



VENTURA PORT DISTRICT 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
Timothy Gosney, Legal Counsel
Jessica Rauch, Clerk of the Board

PORT COMMISSION AGENDA REGULAR MEETING DECEMBER 7, 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 (3 minutes)

Consider and approve, by majority vote, minor revisions to agenda items and/or attachments and any item added to, or removed/continued from the Port Commission's agenda. Administrative Reports relating to this agenda and materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the Port District's office located at 1603 Anchors Way Drive, Ventura, CA during business hours as well as on the District's website - www.venturaharbor.com (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 (3 minutes)

The Minutes of the November 9, 2016 Regular Meeting will be considered for approval.

PUBLIC COMMUNICATIONS (3 minutes)

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

CLOSED SESSION REPORT (3 minutes)

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

BOARD COMMUNICATIONS (5 minutes)

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

DEPARTMENTAL AND GENERAL MANAGERS REPORTS (5 minutes)

Ventura Port District Staff and General Manager will give the Commission reports on their Department and items of general interest to the Port Commission and members of the public.

LEGAL COUNSEL REPORT (5 minutes)

STANDARD AGENDA:

1) Annual Reserve Policy Review

Recommended Action: Voice Vote.

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

2) Annual Investment Policy Review

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3326, which reflects minor changes to the Ventura Port District's Investment Policy and rescind Resolution No. 3284.

3) Adoption of Ordinance No. 51 Authorizing Execution of the Lease Between Ventura Port District and Beer and Sausage, LLC dba BS Taproom/ Beer Season

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

1. Conduct a public hearing for the purpose of receiving input on proposed Ordinance 51;
2. Read proposed Ordinance No. 51 for the record; and
3. Adopt Ordinance No. 51, which authorizes execution of the Lease between Ventura Port District and Beer and Sausage, LLC dba BS Taproom/Beer Season New Restaurant Lease at 1591 Spinnaker Drive, #113 & #115.

4) Consideration of Legal Fees

Recommended Action: Voice Vote.

That the Board of Port Commissioners consider for approval the proposal submitted on July 13, 2016, which increases the hourly rates upon which the legal fees to the District are calculated.

5) Information on IRC § 170

Recommended Action: Informational.

That the Board of Port Commissioners further explore the District's potential solicitation of tax-deductible donations and application for grant funding under IRC § 170.

6) Approval of 2017 Port Commission Meeting Schedule

Recommended Action: Voice Vote.

That the Board of Port Commissioners discuss and take appropriate action on the 2017 Port Commission meeting schedule.

REQUEST FOR FUTURE AGENDA ITEMS

ADJOURNMENT

*This agenda was posted on Friday, December 2, 2016 by 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, DECEMBER 7, 2016

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

- a) Property: **Parcel 5 and Parcel 8**
 - Negotiating Parties: Oscar Peña, Brian Pendleton, Timothy Gosney
 - Under Negotiation: Potential Lease Negotiations with Brighton Management, H. Parker Hospitality, Pacific Heritage Communities

- b) Property: **1559 Spinnaker Drive #108, #109A**
 - Negotiating Parties: Oscar Pena, Brian Pendleton, Timothy Gosney
 - Under Negotiation: New Lease Terms with Ventura Dive & Sport

2. Conference with Legal Counsel - Potential Litigation per Government Code Section 54956.9(d)(4): One case.



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

APPROVAL OF MINUTES

NOVEMBER 9, 2016 REGULAR MEETING



Minutes of Regular Meeting of the Ventura Port District Board of Port Commissioners Held November 9, 2016

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

Commissioners Present:

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

Commissioners Absent:

None

Port District Staff:

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

Legal Counsel:

Timothy Gosney

AGENDA

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

PLEDGE OF ALLEGIANCE: By Commissioner Friedman.

ROLL CALL: All Commissioners were present.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

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

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

PUBLIC COMMUNICATIONS: None.

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

BOARD COMMUNICATIONS: None.

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

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Termination of Agreement and Approval of New Restaurant Lease Agreement for The Boatyard Inc. dba Boatyard Pub

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

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

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

B) Approval of New Office Lease Agreement for Brophy Bros. Restaurant

Recommended Action: Voice Vote.

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

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

C) Termination of Agreement and Approval of New Office Lease Agreement for Sierra Pacific Mortgage

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

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

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

STANDARD AGENDA:

1) Approval of Financial Statement and Checks

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. ~~3324~~ 3325,

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

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

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

Recommended Action: Roll Call Vote.

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

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

ACTION: Commissioner Valance moved, seconded by Commissioner Brennan and carried by a vote of 5-0 to adopt Resolution No. 3322, accepting the work of Letner Roofing Company for the reroofing of 1449 and 1559 Spinnaker Drive;

and authorizing staff to prepare and record a Notice of Completion with the Ventura County Recorder.

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

Recommended Action: Roll Call Vote.

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

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

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

Recommended Action: Roll Call Vote.

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

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

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

Recommended Action: Voice Vote.

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

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

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

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

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

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

Recommended Action: N/A.

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

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

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

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

REQUEST FOR FUTURE AGENDA ITEMS: None.

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

Secretary



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

DEPARTMENTAL STAFF REPORTS

DREDGING

FACILITIES

HARBOR PATROL

MARINA

MARKETING

PROPERTY MANAGEMENT

RWP DREDGING MANAGEMENT

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

December 7, 2016

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

Subject: October/November 2016 Dredging Activities and Special Projects Report

The Dredging Program Manager's activities for the October/November 2016 period are reviewed below:

FY2017 Federal Dredging Appropriations

The 114th Congress has now returned to work for what is known as a "lame duck session" for the brief period until the new 115th Congress is sworn in on January 3, 2017. The federal government is presently operating on the funding authority of a Continuing Resolution (CR) which expires on December 9, 2016, and thus the current Congress must address the FY17 appropriations issue in order to avoid a government shut-down. It is now apparent that another CR will be adopted that will extend the FY17 funding until March 2017. This will enable the new Congress and the new Administration to make the final decisions on the FY17 funding levels.

Unfortunately that means that the Army Corps of Engineers will not be able to put together a "Work Plan" for the expenditure of any additional funds that may be included in the FY17 budget for the Corps civil works program until May 2017. With the Corps required by regulatory constraints to complete the maintenance dredging of Ventura Harbor by mid-March 2017, it is thus apparent that the Port District cannot anticipate funding for the harbor to exceed the \$4.3 million included in both the House and Senate versions of the Energy and Water Development Appropriations Bills for FY17 (the two versions were never reconciled and a final bill adopted).

FY2017 Maintenance Dredging Preparations

During October 2016, the Los Angeles District of the Corps of Engineers performed a bathymetric survey of the Ventura Harbor entrance channel and sand traps. That survey indicated that as of October 20, 2016 there was 417,007 cubic yards of material available to be dredged. The Corps dredging contractor, Manson Construction Company, is scheduled to commence dredging in the harbor in mid-February. The \$4.3 million in funding as discussed above will provide for the dredging of about 400,000 cubic yards of material. My expectation is that by the date dredging commences the volume of material available to be dredged will be between 550,000 and 650,000 cubic yards. Thus, the available funding is unlikely to provide for a complete dredging of the entrance channel and sand traps.

I was in Washington, D.C. recently and met with Corps Headquarters personnel to review this situation with them. They understand the situation, but at the same time both they and I are not unduly concerned. A shortfall of about 250,000 cubic yards in a single year is unlikely to create any navigation difficulties. By way of comparison, 280,000 cubic yards remained to be dredged

earlier this year even though a total of 892,295 cubic yards had been removed. The average dredging volume over the last 24 years has been 534,130 cubic yards per year.

Harbor Village Phase II ADA Improvements

J&T Engineering and Construction is still struggling to complete the stainless steel railing installation called for in their contract for the ADA improvements at the Village. Hopefully, they can complete the work by the end of the year.

Harbor Village Phase III Improvements

The District's contract in the amount of \$1,570,909 with Viola Contractors, Inc. for the Phase III Improvements at Harbor Village has now been signed. Viola will establish their construction staging area in the Village parking lot on December 27-30, 2016. Actual work will commence on January 3, 2017 with demolition along the promenade in the vicinity of the "elbow". This will require the weekday closure of the promenade for about a month until the new improvements are in place. The work will then proceed in a southwesterly direction toward the parking lot. Viola's current schedule calls for completion by mid-May 2017.

Harborwide ADA Improvement

We have now received the City's approval of the plans for the ADA improvements at Harbor Cove, Surfers Knoll, the launch ramp restroom area, the VPD office and the port's portion of the VIM parking lot. We expect to advertise for competitive bids for the project in mid-December 2016.

Roof Rehabilitation Work (Phase II)

We expect to file working drawings with the City's Building Department for the roof rehabilitation work at 1431, 1591 and 1691 Spinnaker Drive in December 2016. Upon the City's approval, competitive bids will be sought with the expectation that work would commence in March or April 2017.

Respectfully submitted,

Richard Parsons

Dredging and Special Projects Consultant

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 7, 2016

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

FACILITIES PROJECTS:

Staff has been progressing well with the various projects around the Harbor Village as follows:

1) Christmas Décor:

Working closely with Contractors at work:

- Completed stages for Village and entrance
- Trimming the palm trees/trees/shrubs/other necessities

In house staff: / Cost approx. \$3,000-\$3,500

- Finalizing set up Christmas décor in designated areas in Village

2) Landlord's Tenant Improvement Allowances - working closely with these tenants:

- The Ultimate Escape Rooms
- iPowerUp
- Sierra Pacific Mortgage
- Ventura Swimwear
- Baja Bay Surf n Taco
- Brophy's Bros Restaurant (office)
- Silhouettes Salon

3) Upgrading/adding WiFi to all telephones in the Port District elevators. Currently paying \$135 per elevator; upgrades will reduce costs to \$35 per elevator, total of six elevators.

4) Ventura Harbor Village Window Replacement - Rasmussen & Associates have delivered the specifications for the VHV window replacements. Total budgeted for this project is \$130,000. Total construction will now be approximately \$100,000; architect costs are approximately \$10,000.

5) Marketing Office A/C – In planning stages, costs TBD

6) Ventura Harbor Village Entry Feature Repairs – Capital Improvement Project. Budgeted for \$60,000; finalized project at a cost of \$25,000. The final walk thru inspection was performed, waiting on final billing paperwork from contractor to complete.

7) Village Landscaping – The bougainvillea along the promenade embankment has been trimmed. It was approximately five feet tall and has been trimmed down to approximately three feet. By doing this, it gives visitors a clear view of the Harbor during their walks along the promenade. The total cost of the project was \$2,700.

8) 1559 Spinnaker Drive – 1559 building's promenade (north side) currently has rope lighting to light the staircase at night. Due to frequent vandalism, permanent light fixtures were mounted on the stair case. The project is approximately 100% complete and will be saving the District money in the future and will provide better lighting to the public. The total cost was \$2,800.

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 7, 2016

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

Public Safety Overview:

The Harbor has seen a significant decrease in users both on land and water. The more normal weather pattern has already resulted in cooler temperatures and produced several storms. Weather and darkness will present our biggest challenges as we move in to the winter months. Our staff aggressively monitors the weather forecasts so that we are best prepared in regards to staffing and our ability to warn the public. Some of the methods we routinely use to warn the public is our weather report that is delivered daily to the major lessee's in the Harbor, our new flag pole, Launch Ramp LED Sign, and roadside warning signs. We increase our staffing when appropriate to ensure we have a safe number of personnel on duty to handle the weather related challenges.

Beach Update:

In a very short time our South Beach has experienced significant erosion. We are quickly back to pre-dredging erosion with a couple of months of winter storms ahead. While no Port District assets are in immediate jeopardy, we relocated the new Lifeguard Tower at Surfers Knoll back towards the parking lot. Additionally we removed all but the essential trash cans on Harbor Cove Beach for the winter season.

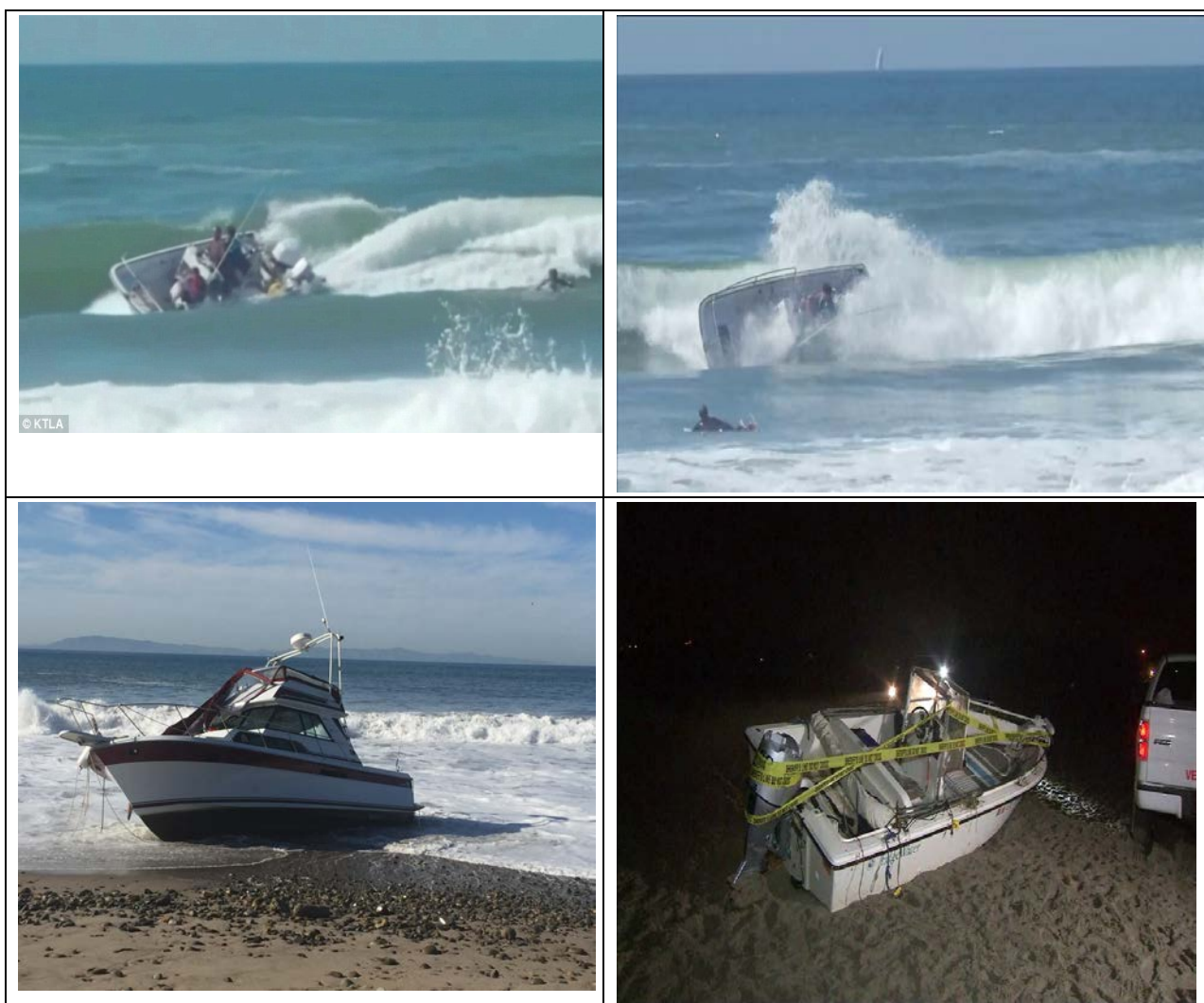


Boating Rescues:

Since last month's report, there have been a couple of high profile boating accidents. All the accidents could be attributed to operator inexperience or lack of local knowledge. All three also experienced larger than normal surf events which contributed to the accidents. The one fatality off Oxnard's Hollywood Beach occurred during the nighttime where a lack of visual landmarks may have accidentally brought them closer to the beach.

In all the accidents, the vessels had the proper safety equipment. In the two accidents with kids, they were wearing lifejackets. It was also reported that the nighttime fatality was wearing an inflated lifejacket. For both accidents in the Ventura area, the vessel operators were aware of the high surf warnings, but choose to ignore the warnings.

Out of the three accidents the nighttime hoop netting remains an especially challenging group to educate. This sport is inherently dangerous as it mostly occurs at night when visibility is at a minimum. Our harbor enacted stricter regulations several years ago as a result of an increase in boating accidents. We also increased our vessel safety inspections to ensure the vessels in our area were properly equipped with safety equipment including lifejackets. We have coordinated with the US Coast Guard and will continue to explore ways to enhance the education and decrease the accidents and fatalities.



US Customs Port of Entry:

Ventura Harbor is a US Customs Port of Entry and one of the few between Los Angeles and San Francisco. Boaters from outside the United States can make Ventura Harbor their first landfall. Boaters are required to make notifications to US Customs prior to their arrival and may be screened at our long dock. While this happens very infrequently it is listed on the US Customs and Border Protection website, as well as, a number of boating information sources. Last month we had an Australian Citizen come in to the Harbor Patrol Office seeking information on how to report departing the country by sailboat. Harbor Patrol Officers assisted the Citizen by contacting US Customs and Border Protection who were able to assist with instructions to declare departure over the phone.

US Coast Guard Air Station Point Mugu:

The US Coast Guard officially moved their helicopter operations from LAX to Point Mugu this year. This move will greatly enhance the rescue resources that will be available in the Ventura County Area. Our staff has already met with and begun planning efforts with the units command. Future trainings are being scheduled so that they are familiar with our staff and our Harbor Patrol Vessels.

United States Lifesaving Association - Aquatic Rescue Response Team Certification:

The Harbor Patrol has been an active participant in Ocean Rescues for many years by land and water in and around the Ventura City Limits. In March of 1998, Ventura Harbor Patrol Officer Paul Korber drowned while performing a rescue of a mother and kids stuck in a rip current on our South Beach. Since that time we have focused more on training and equipment to prevent this from happening again. In the years after this accident our staff has successfully rescued numerous people from the dangers of the ocean because of this additional training and investment in equipment. Since accepting the position of Harbormaster, I have been working to become certified as an Aquatic Rescue Response Team. In late October, our application was reviewed by the Board of Directors of the United States Lifesaving Association and approved. Ventura Harbor Patrol and Santa Monica Harbor Patrol are the only two Non-Lifeguarding Harbor Patrol Agencies in the State of California to receive this certification. This certification is a result of hard work and dedication from our staff of Harbor Patrol Officers.

Assisted & Supervised Special Event:

Ventura Yacht Club Junior Fall Optimist Regatta was held on November 12 & 13. This is an annual event hosted by the yacht club and includes roughly 70 sailors from around the State. They had two race courses set up each day both inside and outside the Harbor. The racers spent most of the day on the water and were directly supervised by coaches and safety boats. Our staff coordinated with the Yacht Club both before and during the event to ensure its success and capability with our existing boating activity.

Port District & Oxnard Harbor District:

- Attended Port of Hueneme Harbor Security Meeting
- Participated in Port of Hueneme MAST Expo & Coastal Trident Exercise Planning

Port District & Ventura City Collaboration:

- Assisted Ventura Police Department with Ventura River Project
- Participated in EMS Training with Ventura City Fire
- Night-time Ocean Rescue Training with Ventura City Fire
- Continued to work with City on a Vessel Disposal Project

Harbor Patrol Staff Photo:



Top Row (Left to Right):

George Kabris, Erik Bear, Tom Dore, Jon Freeman, Bob Crane, Tim Burrows, & John Higgins

Middle & Bottom Row (Left to Right)

Pat Hummer, Adam Yox, Ryan Sutherland, & Brad Chisholm

ATTACHMENTS:

Attachment 1 – United States Lifesaving Association Letter

Attachment 2 – Soundings



United States Lifesaving Association

National Certification Committee

PO Box 366 ♦ Huntington Beach, California 92648 ♦ Tel: 866-FOR-USLA (866-367-8752)

www.usla.org

November 14, 2016

Chair

Tony Pryor

Vice-Chair

Jerry Gavin
Great Lakes Region

Peter Davis
Gulf Coast Region

Ed Kiziukiewicz
Mid-Atlantic Region

Jim Farrell
New England Region

Ralph Goto
Pacific Islands Region

Dan McCormick
Northwest Region

Duke Brown
South Atlantic Region

Joe McManus
Southeast Region

Vince Lombardi
Southwest Region

John Higgins, Harbormaster
Ventura Port District Harbor Patrol
1603 Anchors Way
Drive Ventura, CA 93001

Dear Harbormaster Higgins,

Congratulations on being approved by the Board of Directors of the United States Lifesaving Association for meeting our recommended standards for Aquatic Rescue Response Teams. I have enclosed a certificate, which formalizes this decision.

Yours is one of the many respected lifesaving agencies in America which have demonstrated adherence to USLA guidelines. For a full list of these agencies, please visit our website at www.usla.org

Your certification is good for the period noted on the certificate. During this period, your organization remains certified so long as you maintain USLA standards demonstrated during the certification process. If for any reason the standards indicated in your application are diminished, the certification becomes invalid.

We appreciate your participation and adherence to nationally recommended guidelines for open water lifeguard agencies promulgated by the United States Lifesaving Association. We commend you for your efforts and those of your staff.

Sincerely,

Tony Pryor
Certification Committee Chair

Enclosure

United States Lifesaving Association

Aquatic Rescue Response Team Certification

Be it hereby known that the Ventura Port District – Harbor Patrol has been found in compliance with USLA recommended guidelines for aquatic rescue response teams and has agreed to maintain these standards in the future, thereby demonstrating a commitment to providing a high level of public safety in the open water environment.

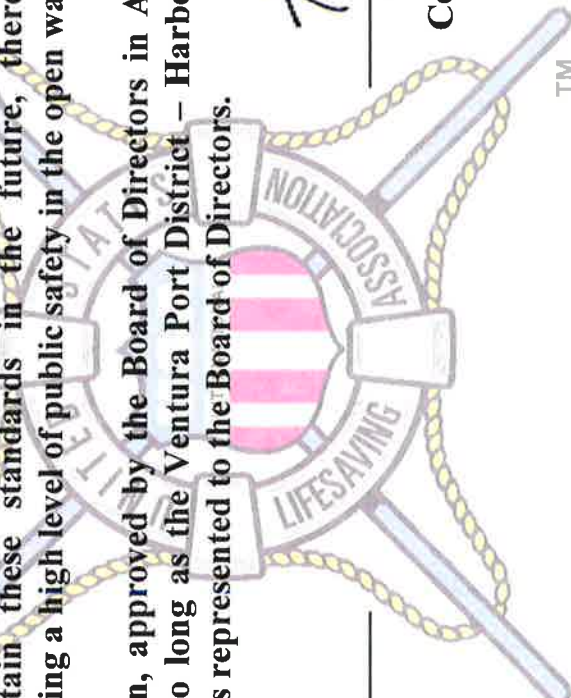
This certification, approved by the Board of Directors in April 2016, is effective through April 2019, so long as the Ventura Port District – Harbor Patrol continues to maintain the standards represented to the Board of Directors.



Peter C. Davis
USLA President



Tony Pryor, Chair
Certification Committee



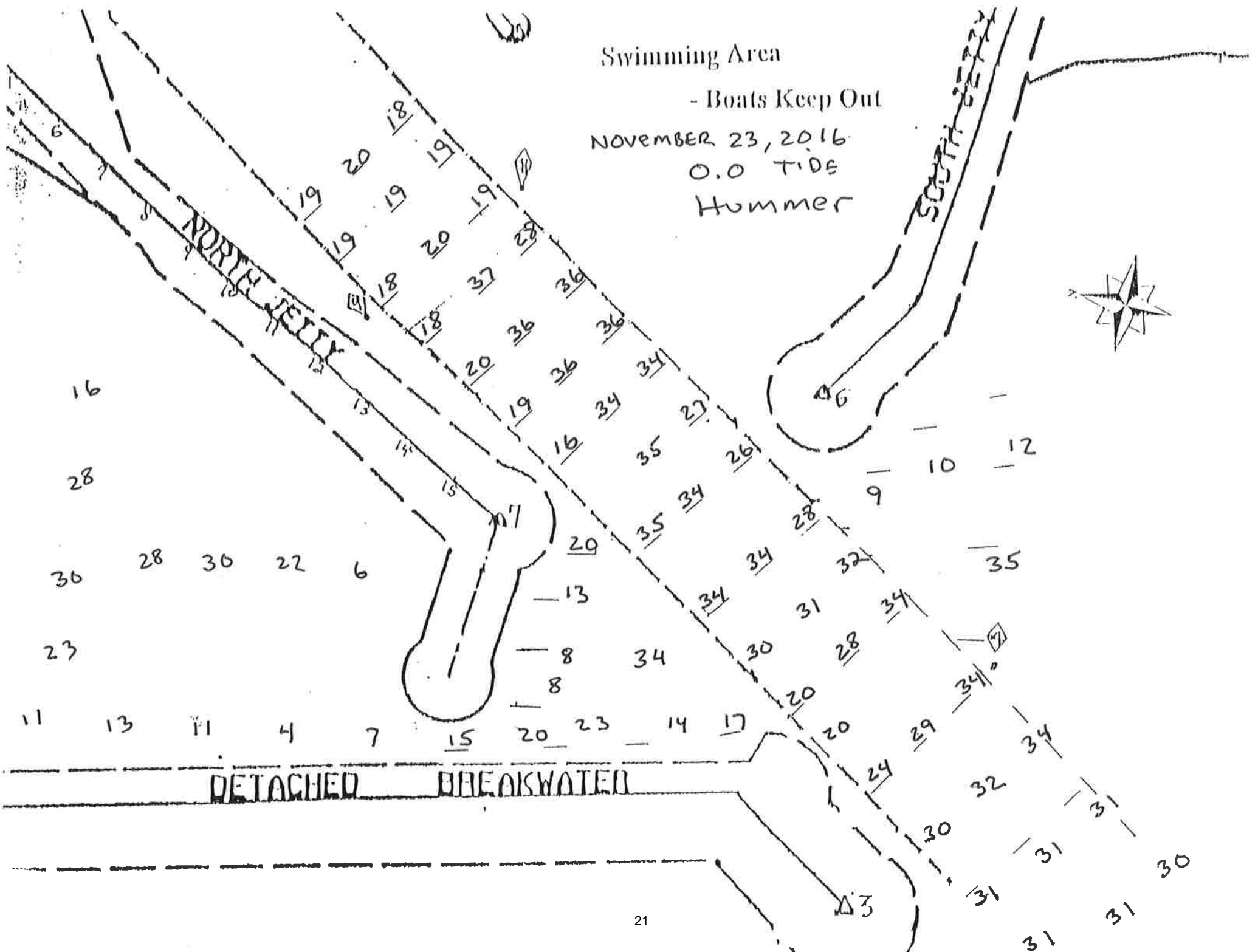
Swimming Area

- Boats Keep Out

NOVEMBER 23, 2016

0.0 TIDE

Hummer



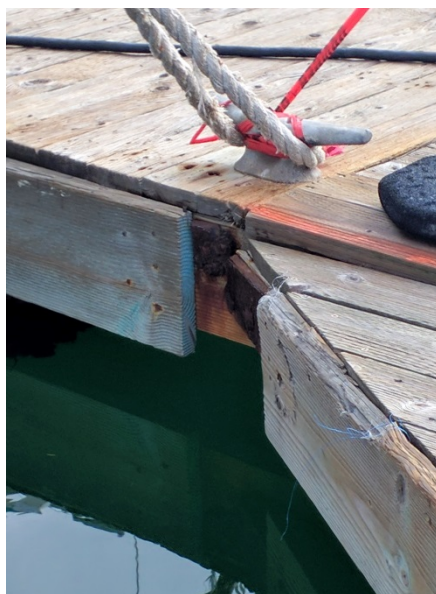
VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 7, 2016

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

I. Scheduled Repairs to D-Dock

During the Thanksgiving Holiday, deterioration to several galvanized steel brackets used in the areas connecting the slip fingers to the main dock were reported. An initial inspection of the affected areas was conducted on Monday, November 28. On Tuesday, November 29, the areas were inspected again by Dockmaster Dave Werneburg, Richard Parsons, a representative from Major Engineering, and myself. The deterioration is the result of time and salt and water exposure to the brackets. Major Engineering has some replacement brackets on hand and others will be manufactured. Two pile guides were also found to be past their useful life and will be replaced at the same time. Repairs will be started ASAP and are expected to be completed prior to the December 16 Parade of Lights.



II. Ventura Harbor Village Marina Occupancy and Squid Production

In November, the Ventura Harbor Village slip occupancy remained at or near 100%. November squid production for Ventura Harbor remains lower than anticipated however, squid landings at other harbors have been minimal, insuring most of this season's squid quota remains not landed.

III. Technology

Installation of the District's new ATT VOIP telephone system has been completed at the 1583 building that houses the Marketing and Marina offices. The 1583 offices were converted to the new phones first to enable us to troubleshoot the system prior to converting the 1603 office building system. The 1603 building conversion is expected to be completed in December.

Marketing/Meetings/Media/Ads

October was a month full of promotions to drive business to the Harbor on the weekends and continue exposure into the Fall months. The Marketing department assisted with the production and/or promotion of the following events/happenings.

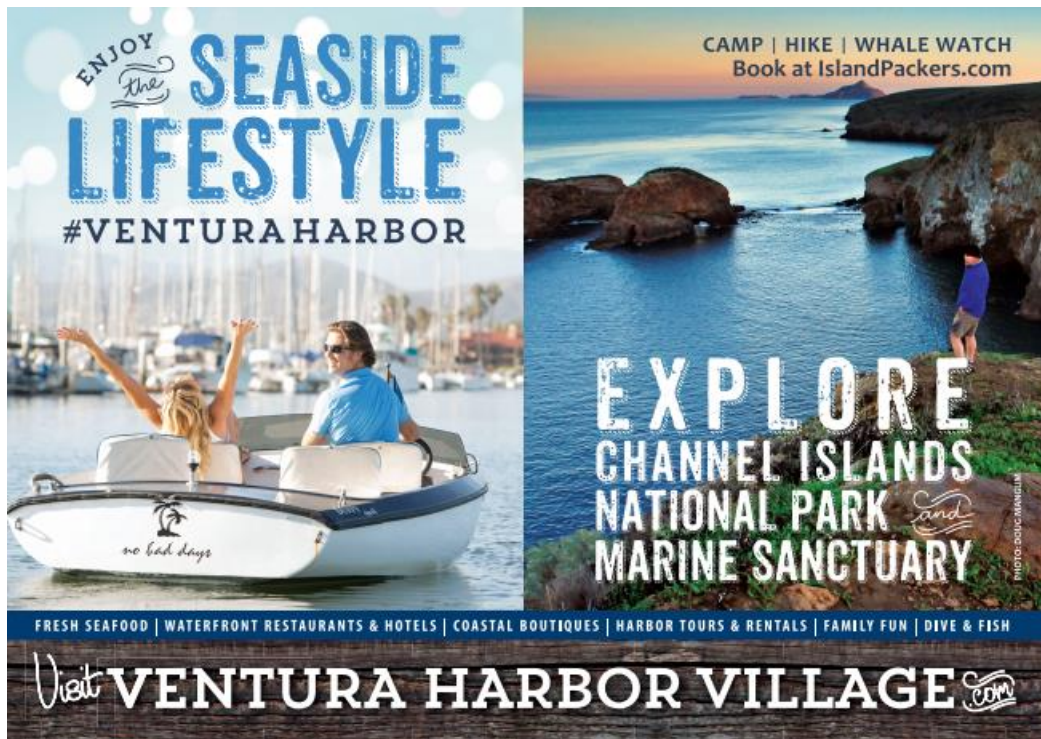
- The American Heart Association – 2nd Annual Ventura County Heart Walk: 600 people along the promenade on October 1st
- The American Cancer Society - 7th Annual Making Strides to end Breast Cancer Walk: 700+ people on October 11th
- Ventura Sports Race Car Club- 9th Annual Ponies By the Sea Mustang Car Show: 100 cars bringing over 500 participant families and spectators on October 12th
- Ventura Sports Race Car Club- 2nd Motorsports Gathering of race/classic cars: 300 participant families and spectators on October 16th
- Thrill The World - 125+ Zombie participants / 300-350 Spectators on the Main Lawn. Also featured Ventura Harbor Village on the YouTube video for the World Record on October 29th.
- Harbor produced: Howl O Ween – Dog Costume Contest: 76 participants & 300-500 spectators on October 22nd – Thank you to harbor tenants: Lost in Socks, The Greek Mediterranean Steak & Seafood, Margarita Villa Mexican Restaurant, Andria's Seafood Restaurant, The Parlor, Coastal Cone for prize donations & Ventura Pet Barn for in-kind sponsorships. Coverage in the Ventura County Star, Ventura Breeze. Goal is promote pet-friendly Ventura Harbor Village and increase an older demographic in October.
- Ventura Harbor Village Safe Trick or Treat: 400 / 500 guests over the two hour period. Tenants vote each year to host to increase visibility and awareness of the Harbor Village and the businesses. Each child was accommodated by 2-3 parents or grandparents. 25 Harbor Village businesses participated on October 29th

Publicity/Promotions/Advertising

- October events advertised within and beyond Ventura County, with a focus on family market.
- Assisting with alerting tenants and the media for the November Board meeting on the RFP proposals at the Four Points by Sheraton
- Assisted with The December Store & More and Ventura Pottery Guild on the Bowl of Thanks fundraiser concept and details for November 6.
- Finalized the Ventura Harbor ad in the new Ventura Visitor /Inspiration Guide (design by Pace Publishing)
- Worked with the VC Reporter on creating an ad for the Gift Guide issue as well as a coop opportunity for the Harbor Village tenants – double truck secured
- Social media content development for all channels in the Ventura Harbor
- Editing of the Harbor Views Newsletter – due out on December 8 in the Ventura Breeze and distributed throughout the Harbor



Marketing/Meetings/Media/Ads



Promotions/Events

Betty Hogan
8959 Nevada Ave
West Hills, Ca. 91304
(818) 425-1556

October 26, 2016

Ventura Harbor Village
1583 Spinnaker Drive
Ventura, Ca. 93001

To whom it may concern:

We picked up a Valley Scene Magazine from Winnetka Bowl and we found an ad for Howl-O-Ween dog costume contest on October 22nd. We had never heard of or been to Ventura Harbor Village, so we thought it would be fun. We were thinking there would be about 15 or 20 dogs, not 76 dogs all together in one small area. We had so much fun. The costumes were amazing, and we met so many nice people and their dogs. We were so excited about Beans winning Best in Show that we forgot to pick up the photos that were being offered. Let me know if you know where I can get them.

Anyway, I want to thank all involved in setting this up. You did an amazing job. Now that we know about the Village we'll be back. We saw some shops we want to visit and some restaurants we want to try. It's a great place to take your dog and/or your friends and family.

Thanks for a great day of fun.

Betty Hogan: betty8959@aol.com

Mike Abbott: tilsaver@aol.com

Beans Be Bop on Instagram: [beansinawagon](https://www.instagram.com/beansinawagon)



Website Analytics

VenturaHarbor.com



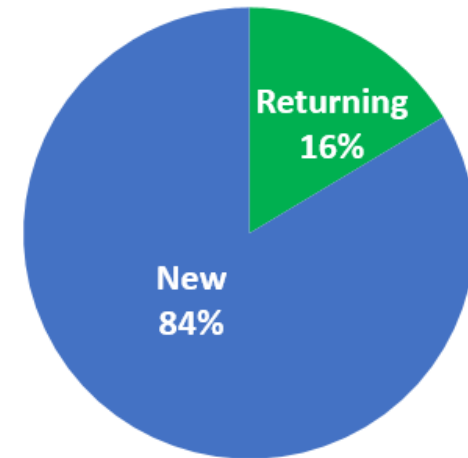
Top 5 Pages Visited on VenturaHarbor.com (October 2016):

- 1) Parade of Lights
- 2) Harbor Cove Cafe
- 3) Saturday Fisherman's Market
- 4) Village Carousel
- 5) Directions

Note: Individual businesses do not have websites. People are finding on VenturaHarbor.com

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

Data from October 1 – 31, 2016



VenturaHarborVillage.com

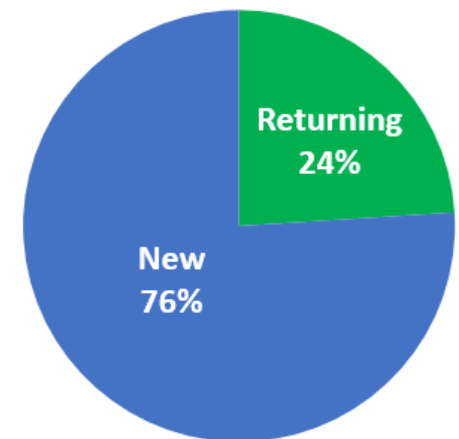


Top 5 Pages Visited on VenturaHarborVillage.com (October 2016):

- 1) Events
- 2) Dine
- 3) Shop
- 4) Play
- 5) Safe Trick or Treat

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

Data from October 1 – 31 2016



Social Media Analytics

Instagram (6,387 Followers)

Iconosquare Instagram Follower Growth

Your new followers increased by

▲ **4.4%**

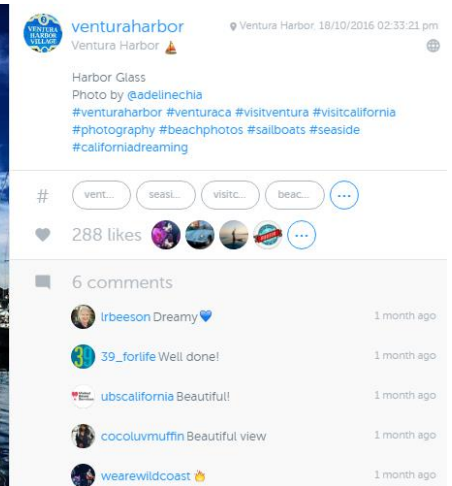
since last month



Good Night
Ventura 399 Likes



Endless Summer
255 Likes



Harbor 288 Likes



Sunset 253 Likes

Social Media Analytics (Cont.)

Twitter (3,949 Followers +34) Facebook (16,798 Followers +282)

Ventura Harbor added 17 new photos.
Published by Searle CG (?) · October 29 · 🌐

Congratulations to all that participated in the Howl-O-Ween costume contest. So adorable!

#halloween2016 #venturaharborvillage #halloweencostumes #petfriendly



1,400 People Reached

90 Reactions, Comments & Shares

61 Like 50 On Post 11 On Shares

5 Love 4 On Post 1 On Shares

3 Haha 1 On Post 2 On Shares

2 Wow 2 On Post 0 On Shares

8 Comments 7 On Post 1 On Shares

11 Shares 11 On Post 0 On Shares

280 Post Clicks

108 Photo Views 0 Link Clicks 172 Other Clicks

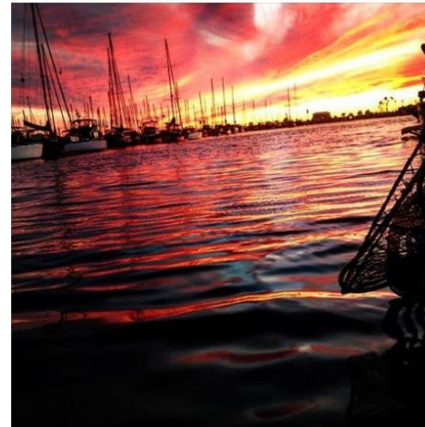
280 Clicks
90 Reactions



13,582 People Reached
923 Reactions 283 Clicks

Goodnight Ventural

Photo provided by Instagram User @faithonanchor
#sunset #sunsetphotography #venturaca #seasidecool #visitcalifornia



9,780 People Reached
513 Reactions 226 Clicks

Thrill the World and Trick or Treat

Mark your calendars for Saturday October 29th.

#thrilltheworld #thrillerdance #venturaharbor #venturaca #visitcalifornia



OCT
29

Thrill The World

Sat 3 PM · Ventura

313 people interested · 76 people going

★ Interested

5,818 People Reached
215 Reactions 345 Clicks

Mark your Calendars for Saturday October 29th



OCT
29

Safe Trick-or-Treat

Sat 1 PM · Ventura

416 people interested · 126 people going

★ Interested

5,315 People Reached
181 Reactions 264 Clicks



2017 Ventura Harbor Events

JANUARY/FEBRUARY/MARCH

Pacific Gray Whale Watching

December 26, 2016 - Mid April 2017

Whale Watching Season is here and it's a great time to catch a glimpse of nature up close and personal! Island Packers, Ventura County's official concessionaire to the Channel Islands National Park, is now offering $\frac{1}{2}$ -day whale watching excursions to view these magnificent mammals. www.IslandPackers.com

Epiphany Celebration and Blessing of the Waters Ceremony

Sunday, January 15, 2017 12pm

(Dock in front of The Greek Mediterranean Steak & Seafood)

St. Demetrios Greek Orthodox Church in Camarillo, invite the public to gather dockside. Please call 805-482-1273 or visit www.SaintDem.org for your boat to be blessed in the Ventura Harbor after the celebration. www.SaintDem.org

Tall Ships Hawaiian Chieftain & Lady Washington

Jan 24 - Feb 14, 2017 Ventura Harbor Village docks

Tall Ships arrive for their annual visit to Ventura Harbor this winter. The Historical Seaport offers Dockside Tours, Battle Sails, and Adventure Sails during their visit, where passengers learn seaworthy history and get on the water with these ships of beauty. (Tall Ships closed Mondays for training.) For a complete schedule of tours and sails visit VenturaHarbor.com and for sail tickets please visit www.HistoricalSeaport.org

NSSA Gold Coast Explorer Surfing Contest

Saturday and Sunday, February 4 & 5 2017 7AM - 7PM

Surfing Competition at Harbor Cove/South Beach. Free to come and watch. Free parking.

March is Mermaid Madness All Month Long

Wednesday, March 1 – Friday, March 31, 2017

Celebrate the lure of the sea with all things mermaid throughout the month of March including a festive People's Mermaid Parade, Mermaid Meet & Greet, Mermaid merchandise sales, Mermaid art and much more! www.VenturaHarborVillage.com

Ventura Sportfishing Season Opens

Wednesday, March 1 – Sunday, December 31, 2017

Ventura Sportfishing season kicks off on March 1st. For a world-class experience, anglers from novice-experienced can enjoy a variety of trips aboard one of Ventura Sportfishing's four boats. www.VenturaSportFishing.com

APRIL/MAY

Cottontail Day Festival

Saturday, April 8, 2017, 10am - 3pm

Ventura Harbor Village fills with the sights and sounds of families preparing for Spring Break. \$2 Easter egg hunts are held every 30 minutes for ages 1-7 from 11 am - 2 pm. The Cottontail Bunny can be spotted hopping around giving children a chance to shake hands or grab a hug. Other activities include face painting, petting zoo, hands-on arts & crafts, pony rides and so much more (weather pending). www.VenturaHarborVillage.com

Corporate Games

Saturday, May 6, 2017 9am-3pm

Closing ceremonies after 6 weeks of friendly business to business competitions take place at Harbor Cove Beach in the Ventura Harbor. Families and friends are invited to join Corporate Games participants for the final events which include a sand sculpture contest, corn hole championships, a tug-o-war and the awards ceremony. A shuttle takes Mom & Dad & the kids to a Family Zone in Ventura Harbor Village with a bounce house and rock climbing wall. www.CityofVentura.net/CorporateGames

NSSA Gold Coast Explorer Surfing Contest

Saturday and Sunday, April 15 & 16 2017 7AM - 7PM

Surfing Competition at Harbor Cove Beach's South Beach. Free to come and watch. Free parking.

Blue & Humpback Whale Watching

Mid April - September 2017

Seasonal feeding patterns offer views of these extraordinary mammals from mid-April through September in the Santa Barbara Channel. Whale Watching cruises offer a chance to get close to view the whales as they travel as well as views of the Channel Islands. In the summer months, Island Packers offers an all-day whale watching excursion to Santa Rosa Island with a visit to Painted Cave on Santa Cruz Islands north Shore. An experience not to be missed! www.IslandPackers.com

YP "Get Found" Pet Adoption

April 2017, TBD 10am - 3pm

Ventura Harbor Village is a pet friendly place and supports events that help rescued animals find loving homes. YP brings together rescue cats and dogs from many local organizations during their "Get Found" Pet Adoption event.

JUNE/JULY/AUGUST

12th Annual Pirate Days Festival

Saturday and Sunday, June 3 & 4, 2017

Return to the mystical times when the pirates roamed the seas during the 12th Annual Pirate Days Festival. This signature Ventura Harbor Village event celebrates a decade long festival with professional pirate live-action shows, pirate themed activities, treasure hunts, pirate costume contests, pirate vendors and much more. Festival goers of all ages come in Pirate period costume and wenchy dress. Pirate Marketplace open at 11am and live entertainment from 1 - 4pm. www.VenturaHarborVillage.com

Sounds of Summer Concert Series

Sundays - June 18 through Labor Day (first weekend in September), 2017, 1-4pm

Soak up the sun while listening to an array of music ranging from Jazz & Soul to Pop & Rock to a blend of Caribbean & Reggae during the Sounds of Summer Concert Series every Sunday from 1 to 4 p.m. on the Carousel Stage. www.VenturaHarborVillage.com

Steel Drum Saturdays Seaside

Saturdays in July and August 2017, 1- 4pm

Fun, beachy sounds surround while shopping, dining, or relaxing in the Village. Steel drums kick off the good times July 5. www.VenturaHarborVillage.com

Seaside Kids' Club

Thursdays in July and August 2017, 11AM- Noon

Six weeks of Seaside Kids Club with crafts and entertainment free for all kids. www.VenturaHarborVillage.com

Wet Wednesdays

June, July and August Only, 2017

Celebrate the mid-week by the seashore with live music, Harbor Village specials to you're your taste buds and delight in seaside shopping. www.VenturaHarborVillage.com

SEPTEMBER/OCTOBER/NOVEMBER/DECEMBER

Rock on the Dock!

Saturdays in September (September 2, 9, 16, 23, 30) 2017 4pm - Dusk

Every Saturday in September from 4 PM - Dusk visitors can catch live music performances from the water! Dance, enjoy, dine & shop as bands play over the water on a floating dock in the Harbor to enjoy while dining seaside and sipping on cocktails. www.VenturaHarborVillage.com

Ventura Art and Street Painting Festival

Saturday and Sunday, September 9-10, 2017 10am-5pm

Local artists display amazing glass work, jewelry, sculpture, hand created crafts and more outdoors at Ventura Harbor Village Main Lawn during a fun-filled weekend. Street chalk artists create "Chalk for Charity" pieces along the Village Promenade to support FOODShare, plus live music, and art activities throughout the weekend. Admission and Parking are free. www.VenturaHarborVillage.com

California Coastal Clean Up

Saturday, September 16, 2017

Bring friends and family to be a part annual California Coastal Cleanup Day! Volunteers will remove debris from the coast, creeks, rivers, lakes and shorelines all around California protecting wildlife from harm while taking care of our environment. www.VenturaHarbor.com

Ventura Motorsports Gathering

Sunday, October 1, 2017, 7am - 5pm

High end sports and classic cars will line up on the Ventura Harbor Village Main Lawn to benefit the Ventura Sports and Race Car Club. Come enjoy the sunshine and get a look at some very fine automobiles. www.VenturaMotorsportsGathering.com

Ponies by the Sea Car Show - Ventura Harbor Village Main Lawn

Sunday, October 8, 2017, 9am - 4pm

Mustangs from all eras will sparkle and shine lined up on the Ventura Harbor Village Main Lawn for the Ponies by the Sea Car Show. Free for spectators, registration fees to display vintage and modern vehicles benefit a favorite select charity. Award ceremony includes People's Choice Classes, Best of Show, Best Paint, Best Engine, and a special "Most Likely to get a Ticket" award. www.TriCountyMustangClub.com

Making Strides Against Breast Cancer 5K Walk

Saturday, October 14, 2017, 7am - 12pm

Join the campaign to celebrate survivorship and eliminate breast cancer this century at the annual Making Strides Against Breast Cancer 5K walk for Ventura County. The walk is noncompetitive scenic walk beginning at Harbor Cove Beach and following the promenade all the way around the Harbor and back. www.MakingStrides.com

American Heart Association Walk

Saturday, October 21, 2017 7am-12pm

The American Heart Association is dedicated to defeating heart disease, stroke and other cardiovascular diseases. Our mission is to build healthier lives, free of cardiovascular diseases and stroke — the nation's No.1 and No.5 killers. Thank you to our walkers, donors and volunteers who help fight heart disease and stroke. Learn more at www.HeartWalk.org

HOWL-O-WEEN - Ventura Harbor Village Costume Pet Contest

Saturday, October 21, 2017, NOON

Costumed pets gather at pet-friendly Ventura Harbor Village for a fun and fluffy HOWL-O-WEEN Pet Costume Contest. Prizes for Spookiest, Sea-Worthy, Creative/Original, Best in Show, and more! Every pet gets a "treat", owners can enjoy pet-friendly dining patios, boat rentals, and waterfront hotel stays. www.VenturaHarborVillage.com

Thrill the World Halloween Zombie Dance - Ventura Harbor Village Main Lawn

Saturday, October 28, 2017 (Time TBD)

Zombies roam Ventura Harbor Village as they prepare to perform the classic Michael Jackson "Thriller" simultaneously around the globe for the world record! Sign up to participate as a dancer or come to the Harbor watch zombies by the sea! Proceeds from participants and/or dance instruction benefit select charity. www.ThrilltheWorldVentura.com

Kids Safe Trick or Treat

Saturday, October 28, 2017 1 - 3PM

Kids visit shops throughout the Village for Halloween treats, face painting and load of fun seaside!

California Sleigh Rides

TBD, December, 2017, Departs 6pm & 7:30pm

A ONE HORSE OPEN SLEIGH California-style! Take a California Sleigh Ride through the Ventura Harbor and Ventura Keys with Ventura Boat Rentals! Holiday lights dazzle as they reflect upon the water from boats in the Ventura Harbor, Ventura Harbor Village, and the decked out homes in the Ventura Keys neighborhood! Complimentary hot cocoa & holiday cookies or wintery drinks such as famous "Reindeer Milk" from the onboard bar. Choose between 6pm or 8pm departure times for a one and a half hour.

Reservations Required. Call: 805.642.7753. www.VenturaHarborVillage.com

California Caroling Cruises

Select December Dates 2017

FA LA LA LA LA LA LA LA LA! Warm up your pipes with family and friends on a one hour Island Packers *Caroling Cruise* on select weekday evenings. Start a unique holiday tradition and make new friends aboard a 64' catamaran. Laugh and enjoy serenading the families in the Ventura Harbor and Ventura Keys neighborhood with joyful holiday favorite tunes (singing not required). Advance reservations recommended and bring a scarf! Call for tix

805.642.1393. www.VenturaHarborVillage.com

Ventura Harbor Holiday Parade of Lights & Fireworks - Ventura Harbor

Friday, December 15 and Saturday, December 16, 2017 6:30pm

Ventura Harbor celebrates the season with its 40th Annual Holiday Parade of Lights & Fireworks. www.VenturaHarbor.com

Winter Wonderland & Holiday Marketplace - Ventura Harbor Village

Saturday, December 16, 2017 1-5pm

Rediscover the joy of holiday shopping while wondering through a festive holiday village at the popular Ventura Harbor's Winter Wonderland & Holiday Marketplace. Come early for fun and festivities including faux snowfall every 15 minutes, visits with Santa & Mrs. Claus, two live reindeer, Dickenson Carolers, and more! The 40th Annual Parade of Lights & Fireworks to follow! www.VenturaHarborVillage.com

Chanukah Festival

Sunday, December 17, 2017 2pm-4:30pm

Celebrate Chanukah and enjoy live music, Judaica boutiques, hot latkes, and more. Everyone is invited to join the festivities - and it's free to all! Presented by Chabad of Oxnard

805.382.4770 www.ChabadofOxnard.com

Pacific Gray Whale Watching

December 26, 2017 - Mid April 2018

Whale Watching Season is here and it's a great time to catch a glimpse of nature up close and personal! Island Packers, Ventura County's official concessionaire to the Channel Islands National Park, is now offering $\frac{1}{2}$ -day whale watching excursions to view these magnificent mammals. www.IslandPackers.com

All dates subject to change pending final date announcements by organizers.

For annual event details and updates visit VenturaHarbor.com or VenturaHarborVillage.com.
Connect with us on Facebook/Instagram/Twitter at [#VenturaHarbor](https://twitter.com/VenturaHarbor)

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 7, 2016

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

I. Tenant Improvements Underway

- 1) *Milano's Italian Restaurant* – 1575 Spinnaker Drive, #100 – Construction to the new interior bar is moving along nicely. Estimated completion is December 2016. The tenant is currently open for business.
- 2) *The Ultimate Escape Rooms* --- 1591 Spinnaker Drive #117C – The plans have been approved and the Tenant is working diligently to complete construction and obtain final occupancy permit. Estimated opening is December 2016.

II. Leasing

- 1) Leasing Packet:
 - Distribution of leasing packets to prospective tenants, which can also be found on the website.
 - Posting ads online via Loopnet and in other 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;
 - Achieve vacancy rates for office, retail, restaurant below comparable properties in the City
 - 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.

III. Occupancy level at Harbor Village

CATEGORY	Harbor Vacancy Sq Ft	Harbor Vacancy %	Harbor Available Sq Ft	Harbor Available %	City * Vacancy %	City * Available %
Office	1,955	7%	1,955	7%	16.5%	24.1%
Retail	0	0%	5,634	28.5%	7.4%	14.4%
Restaurant	0	0%	0	0%	10.1%	13%

*Based on comparable square footage

IV. October 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 October 2016 were 26.33% higher than October 2015 sales.

The year-to-date sales for October 2016 were up 2.36% 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 – October Tenant Sales

**Ventura Harbor Village
Tenant Sales Summary**

Month of
October-2016

	<u>October-2016</u>	<u>October-2015</u>	<u>% Change</u>
Restaurants	\$ 1,137,972	\$ 1,095,344	3.89%
Retail	\$ 261,350	\$ 206,883	26.33%
Charters	\$ 478,356	\$ 463,789	3.14%
Total	\$ 1,877,678	\$ 1,766,016	6.32%

Year-to-date through October 2016

	<u>October-2016</u>	<u>October-2015</u>	<u>% Change</u>
Restaurants	\$ 13,464,004	\$ 12,818,754	5.03%
Retail	\$ 3,058,247	\$ 2,589,029	18.12%
Charters	\$ 4,499,422	\$ 5,130,056	-12.29%
Total	\$ 21,021,673	\$ 20,537,839	2.36%



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

STANDARD AGENDA ITEM 1 ANNUAL RESERVE POLICY REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 1
Meeting Date: December 7, 2016

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

RECOMMENDATION:

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

SUMMARY:

The last time the Reserve Policy was brought before the Board for review was October 28, 2015. Legal Counsel and staff have reviewed the current policy and have determined that no changes are necessary at this time.

BACKGROUND:

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

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

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

FISCAL IMPACT:

None

ATTACHMENTS:

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

ATTACHMENT 1



RESOLUTION NO. 3225

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

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

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

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

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

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

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

NOW THEREFORE, THE BOARD OF PORT COMMISSIONERS OF VENTURA PORT DISTRICT IS HEREBY RESOLVED, that the District's Reserve Policy adopted by Resolution No. 3190 on June 27, 2012 be deleted in its entirety and replaced as follows:



VENTURA PORT DISTRICT RESERVE POLICY

1) The District will maintain sufficient revenues to meet its operating expenses, debt service, depreciation expenses, and prescribed reserves.

2) The District will hold cash and/or investments in reserve as authorized by the District's Investment Policy, and in accordance with state and federal laws.

3) The District reserves should be examined and adjusted each year based on the operating surplus or deficit at the conclusion of each fiscal year, according to reserve fund prioritization.

4) The District will maintain a reserve of cash and/or investments for both unrestricted and restricted purposes as follows:

- **Unrestricted Reserve:** Unrestricted reserve funds are to be used to ensure the continued orderly operation of Ventura Harbor. Such funds are primarily to be used for operations and maintenance within the Harbor and are intended to provide a mechanism for the District to immediately undertake unanticipated operation and maintenance activities and to manage cash-flow fluctuations, including emergency repairs. A minimum reserve equal to 40% of the operating budget will be maintained to ensure service continuity. Any unrestricted reserve funds in excess of such minimum reserve amount that is not expended as of the last day of the then-current fiscal year will be moved to the Capital Improvement Reserve Fund.

The District Accounting Manager should invest unrestricted reserve funds in liquid money market accounts such as LAIF, so that the funds are immediately available for District use.

- **Restricted Reserves:** Restricted reserve funds are to be set in the following amounts and used for the specific purposes for which the restricted reserve funds are created. At the present time, the District maintains the following restricted reserve funds:

- **Capital Improvement Reserve Fund:** The Capital Improvement Reserve Fund is intended to establish available cash assets to fund capital expenditures to support the future capital needs of the District in accordance with the District's Capital Improvement Plan. The level of funding in this reserve fund for the next fiscal year should be established based on the projected need to pay for planned and unplanned capital improvements for such fiscal year. In establishing the level of funding based on the projected need to pay for planned and

unplanned capital improvements for any given fiscal year, the District may, but shall not be obligated to, take into account unexpended reserve funds from year-to-year and accumulations thereon including, but not limited to, any unrestricted reserve funds transferred to the Capital Improvement Reserve Fund. The minimum balance maintained should be at least equal to the asset depreciation for the preceding fiscal year.

- **Dredging Reserve Fund:** The funds in the Dredging Reserve Fund are required to be maintained at a minimum level of \$3,000,000 in order to comply with a judgment entered against the District in 1979. Funds in the Dredging Reserve Fund are to be used solely and only to pay the cost of dredging and related activities to maintain appropriate water depths in the channels into and within the Harbor, and specifically in the Stub Channel providing water access to Ventura Keys.
- **Fisheries Complex Reserve Fund:** Funds deposited in the Fisheries Complex Reserve Fund are intended to provide funding to upgrade and improve the District's commercial fishing pier. The District has a policy of requiring tenants involved in commercial fishing operations to contribute toward the cost of improving the commercial fishing pier when they renew their leases. All payments received from such commercial fishing tenants are deposited in the Fisheries Complex Reserve Fund and will be used to pay the cost of improving and upgrading the pier when it becomes necessary to do so.

The Accounting Manager of the District shall invest funds held in these restricted reserve funds in secure accounts such as LAIF and invested in accordance with the District's investment policy.

5) At least annually the Board should review all reserve accounts and make a determination regarding the continuing need for and purposes of the reserve funds, the appropriate levels of accumulation and the conditions precedent to utilization of the reserve funds.

6) When additional reserve funds are to be established, they should be established by Board resolution, which should include:

- (a) A statement of the purpose for which the reserve is created;
- (b) To the extent possible, specification of minimum and maximum parameters for the accumulation of the monies in the reserve fund; and

ATTACHMENT 1

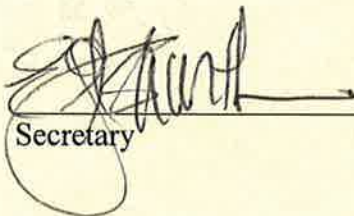
- (c) Specification of the conditions under which reserve funds shall be expended or transferred, consistent with Board directives.

7) This Ventura Port District Reserve Policy shall become effective on the date of its adoption and District staff is hereby directed to take all actions necessary to implement this Policy and to maintain the designated reserve funds.

PASSED AND ADOPTED at a regular meeting of the Board of Port Commissioners of the Ventura Port District held on August 28, 2013


Chairman

ATTEST:


Secretary

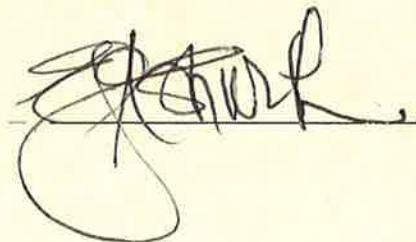
STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF SAN BUENAVENTURA)

I, Everard Ashworth, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3225 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 28th day of August 2013, by the following vote:

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 28th day of August 2013.

(Seal)


Secretary



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

STANDARD AGENDA ITEM 2 ANNUAL INVESTMENT POLICY REVIEW

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 2
Meeting Date: December 7, 2016

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. 3326, which reflects minor changes to the Ventura Port District's Investment Policy and rescind Resolution No. 3284.

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. 3284, was adopted by the Board on September 9, 2015.

Legal Counsel recently conducted a review of the Investment Policy Resolution No. 3284 and recommends some minor updates that are redlined in Attachment 1.

ATTACHMENTS:

Attachment 1 – Resolution No. 3284 – Redlined
Attachment 2 – Resolution No. 3326 – Updated and Clean

ATTACHMENT 1

RESOLUTION NO. ~~3284~~3326

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

1.0 POLICY

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

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

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

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

2.0 SCOPE

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

3.0 PRUDENCE

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

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

4.0 OBJECTIVES

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

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

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

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

5.0 DELEGATION OF AUTHORITY

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

6.0 ETHICS AND CONFLICTS OF INTEREST

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

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

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

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

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

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

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

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

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

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 shall 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

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~~ shall not exceed twenty percent (20%) of the District's money that may be invested pursuant to this policy.
- p. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized under Government Code Section 53601. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible, the joint powers authority issuing the shares must have retained an investment advisor that is registered or exempt from registration with the Securities and Exchange Commission, have not less than five years of experience in investing in the securities and obligations authorized under Government Code Section 53601, and have assets under management in excess of five hundred million dollars (\$500,000,000.00).
- q. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. These types of investments must be rated “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.
- s. Any other investment security authorized under the provisions of California Government Code Sections 5922 and 53601.

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

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

9.0 COLLATERALIZATION

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

10.0 SAFEKEEPING AND CUSTODY

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

11.0 DIVERSIFICATION

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

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

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

12.0 REPORTING

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

13.0 INVESTMENT POLICY ADOPTION shall be reviewed on an annual basis, and modifications must be approved by the Board of Port Commissioners. This Investment Policy replaces that which was set forth in Resolution No. ~~3253 on October 22, 2014~~ 3284 on September 9, 2015.

PASSED, APPROVED AND ADOPTED this 9th 7th day of December, 2016. September, 2015.

Jim Friedman, Chairman

ATTEST:

Oscar Peña, Secretary

(Seal)

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~~ 3326 was duly passed and adopted by
the Board of Port Commissioners of said District at a regular meeting thereof held on the
| ~~9th~~ 7th day of ~~December~~, 2016, ~~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 ~~9th~~ 7th day of ~~December~~, 2016, ~~September, 2015~~.

Secretary

(Seal)

ATTACHMENT 2



RESOLUTION NO. 3326

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 2

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

4.0 OBJECTIVES

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

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

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

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

5.0 DELEGATION OF AUTHORITY

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

6.0 ETHICS AND CONFLICTS OF INTEREST

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

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

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

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

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

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

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

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

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

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 shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy.
- l. Shares of beneficial interest issued by diversified management companies (mutual funds) investing in the securities and obligations authorized by this policy, and shares in money market mutual funds, subject to the restrictions of Government Code Section 53601(l). The purchase price of investments under this subdivision shall not exceed twenty percent (20%) of the District's investments under this policy. However, no more than ten percent (10%) of the District's money may be invested in any one mutual fund.
- m. Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance

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 shall not exceed twenty percent (20%) of the District's money that may be invested pursuant to this policy.
- p. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized under Government Code Section 53601. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible, the joint powers authority issuing the shares must have retained an investment advisor that is registered or exempt from registration with the Securities and Exchange Commission, have not less than five years of experience in investing in the securities and obligations authorized under Government Code Section 53601, and have assets under management in excess of five hundred million dollars (\$500,000,000.00).
- q. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five years or less, and eligible for purchase and sale within the United States. These types of investments must be rated "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. 3284 on September 9, 2015.

PASSED, APPROVED AND ADOPTED this 7th day of December, 2016. .

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. 3326 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 7th day of December, 2016, 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 7th day of December, 2016. .

(Seal)

Secretary



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

STANDARD AGENDA ITEM 3

ADOPTION OF ORDINANCE NO. 51
AUTHORIZING EXECUTION OF THE
LEASE BETWEEN VENTURA PORT
DISTRICT AND BEER AND SAUSAGE,
LLC DBA BS TAPROOM/BEER SEASON

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 3
Meeting Date: December 7, 2016**

TO: Board of Port Commissioners
FROM: Robin Baer, Property Manager
SUBJECT: Approval of Ordinance No. 51 Authorizing Execution of the Lease between Ventura Port District and Beer and Sausage, LLC dba BS Taproom/Beer Season New Restaurant Lease at 1591 Spinnaker Drive, #113 & #115.

RECOMMENDATION:

That the Board of Port Commissioners:

1. Conduct a public hearing for the purpose of receiving input on proposed Ordinance 51;
2. Read proposed Ordinance No. 51 for the record; and
3. Adopt Ordinance No. 51, which authorizes execution of the Lease between Ventura Port District and Beer and Sausage, LLC dba BS Taproom/Beer Season New Restaurant Lease at 1591 Spinnaker Drive, #113 & #115.

SUMMARY:

On October 12, 2016, the Board of Port Commissioners adopted Resolution No. 3321 approving the publication of a Notice of Proposed Ordinance No. 51 in a publication of general circulation. The District is now ready to move ahead with the next step, which is to adopt Ordinance No. 51, which will authorize the General Manager to sign the Lease with Beer and Sausage, LLC dba BS Taproom/Beer Season New Restaurant Lease for 1591 Spinnaker Drive, #113 & #115. The Ordinance shall become effective after a 30-day referendum period.

BACKGROUND:

The Beer and Sausage, LLC corporation is operated by Chris Chrysiliou, an investor and entrepreneur who owns and manages commercial real estate, including many restaurants from Athens Greece to Northern and Southern California. Mr. Chrysiliou recently purchased the *Rhumb Line* restaurant in the harbor. This restaurant will specialize in small plate food along with expertly selected Craft Beer and locally sourced food. One of the main features will be to highlight the innovative glass refrigeration system where all of the kegs will be stored and displayed. They plan on supporting the Ventura County local breweries by showcasing their beer. Mr. Chrysiliou feels that Ventura Harbor Village has the best opportunity to open up their flagship Beer and Sausage Taproom and looks forward to being a Village tenant.

FISCAL IMPACT:

This new lease reflects current market rental rates for restaurant space in the complex. The 10 year occupancy cost for this tenant is \$654,000 not including percentage rent. The minimum rent over the ten year term is adjusted annually by the consumer price index (CPI). The FY16-17 tenant improvement budget provided \$200,000 for this space. An additional \$150,000 in building improvements will be funded using unrestricted reserves. There are sufficient funds in the unrestricted reserves to cover this expense.

ATTACHMENTS:

Attachment 1 – Ordinance No. 51

ATTACHMENT 1



"ORDINANCE NO. 51"

**AN ORDINANCE OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT AUTHORIZING
EXECUTION OF THE RESTAURANT LEASE AGREEMENT WITH
BEER AND SAUSAGE, LLC DBA BS TAPROOM/BEER SEASON**

(California Harbors and Navigation Code section 6270)

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

The General Manager of the Ventura Port District is authorized and directed to execute the Lease Agreement between Ventura Port District, d.b.a. Ventura Harbor Village, and Beer and Sausage, LLC dba BS Taproom/Beer Season, with a commencement date of December 1, 2016 for Suite # 115 and commencement date of May 1, 2017 for Suite #113.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Port Commissioners of the Ventura Port District held on December 7, 2016. This Ordinance was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman

ATTEST:

Secretary

(SEAL)



ATTACHMENT 1

State of California)
Count of Ventura (ss.
City of Buenaventura)

I, Oscar Peña, the duly Acting Secretary of the Ventura Port District, hereby certify that the foregoing is a true and correct copy of an Ordinance of Ventura Port District. Said Ordinance was published on November 7, 2016 in the Ventura County Star as a proposed Ordinance. On December 7, 2016, it was passed by the Board of Port Commissioners by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto subscribed my office signature and impressed the official seal of the Ventura Port District, this 7th day of December 2016.

Acting Secretary

(SEAL)



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

STANDARD AGENDA ITEM 4 CONSIDERATION OF LEGAL FEES

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 4
Meeting Date: December 7, 2016

To: Board of Port Commissioners
From: Oscar Peña, General Manager
Subject: Consideration of Legal Fees

RECOMMENDATION:

That the Board of Port Commissioners consider for approval the proposal submitted on July 13, 2016, which increases the hourly rates upon which the legal fees to the District are calculated.

BACKGROUND:

The hourly rates for Lagerlof, Senecal, Gosney & Kruse have not been adjusted for over six years. They have been providing legal services to the Board since the late 1970's and the Pasadena-based firm assumed general counsel duties in 1993. Since then the Law Firm's hourly rates have been adjusted only twice: once in 2005 and again in 2009 to the current rates. This Law Firm has been sensitive to keeping its fees to the District at a lower rate because of the long standing relationship with the Board and the financial difficulties the Board has faced since emerging from Bankruptcy in the late 1990's and more recently the District's cash position and wage freeze.

They have provided a pragmatic approach to the needs of this Special District in the areas of potential civil litigation, bankruptcy, labor law, intellectual property, real estate, construction, municipal and special district law. They engage in general civil, trial and appellate practice. Over the years this firm has provided templates for the District's ground leases, subleases, construction documents and has assisted staff with most of the District's policies such as the Reserve Policy, Long-Term Investment Policy, California Uniform Construction Coast Accounting Policy, Purchasing Policy, and Expense Reimbursement Policies, to name a few. If approved, the new rates would commence immediately.

Below is a schedule of the current rates charged, as well as the proposed new rates. We understand the existing rates are approximately 40% below the Law Firm's regular rates and 20% below its standard public agency rates. The proposed new rates are still about 10% below the Law Firm's standard public agency rates and nearly 35% below the Law Firm's regular rates.

	<u>Current VPD Hourly Rate</u>	<u>Proposed VPD Hourly Rate</u>
Attorney 1	\$265	\$295
Attorney 2	\$250	\$280
Attorney 3	\$230	\$270
Attorney 4	\$160	\$200
Attorney 5	\$160	\$180
Attorney 6	\$160	\$180
Law Clerk	\$140	\$150

It should be noted, as well, that the Law Firm provides general services to the District such as attendance at Board meetings, miscellaneous advice from counsel on public agency issues such as the Brown Act, Public Records Act, the Political Reform Act, etc., at a set monthly retainer of \$3,500. The hourly rates proposed are only applicable to work on special matters and projects that are not considered to be part of the general services provided.

ALTERNATIVES:

The Board could reject the proposal submitted by legal counsel, modify the rates as proposed and/or consider other firms to provide legal services.



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

STANDARD AGENDA ITEM 5 INFORMATION ON IRC § 170

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 5
Meeting Date: December 7, 2016

TO: Board of Port Commissioners
FROM: Jessica Rauch, Clerk of the Board
SUBJECT: Information on IRC § 170

RECOMMENDATION:

That the Board of Port Commissioners further explore the District's potential solicitation of tax-deductible donations and application for grant funding under IRC § 170.

SUMMARY:

At the April 27, 2016 meeting, Commissioner Valance asked for a future agenda item to discuss the possibility of the District creating a 501(c)(3) non-profit organization to raise funds for the benefit of the District and Harbor Village.

On October 12, 2016, the Board discussed the pros and cons of creating a 501(c)(3) non-profit organization. Vice-Chair Ashworth commented that there is an IRS Code already in place for Government entities like the Port District to accept tax-deductible donations, without having to form a 501(c)(3) entity. Under IRC § 170(c)(1), tax-deductible donations can be made to the District, as long as the donations are used exclusively for a public purpose.

The Board requested that Legal Counsel come back at a future meeting to further discuss what is acceptable under IRS Code 170.



BOARD OF PORT COMMISSIONERS

DECEMBER 7, 2016

STANDARD AGENDA ITEM 6

APPROVAL OF 2017 PORT COMMISSION MEETING SCHEDULE

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 6
Meeting Date: December 7, 2016

TO: Board of Port Commissioners
FROM: Jessica Rauch, Clerk of the Board
SUBJECT: Approval of 2017 Port Commission Meeting Schedule

RECOMMENDATION:

That the Board of Port Commissioners discuss and take appropriate action on the 2017 Port Commission meeting schedule.

BACKGROUND:

The Board of Port Commissioners has continued to meet twice per month, with August dark and November/December once per month. The meeting on the second Wednesday of the month was originally set-up as an opportunity to conduct workshops that were primarily informational in nature. There has been a trend at these meetings to include either a closed session or consent items to the agenda. With a new year upon us and new Board members, staff would like to discuss different meeting options for 2017.

Staff is recommending the following for discussion: (See Attachment 1)

- Number of meetings per month – No Change
 - Two meetings every month
 - One meeting November and December
 - August dark
- Regular Meeting vs. Workshop Meeting - Modification
 - Two regular meetings per month
 - If the Commission would like a workshop topic, it can be agendized as such on a regular meeting agenda.
- November and December Meetings – Typically second Wednesday of the month*
 - November 8 or 15*
 - December 6 or 13*
- Meeting Times
 - No Change
 - First meeting 11-1PM (11-12 being Closed Session)
 - Second meeting 7-9PM (Closed Session btw 5-5:30PM-7PM)
 - Possible Modification to second meeting
 - Move up an hour earlier 6-8PM (Closed Session btw 4-4:30PM-6PM)

ATTACHMENTS:

Attachment 1 – 2017 Port Commission Schedule

ATTACHMENT 1

2017 Ventura Port District Board of Port Commissioners Meetings

Times, locations & topics of all meetings may vary. Please check the agenda packet for exact information.

Wednesday	Closed Session	Open Session
January 11	5:00 or 5:30PM	7:00PM
January 25	5:00 or 5:30PM	7:00PM
February 8	11:00AM	12:00 - 1:00PM
February 22	5:00 or 5:30PM	7:00PM
March 8	11:00AM	12:00 - 1:00PM
March 22	5:00 or 5:30PM	7:00PM
April 12	11:00AM	12:00 - 1:00PM
April 26	5:00 or 5:30PM	7:00PM
May 10	11:00AM	12:00 - 1:00PM
May 24	5:00 or 5:30PM	7:00PM
June 14	11:00AM	12:00 - 1:00PM
June 28	5:00 or 5:30PM	7:00PM
July 12	11:00AM	12:00 - 1:00PM
July 26	5:00 or 5:30PM	7:00PM
<i>August Summer Recess – No Meetings</i>		
September 13	11:00AM	12:00 - 1:00PM
September 27	5:00 or 5:30PM	7:00PM
October 11	11:00AM	12:00 - 1:00PM
October 25	5:00 or 5:30PM	7:00PM
November 15	5:00 or 5:30PM	12:00 - 1:00PM
December 13	5:00 or 5:30PM	12:00 - 1:00PM

**Board Meetings are held at:
Ventura Port District Office
1603 Anchors Way Drive
Ventura, CA 93001**