the Out of Town Travel Requests for Consultant, Richard Parsons, Harbormaster, John Higgins, and Electrician, John Collins.

D) Approval of New Conflict of Interest and Disclosure Code

Recommended Action: Resolution No. 3283.

That the Board of Port Commissioners adopt Resolution No. 3283 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3060 and all prior versions of the Code, which were previously passed, approved, and adopted by the Board.

E) Annual Investment Policy Review

Recommended Action: Resolution No. 3284.

That the Board of Port Commissioners adopt Resolution No. 3284, which reflects minor changes to the Ventura Port District's Investment Policy and rescind Resolution No. 3253.

STANDARD AGENDA: (10 minutes)

1) Approval of Professional Services Agreement with Applied Environmental Technologies, Inc.

Recommended Action: Motion.

That the Board of Port Commissioners authorize the General Manager to enter into a Professional Services Agreement for \$30,150 with Applied Environmental Technologies, Inc. to conduct sediment sampling and analyses within the Ventura Harbor navigation channels.

REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT

*This agenda was posted on Friday, September 4, 2015 at 5:00 p.m.
at the Port District Office and on the Internet - www.venturaharbor.com (Port Commission).*

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

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

WEDNESDAY, SEPTEMBER 9, 2015

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

- | | |
|----------------------|--|
| a) Property: | 1363 Spinnaker Drive, Parcels 2 & 3 |
| Negotiating Parties: | Oscar Peña, Brian Pendleton, Chris Chan |
| Under Negotiation: | Ventura Isle Marina Lease Assignment |
| b) Property: | 1583 Spinnaker Drive #101 |
| Negotiating Parties: | Oscar Peña, Robin Baer |
| Under Negotiation: | The Greek at the Harbor New Lease |
| c) Property: | 1691 Spinnaker Drive #104, 105A, 105B |
| Negotiating Parties: | Oscar Peña, Brian Pendleton |
| Under Negotiation: | Island Packers New Lease |
| d) Property: | Parcels 15, 16, 18 |
| Negotiating Parties: | Oscar Peña, Sondermann Ring Partners |
| Under Negotiation: | Potential Marina Modifications |

2. Per Government Code Section – Pending Litigation:

- a) **54956.9(d)(1)** - Minton v. City of San Buenaventura, et al.
Ventura County Superior Case No. 56-2015-00469342
- b) **54956.9(e)(1)** – Ventura Port District, dba Ventura Harbor Village v. Jack Benjamin Hessiani
Ventura Superior Court Case No. 56-2015-00470864-CU-PT-VTA

SEPTEMBER 9, 2015
BOARD OF PORT COMMISSIONERS

APPROVAL OF THE JULY 22, 2015 MINUTES



Minutes of Regular Meeting of the Ventura Port District Board of Port Commissioners Held July 22, 2015

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

Commissioners Present:

Jim Friedman, Chair
Everard G. Ashworth, Vice Chair
Gregory L. Carson
Bruce E. Smith

Commissioners Absent:

None

Port District Staff:

Oscar Peña, General Manager
John Higgins, Harbormaster
Brian Pendleton, Business Operations Manager
Joe Gonzalez, Facilities Manager
Gloria Adkins, Accounting Manager
Richard Parsons, Consultant
Jessica Rauch, Clerk of the Board

Legal Counsel:

Chris Chan

AGENDA

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

PLEDGE OF ALLEGIANCE: By Commissioner Ashworth.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

ACTION: Commissioner Ashworth moved, seconded by Commissioner Carson and carried by a vote of 4-0 to adopt the July 22, 2015 agenda.

APPROVAL OF MINUTES

The Minutes of July 8, 2015 workshop meeting were considered as follows:

ACTION: Commissioner Ashworth moved, seconded by Commissioner Smith and carried by a vote of 4-0 to approve the minutes of the July 8, 2015 workshop meeting.

PUBLIC COMMUNICATIONS: Sam Sadove asked a question concerning the marketing staff report.

CLOSED SESSION REPORT: Mr. Chan 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 Carson reported on the JPIA Board meeting he attended last week. Commissioner Friedman welcomed City of Ventura Community Development Director, Jeff Lambert.

DEPARTMENTAL STAFF REPORTS: Harbormaster, John Higgins updated the Commission on the Lifeguard program.

GENERAL MANAGER REPORT: Mr. Peña reported on the success of Pirate Days and gave the Commission an update on Wild Local Seafood.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Approval of Financial Statements and Checks for the month of May 2015

Recommended Action: Resolution No. 3281.

That the Board of Port Commissioners adopt Resolution No. 3281 accepting and approving the Financial Statements, Payroll and Regular Checks for expenses in May 2015.

ACTION: Commissioner Carson moved, seconded by Commissioner Ashworth and carried by a vote of 4-0 to adopt Resolution No. 3281 accepting and approving the Financial Statements, Payroll and Regular Checks for expenses in May 2015.

B) Out of Town Travel Request

Recommended Action: Motion

That the Board of Port Commissioners approves by motion the Out of Town Travel Request for Business Operations Manager, Brian Pendleton.

ACTION: Commissioner Carson moved, seconded by Commissioner Smith and carried by a vote of 4-0 to approve the Out of Town Travel Request for Business Operations Manager, Brian Pendleton.

C) Extension of Option with Sondermann-Ring Partners

Recommended Action: Motion.

That the Board of Port Commissioners authorize the General Manager to execute the attached Tenth Amendment to Option Agreement between Ventura Port District and Sondermann-Ring Partners.

ACTION: Commissioner Carson moved, seconded by Commissioner Smith and carried by a vote of 4-0 to authorize the General Manager to execute the attached Tenth Amendment to Option Agreement between Ventura Port District and Sondermann-Ring Partners.

STANDARD AGENDA: (20 minutes)

1) Cushman Contracting Corporation Notice of Completion for Launch Ramp Rehabilitation Project (10 minutes)

Recommended Action: Resolution No.3282.

That the Board of Port Commissioners adopt Resolution No. 3282, accepting the work of Cushman Contracting Corporation for the Ventura Harbor Public Launch Ramp Rehabilitation Project and authorize staff to prepare and record a Notice of Completion with the office of the Ventura County Recorder.

ACTION: Commissioner Ashworth moved, seconded by Commissioner Smith and carried by a vote of 4-0 to adopt Resolution No. 3282, accepting the work of Cushman Contracting Corporation for the Ventura Harbor Public Launch Ramp Rehabilitation Project and authorize staff to prepare and record a Notice of Completion with the office of the Ventura County Recorder.

2) Award of Bid to J&T Engineering and Construction for the Harbor Village Parking Access Improvements (10 minutes)

Recommended Action: Motion.

That the Board of Port Commissioners take the following actions:

- a. Award the Ventura Harbor ADA Parking Access Improvements and Optional Parking Lot Pavement Repairs to J&T Engineering and Construction in the amount of \$282,825; and
- b. Accept Jensen Design & Survey, Inc.'s proposal of July 15, 2015 to provide construction supervision and inspection for the parking improvement contract mentioned above for a fee not to exceed \$15,000 as an expansion of their scope of work pursuant to their existing Professional Services Agreement with the Port District.

ACTION: Commissioner Carson moved, seconded by Commissioner Smith and carried by a vote of 4-0 to award the Ventura Harbor ADA Parking Access Improvements and Optional Parking Lot Pavement Repairs to J&T Engineering and Construction in the amount of \$282,825 and accept Jensen Design & Survey, Inc.'s proposal of July 15, 2015 to provide construction supervision and inspection for the parking improvement contract mentioned above for a fee not to exceed \$15,000 as an expansion of their scope of work pursuant to their existing Professional Services Agreement with the Port District.

REQUEST FOR FUTURE AGENDA ITEMS: The Commission would like a workshop on Harbor special events; how they impact the harbor, Pros and Cons; and what is the purpose of special events.

ADJOURNMENT: The meeting was adjourned at 7:32PM.

Secretary

SEPTEMBER 9, 2015

BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM A

**NEW RESTAURANT LEASE AGREEMENT FOR THE
GREEK MEDITERRANEAN STEAK & SEAFOOD**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM C
Meeting Date: September 9, 2015

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: New Restaurant Lease Agreement for the Greek at the Harbor Restaurant, Inc.
dba The Greek Mediterranean Steak & Seafood located at 1583 Spinnaker
Drive #101

RECOMMENDATION:

That the Board of Port Commissioners approves by motion a new Restaurant lease agreement between the Ventura Port District dba Ventura Harbor Village and the Greek at the Harbor Restaurant, Inc. dba The Greek Mediterranean Steak & Seafood for the premises located at 1583 Spinnaker Drive #101 consisting of a total of 3,765 square feet for a three (3) year term with a five (5) year option to extend.

BACKGROUND:

The Greek Restaurant has been a tenant since 1994. The Greek is refreshing their interior space to include new fire elements, water fountains, sectional couch seating areas, new stained patio flooring, lighting and decorations. Along with these new changes they have revamped their menu to include steak and seafood, specialty drinks, new menu design and a new logo to accent their new concept. They are also creating nice signage and features on the *Santorini Bar & Lounge* entrance.

FISCAL IMPACT:

The average occupancy expense over a three year period is \$141,797 per year. With the added improvements to the premises and the new menu, we believe the tenant will experience increased revenues.

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

SEPTEMBER 9, 2015

BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM B

NEW OFFICE LEASE AGREEMENT FOR AHMAD VAHEDIAN

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: September 9, 2015

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: New Office Lease Agreement for Ahmad Vahedian, Ph.D located at 1575
Spinnaker Drive #204C

RECOMMENDATION:

That the Board of Port Commissioners approves by motion a new Office lease agreement between the Ventura Port District dba Ventura Harbor Village and Ahmad Vahedian, Ph.D for the premises located at 1575 Spinnaker Drive #204C consisting of a total of 275 square feet for a two (2) year term.

BACKGROUND:

Dr. Vahedian is a psychologist that has been a tenant in the Village since the year 2000. Dr. Vahedian has chosen to downsize his office space from 546 square feet to 275 square feet. He has enjoyed the Ventura Harbor and hopes to continue his practice for many more years to come.

FISCAL IMPACT:

The occupancy expense for the first year is \$6,000.

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

SEPTEMBER 9, 2015

BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM C

APPROVAL OF OUT OF TOWN TRAVEL REQUESTS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: September 9, 2015

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

RECOMMENDATION:

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

- A) Consultant, Richard Parsons travel to Lafayette, California to participate in the CMANC Fall meeting on September 16 to September 18, 2015. This benefits the District by allowing Mr. Parsons to The benefit to the District for this travel is to meet with representatives of other California Ports and Harbors and participate in discussions with the U.S. Army Corps of Engineers about the refining of navigation goals for California and develop the implementation strategy for those goals. Estimated cost for the travel is as follows:

Registration	\$ 350.00
Lodging	\$ 435.82
Meals	\$ 190.00
Mileage	\$ 405.95
Miscellaneous-Parking, etc.	<u>\$ 50.00</u>
TOTAL	\$1,431.77

- B) Harbormaster, John Higgins travel to Lake Tahoe, California to participate in the California Harbormasters and Port Captains Annual Conference on October 5 to October 8, 2015. This benefits the District by allowing Mr. Higgins the opportunity to gain valuable knowledge and experience from other marina professionals and to attend trainings in risk management, disaster response resources, waterways grants, parking management strategies, marina inspections and leadership development. Estimated cost for the travel is as follows:

Registration	\$ 365.00
Lodging	\$ 645.00
Meals	\$ 570.00
Mileage	\$ 567.00
Miscellaneous-Parking, etc.	<u>\$ 75.00</u>
TOTAL	\$2,222.00

- C) John Collins travel to Lake Tahoe, California to participate in the California Building Officials (CALBO) Annual Education Week on October 25 to October 29, 2015. Attending this education week keeps the District in good standing with the City of Ventura for the purpose of District property inspections. This gives the District the ability to perform minor tenant improvements and major maintenance repairs of Port District electrical, mechanical and plumbing within our jurisdiction. Estimated cost for the travel is as follows:

Registration	\$ 635.00
Lodging	\$ 410.58
Meals	\$ 455.00
Mileage	<u>\$ 120.06</u>
TOTAL	\$ 1,620.64

SEPTEMBER 9, 2015

BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM D

**APPROVAL OF NEW CONFLICT NEW CONFLICT OF
INTEREST AND DISCLOSURE CODE**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM D
Meeting Date: September 9, 2015

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. 3283 to approve the new Conflict of Interest Code Policy and rescind Resolution No. 3060 and all prior versions of the Code, which were previously passed, approved, and adopted by the Board.

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 B to the proposed Resolution identifies all designated positions and the disclosure categories they file under.

The Ventura Port District adopted its initial conflict of interest code, which has since been updated and amended several times, with the latest action being the adoption of Board Resolution No. 3060 on September 27, 2006. It is recommended that the Board rescind Resolution No. 3060 and all prior versions of the Code, which were previously passed, approved, and adopted by the Board, and adopt in its place Exhibit B 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 B.

Once the Board adopts Resolution 3283 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. 3283



RESOLUTION NO. 3283

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

WHEREAS, the Political Reform Act, Government Code Section 81000, et. seq., requires state and local government agencies to adopt and promulgate conflict of interest codes; 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. 3060 on September 27, 2006; and

WHEREAS, 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; and

WHEREAS, the Ventura County Board of Supervisors, as the Code reviewing body for the District, recommends that all agencies within its jurisdiction adopt the standard Conflict of Interest Code promulgated by the Fair Political Practices Commission ("FPPC"), and any amendments thereto; and

WHEREAS, the Board has determined that it is in the best interests 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 B; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3060 and all prior versions of the Code, which were previously passed, approved, and adopted by the Board, and adopts in its place Exhibit B 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 B attached hereto.



ATTACHMENT 1

BE IT FURTHER RESOLVED that those individuals holding newly designated positions, as set forth in Exhibit B, 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 secretariially certified copy of this Resolution, including the attached Exhibit B, 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 9th day of September 2015 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Chairman

ATTEST:

Secretary

(Seal)

ATTACHMENT 1

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

I, Oscar Pena, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 9th day of September 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 9th day of September 2015.

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 9, 2015.

IN WITNESS WHEREOF, I have executed this Certificate of Secretary of the District this 9th day of September 2015.

Oscar Peña, Secretary
Ventura Port District
Board of Port Commissioners

SEPTEMBER 9, 2015

BOARD OF PORT COMMISSIONERS

CONSENT AGENDA ITEM E

ANNUAL INVESTMENT POLICY REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM E
Meeting Date: September 9, 2015

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

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3284, which reflects minor changes to the Ventura Port District's Investment Policy and rescind Resolution No. 3253.

SUMMARY:

The Government Code requires that the governing board of every local agency conduct an annual review of its investment policy. The District's current Investment Policy, Resolution No. 3253, was adopted by the Board on October 22, 2014.

Legal Counsel recently conducted another review of the Investment Policy Resolution No. 3253 and recommends some minor updates that are redlined in Attachment 1.

ATTACHMENTS:

Attachment 1 – Resolution No. 3253 – Redlined
Attachment 2 – Resolution No. 3284 – Updated and Clean

RESOLUTION NO. ~~3253~~ _____

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

1.0 POLICY

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

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

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

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

2.0 SCOPE

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

3.0 PRUDENCE

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

ATTACHMENT 1

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

4.0 OBJECTIVES

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

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

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

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

5.0 DELEGATION OF AUTHORITY

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

6.0 ETHICS AND CONFLICTS OF INTEREST

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

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

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

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

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

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

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

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

ATTACHMENT 1

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

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

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

ATTACHMENT 1

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

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

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

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

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

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

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

9.0 COLLATERALIZATION

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

10.0 SAFEKEEPING AND CUSTODY

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

11.0 DIVERSIFICATION

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

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

ATTACHMENT 1

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

12.0 REPORTING

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

ATTACHMENT 1

13.0 INVESTMENT POLICY ADOPTION

~~_____ The Investment Policy shall be adopted by resolution of the District. Moreover, the Policy~~
shall be reviewed on an annual basis, and modifications must be approved by the Board of Port
Commissioners. This Investment Policy replaces that which was set forth in Resolution No. ~~3169~~
~~3253~~ on ~~October 22, 2014~~ July 27, 2014.

PASSED, APPROVED AND ADOPTED this ~~22nd~~ _____ day of ~~October~~ September,
2015.
:

~~Gregory Carson~~ Jim Friedman, Chairman

ATTEST:

Everard Ashworth, Secretary

(Seal)

ATTACHMENT 1

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

I, ~~Everard Ashworth~~Oscar Pena, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. ~~3253~~_____ was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the ~~22nd~~_____ day of ~~October~~September 2015~~4~~, by the following vote:

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this ~~22nd~~_____ day of ~~October~~September, 2015~~4~~.

Secretary
(Seal)

ATTACHMENT 2



RESOLUTION NO. 3284

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

1.0 POLICY

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

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

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

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

2.0 SCOPE

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

3.0 PRUDENCE

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



ATTACHMENT 2

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

4.0 OBJECTIVES

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

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

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

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

5.0 DELEGATION OF AUTHORITY

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

6.0 ETHICS AND CONFLICTS OF INTEREST

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

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

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

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

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

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

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

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

ATTACHMENT 2

- d. Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of revenues from revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.
- e. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency.
- f. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by, or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.
- g. Bankers' acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchase of bankers' acceptances may not exceed one hundred eighty (180) days' maturity or forty percent (40%) of the District's money that may be invested pursuant to this policy. However, no more than thirty percent (30%) of the District's money can be invested in the bankers' acceptances of any single commercial bank.
- h. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization. The entity that issues the commercial paper shall either be:
 - (1) organized and operating within the United States as a general corporation, shall have total assets in excess of Five Hundred Million Dollars (\$500,000,000), and shall issue debt, other than commercial paper, if any, that is rated "A" or higher by a nationally recognized statistical-rating organization; or
 - (2) organized within the United States as a special purpose corporation, trust, or limited liability company, have program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond, and has commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical-rating organization.Eligible commercial paper shall have a maximum maturity of two hundred seventy (270) days or less. The District shall invest no more than twenty-five percent (25%) of its money in eligible commercial paper. The District shall purchase no more than ten percent (10%) of the outstanding commercial paper of any single corporate issue.
- i. Negotiable certificates of deposit issued by a nationally or state chartered bank, a savings association or a federal association (as defined by Section 5102 of the

ATTACHMENT 2

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

- j. Repurchase/Reverse Repurchase Agreements of any securities authorized by Section 53601. The market value of securities that underlay a repurchase agreement shall be valued at one hundred two percent (102%) or greater of the funds borrowed against those securities, and are subject to the special limits and conditions of California Government Code 53601(j).
- k. Medium term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five (5) years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated "A" or better by a nationally recognized rating service. Purchases of medium term notes shall not include other instruments authorized by this policy and may not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy.
- l. Shares of beneficial interest issued by diversified management companies (mutual funds) investing in the securities and obligations authorized by this policy, and shares in money market mutual funds, subject to the restrictions of Government Code Section 53601(l). The purchase price of investments under this subdivision shall not exceed twenty percent (20%) of the District's investments under this policy. However, no more than ten percent (10%) of the District's money may be invested in any one mutual fund.
- m. Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance

ATTACHMENT 2

with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance.

- n. Notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Government Code Section 53651 as eligible securities for the purpose of securing local agency deposits having a market value at least equal to that required by Government Code Section 53652 for the purpose of securing local agency deposits. The securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the trust department of a bank which is not affiliated with the issuer of the secured obligation, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted.
- o. Any mortgage pass-through security, collateralized mortgage obligation, mortgage backed or other pay-through bond, equipment lease backed certificate, consumer receivable pass-through certificate, or consumer receivable backed bond of a maximum of five (5) years maturity. Securities eligible for investment under this subdivision shall be issued by an issuer having an "A" or higher rating for the issuer's debt as provided by a nationally recognized rating service and the securities shall be rated in a rating category of "AA" or its equivalent or better by a nationally recognized rating service. Purchase of securities authorized by this subdivision may not exceed twenty percent (20%) of the District's money that may be invested pursuant to this policy.
- p. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized under Government Code Section 53601. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible, the joint powers authority issuing the shares must have retained an investment advisor that is registered or exempt from registration with the Securities and Exchange Commission, have not less than five years of experience in investing in the securities and obligations authorized under Government Code Section 53601, and have assets under management in excess of five hundred million dollars (\$500,000,000.00).
- q. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. These types of investments must be rated "AA" or better by a nationally recognized statistical rating organization and cannot exceed 30% of the District's moneys that may be invested pursuant to Section 53601.

ATTACHMENT 2

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

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

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

9.0 COLLATERALIZATION

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

10.0 SAFEKEEPING AND CUSTODY

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

11.0 DIVERSIFICATION

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

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

ATTACHMENT 2

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

12.0 REPORTING

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

13.0 INVESTMENT POLICY ADOPTION shall be reviewed on an annual basis, and modifications must be approved by the Board of Port Commissioners. This Investment Policy replaces that which was set forth in Resolution No. 3253 on October 22, 2014.

PASSED, APPROVED AND ADOPTED this 9th day of September, 2015.

Jim Friedman, Chairman

ATTEST:

Oscar Peña, Secretary

(Seal)

ATTACHMENT 2

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

I, Oscar Peña, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3284 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 9th day of September 2015, by the following vote:

AYES:
NOES:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this _____ day of September, 2015.

(Seal)

Secretary

SEPTEMBER 9, 2015

BOARD OF PORT COMMISSIONERS

STANDARD AGENDA ITEM 1

**APPROVAL OF PROFESSIONAL SERVICES AGREEMENT
WITH APPLIED ENVIRONMENTAL TECHNOLOGIES, INC.**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 1
Meeting Date: September 9, 2015

TO: Board of Port Commissioners
FROM: Richard Parsons, Dredging Program Manager
SUBJECT: Approval of Professional Services Agreement with Applied Environmental Technologies, Inc.

RECOMMENDATION:

That the Board of Port Commissioners authorize the General Manager to enter into a Professional Services Agreement for \$30,150 with Applied Environmental Technologies, Inc. to conduct sediment sampling and analyses within the Ventura Harbor navigation channels.

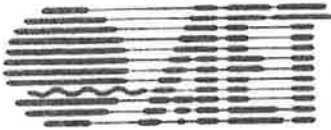
BACKGROUND:

Among the permits that the Port District holds that allow for the maintenance dredging of the navigation channels within the Harbor is U.S. Army Corps of Engineers permit SPL-2011-1154-AJS, dated August 13, 2012. That permit specifies that the Port District shall conduct sediment sampling and analysis every three years. The last such investigation was performed in the spring of 2012 and a new sampling episode is now required.

Applied Environmental Technologies, Inc. (AET) has submitted a proposal dated August 19, 2015 to perform the necessary sediment sampling and analysis for an estimated fee of \$30,150. AET has performed this sort of effort for the District in the past and is well versed in the requirements of the Inland Testing Manual, which establishes the protocol for the evaluation of dredged material proposed to be discharged in the waters of the U.S. Given the expectation that heavy rains are likely this coming winter and that as a result increased sedimentation of the Harbor's channels is likely, it is prudent for the District to conduct the investigation this fall and thus be in the position to dredge in the January – March 2016 timeframe.

ATTACHMENTS:

Attachment 1 – Applied Environmental Technologies, Inc. Proposal dated August 19, 2015



APPLIED ENVIRONMENTAL TECHNOLOGIES INC.

18429 Bryant St • Northridge, CA 91325 • Phone: (805) 650-1400 Fax: (805) 650-1576

August 19, 2015
Ref. No. 0062-22O

Richard W. Parsons
Dredging Program Manager
Ventura Port District
1603 Anchors Way Drive
Ventura, California 93001

**PROPOSAL AND CONTRACT
VENTURA HARBOR SEDIMENT INVESTIGATION 2015
VENTURA, CALIFORNIA**

Introduction

At your request, Applied Environmental Technologies, Inc. (AET) has prepared this proposal to conduct an investigation of the sediments required under the Corps of Engineers permitting during dredging. The investigation will be conducted by vibracore sampling. The objective of the testing is to allow the Port District to maintain design channel depths throughout the harbor. The work will be conducted under the U. S. Army Corps of Engineers Permit STL-2011-1154-AJS dated August 13, 2012 and the California Water Quality Control Board Permit R4-2012-0027 dated February 2, 2012. Our Scope of Work (by Task), Schedule and Costs are presented below.

Scope of Work

Task 1. Workplan

AET will prepare a workplan for the sediment investigation. The workplan will conform to the United States Environmental Protection Agency and the Department of the Army US Army Corps of Engineers "Evaluation of Dredged material Proposed for Discharge in the Waters of the U.S. – Testing Manual, Inland Testing Manual", dated February 1998.

Task 2. Sample Collection

AET will collect sediment samples from the areas of proposed dredging within the Ventura Harbor waterways. AET is proposing to use a vibracore system to collect the sediment samples for this investigation.

A total of five (5) composite samples, for analyses, will be removed from the proposed dredging areas. One composite sample will be collected in each of the 5 Ventura Harbor waterways Area A through Area F.

The cores will be collected using a vibracore suspended from a work barge. The cores will be collected to a maximum depth of -20 feet MLLW in Areas A, B and part of C. The cores from Area D will be collected to a maximum depth of -17 feet MLLW. The maximum depth of the sample collected from Area F will be -30 feet MLLW. The design depth for the harbor ranges from -

Richard W. Parsons, Dredging Program Manager
Ventura Port District

August 12, 2015
Page 2

15 to -18 feet MLLW however, some over dredging (maximum of 2 feet) may occur. The core lengths are expected to be approximately 5 to 10 feet.

Task 3. Sample Analysis

The samples will be analyzed for constituents required by the California Regional Water Quality Control Board-Los Angeles Region. The analysis of each sample will include:

	Detection Limits
1. <u>Metals</u>	
Cadmium	0.2 mg/kg
Chromium (hexavalent)	0.2 mg/kg
Copper	0.2 mg/kg
Lead	0.2 mg/kg
Mercury	0.04 mg/kg
Nickel	0.2 mg/kg
Selenium	0.2 mg/kg
Silver	0.2 mg/kg
Zinc	2.0 mg/kg
2. <u>Non-Metals</u>	
Arsenic	0.2 mg/kg
3. <u>Pesticides</u>	
Aldrin	2.0 ug/kg
Alpha, beta, delta & gamma (Lindane) hexachlorocyclohexane (BHC)	2.0 ug/kg
Chlordane	10.0 ug/kg
Chlorbenside	
Dacthal	
Dieldrin	2.0 ug/kg
DDT and Derivatives (DDE & DDD)	2.0 ug/kg
Endrin and Derivatives	2.0 ug/kg
Endosulfan I	2.0 ug/kg
Endosulfan II	2.0 ug/kg
Endosulfan Sulfate	2.0 ug/kg
Heptachlor	2.0 ug/kg
Heptachlor epoxide	2.0 ug/kg
Methoxychlor	2.0 ug/kg
Toxaphene	40.0 ug/kg
Mirex	
Methoxychlor	
Parathion	
Malathion	
Guthium	

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Demeton

4. Organics

Total Petroleum Hydrocarbons (TPH)

Total Recoverable Petroleum Hydrocarbons (TRPH)

Total Organic Carbon (TOC)

Organotin Compounds (Mono, Di,
Tri, and tetrabutyltin)

6.0 ug/kg (reported separately)

Total Phenols

2-Methylphenol

2-Nitrophenol

3,4-Methylphenol

4,6-Dinitro-2-Methylphenol

4-Chloro-3-Methylphenol

Bisphenol A

20-100 ug/kg

Polychlorinated Biphenyls (including total PCBs,

PCB 018, 028, 037, 044, 049, 052, 066, 070, 074, 077,

081, 087, 099, 101, 105, 110, 114, 118, 119, 123, 126,

128, 138, 149, 151, 153, 156, 157, 158, 167, 168, 169,

170, 177, 180, 183, 187, 189, 194, 201, 206

0.50 µg/kg

Polynuclear Aromatic Hydrocarbons

20 µg/kg

Including: Total PAHs

Acenaphthene

Anthracene

Benzo(a)Pyrene

Benzo(k)fluoranthene

2-Chlorophenol

Dibenz(a,h)anthracene

2,4-Dimethylphenol

Fluoranthene

Indeno(1,2,3-c,d)Pyrene

2-Methylnaphthalene

2,4,6-Trichlorophenol

Pentachlorophenol

Pyrene

Acenaphthylene

Benzo(a)anthracene

Benzo(g,h,i)perylene

Benzo(b)fluoranthene

Chrysene

2,4-Dichlorophenol

2,4-Dinitrophenol

Fluorene

1-Methylnaphthalene

2,4,5-Trichlorophenol

Naphthalene

Phenanthrene

Total Phthalates

Di-n-butyl phthalate, Di-n-octyl phthalate,

Diethyl phthalate, Dimethyl phthalate,

Bis(2-Ethylhexyl)Phthalate, Butylbenzyl Phthalate

20.0 ug/kg

Pyrethroids

Allethrin (Bioallethrin)

Cyfluthrin-beta (Baythroid)

Bifenthrin

Cyhalothrin-Lambda

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Cypermethrin	Deltamethrin (Decamethrin)
Esfenvalerate	Fenpropathrin (Danitol)
Fenvalerate (sanmarton)	Fluvalinate
Permethrin (cis and trans)	Resmethrin (Bioresmethrin)
Resmethrin	Sumithrin (Phenothrin)
Tetramethrin	Tralomethrin

5. Miscellaneous

Ammonia

American Scientific Laboratories, LLC, of Los Angeles, California, certified by the State to conduct the necessary analyses, will analyze the samples. Strict chain-of-custody documentation will be required for the samples.

In addition to chemical analyses, the samples will be tested for grain size. The sand percentage will be determined to assess if the sediment is viable to be placed in the marine environment.

Task 4. Report on Analytical Results

AET will review the analytical results of the testing and prepare a report detailing sampling methodology, chemical analysis results, and where practical, conclusions will be made on the suitability of the sediments for disposal.

Schedule

When the Sampling and Analysis Plan has been approved, the sampling can be scheduled. This proposal assumes that the sampling will be conducted concurrently with the sampling required in the City of Ventura Keys. A report would be submitted to Ventura Port approximately 1 month following the field investigation.

Costs

Our services would be provided on a time and materials basis in accordance with our standard Agreement for Professional Services (Exhibit A), and Fee Schedules (Exhibit B), which are attached and incorporated into this proposal by reference. Please review the attached documents and let us know if any items are not acceptable, not understood, or negotiable. The cost for the scope of services described above is estimated at \$30,150, assuming that the sampling is conducted concurrently with the Ventura Keys sampling. A breakdown of the costs is shown on Table 1 attached.

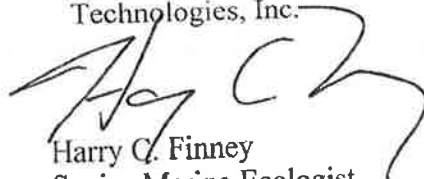
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To authorize the services we have proposed, please sign and return one complete copy of this Proposal and Contract to us. Thank you for the opportunity to provide this proposal for your consideration. Please call us with any questions or comments.

Very truly yours,
Applied Environmental
Technologies, Inc.



Harry C. Finney
Senior Marine Ecologist

HCF/wp

Attachments: Table 1 - Cost Breakdown
Exhibit A - Agreement for Professional Services
Exhibit B - Fee Schedules

ATTACHMENT 1

Table 1. Cost Breakdown

Task 1. Preparation of Sampling and Analysis Workplan	\$900
Task 2. Sediment Sample Collection	\$13,300
Task 3. Chemical and Grain Size Analyses (based on 5 samples on normal turnaround)	\$13,450
Task 4. Report Preparation	<u>2,500</u>
Total Estimated Cost	\$30,150