



VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

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

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

PORT COMMISSION AGENDA

TELECONFERENCE

APRIL 1, 2020

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

5 TELECONFERENCE LOCATIONS

This meeting is being held in accordance with the State Emergency Services Act, the Governor's Emergency Declaration, and the Governor's Executive Order No. 25-20 issued on March 12, 2020 to allow attendance by members of the Port Commission by teleconference without full compliance with the Brown Act.

PUBLIC PARTICIPATION OPTIONS

The public is welcome to log into the below Zoom Meeting to view or participate in the meeting. If you would like to speak or provide written comment to be read into the record, please email the Clerk of the Board at jrauch@venturaharbor.com by **5:00PM** the day of the meeting. Please identify your agenda item in your email subject line.

<h3>ZOOM INFORMATION</h3>

Topic: April 1, 2020 Port Commission Meeting
Time: Apr 1, 2020 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting
<https://zoom.us/j/923623685>

Dial: US +1 669 900 6833

Meeting ID: 923 623 685

CLOSED SESSION – 5:30PM

CALL TO ORDER: *By Chairman Chris Stephens.*

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

PUBLIC COMMUNICATIONS (3 minutes)

The Public Communications period is set aside to allow public testimony on items only on the Closed Session Agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.

CONVENE IN CLOSED SESSION – 5:35PM

CLOSED SESSION AGENDA (1 hour 25 minutes)

See Attachment to Agenda-Closed Session Conference with Legal Counsel.

OPEN SESSION – 7:00PM

CALL TO ORDER: *By Chairman Chris Stephens.*

PLEDGE OF ALLEGIANCE: *By Chairman Chris Stephens.*

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

ADOPTION OF AGENDA (3 minutes)

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

APPROVAL OF MINUTES (3 minutes)

The Minutes of the March 4, 2020 Regular Meeting and March 25, 2020 Special 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.

STAFF AND GENERAL MANAGER REPORTS (5 minutes)

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

LEGAL COUNSEL REPORT (5 minutes)

Legal Counsel will report on progress of District assignments and any legislative or judicial matters.

STANDARD AGENDA:

1) Adoption of Resolution No. 3387 Approving COVID-19 Ventura Harbor Rental Abatement and Deferment Program

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3387 approving the COVID-19 Ventura Harbor Rental Abatement and Deferment Program, which will abate or defer all rental payments for those Harbor Master Tenants and Harbor Village Tenants who have been directly impacted by the COVID-19 Pandemic on a monthly basis for a period up to three months with repayment of deferred rents prior to December 31, 2020.

2) Ventura Port District Operations Update

Recommended Action: Informational. (Verbal Report)

That the Board of Port Commissioners receive an informational report on COVID-19 regarding:

- a) Status of Ventura Port District operations; and
- b) Provide direction to staff on next steps.

ADJOURNMENT

This agenda was posted on Friday, March 27, 2020 by 5:00 p.m. at the Port District Office and online at www.venturaharbor.com - Port District Business - Meetings and Agendas.

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Ventura Port District at (805) 642-8538. 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, APRIL 1, 2020

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

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

- b) Property: **1567 Spinnaker Drive #100**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Tristan Thames, Makis and Lynn Mikelatos, Marilyn Ryemon, and
Annette Cortez dba Jack Axe & Ale
Under Negotiation: **New Restaurant, Retail and Entertainment Lease Agreement**

- c) Property: **1559 Spinnaker Drive #205,205A, B, C, D, E, 210**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Andy Randy, LLC dba Ventura Harbor Comedy Club
Under Negotiation: **Retail Lease Agreement**

- d) Property: **1575 Spinnaker Drive #101, 102, 103**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
Andres Fernandez, LLC dba The 805
Under Negotiation: **Restaurant Lease Agreement**

- e) Property: **1431 – 1691 Spinnaker Drive**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
All Ventura Harbor Village Tenants
Under Negotiation: **Retail, Restaurant, Entertainment and other Commercial Lease Agreements**

- f) Property: **Parcels 10A, 4, 9, 7, 15, 16, 18, 2, 3, 1, 19, 3A1, 3A2, 3A4, 20, 17, 6**
Negotiating Parties: Brian Pendleton, Todd Mitchell, Andy Turner
All Master Tenants
Under Negotiation: **Master Lease Agreements**

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



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

APRIL 1, 2020

APPROVAL OF MINUTES

MARCH 4, 2020 REGULAR MEETING

MARCH 25, 2020 SPECIAL MEETING

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF MARCH 4, 2020



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chairman Chris Stephens at 5:32PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Jackie Gardina, Secretary
Everard Ashworth via telephone
Michael Blumenberg

Commissioners Absent:

Brian Brennan, Vice Chairman

Port District Staff:

Brian Pendleton, General Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner
Elsa Sham

PUBLIC COMMUNICATIONS: None.

CONVENED TO CLOSED SESSION AT 5:33PM.

ADJOURNMENT: Closed Session was adjourned at 6:58PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chairman Chris Stephens at 7:03PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

PLEDGE OF ALLEGIANCE: By Harbormaster, John Higgins.

ROLL CALL:

Commissioners Present:

Chris Stephens, Chairman
Jackie Gardina, Secretary
Everard Ashworth (arrived at 7:29pm)
Michael Blumenberg

Commissioners Absent:

Brian Brennan, Vice Chairman

Port District Staff:

Brian Pendleton, General Manager
John Higgins, Harbormaster
Robin Baer, Property Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner
Elsa Sham

ADOPTION OF AGENDA

ACTON: Commissioner Blumenberg moved, seconded by Commissioner Gardina and carried by a vote of 3-0 (Brennan/Ashworth absent) to adopt the March 4, 2020 agenda.

APPROVAL OF MINUTES

The Minutes of the February 18, 2019 Regular Meeting were considered as follows:

ACTION: Commissioner Gardina moved, seconded by Commissioner Blumenberg and carried by a vote of 3-0 (Brennan/Ashworth absent) to approve the February 18, 2019 Regular Meeting Minutes.

PUBLIC COMMUNICATIONS: Sam Sadove, owner of Ventura Harbor Marina and Yacht Yard spoke on behalf of Lynn Mikelatos, owner of Margarita Villa and The Greek asking if she could know how many proposals were submitted for the 1567 Spinnaker Drive #100 Request for Proposals.

CLOSED SESSION REPORT: Mr. Turner stated that the Board met in closed session; discussed and reviewed all items under No. 1 and two items under No. 2 on the closed session agenda. Staff was given instructions on how to proceed as appropriate on these matters and there was no action taken that is reportable under The Brown Act. The Board will reconvene after open session to finish the last item under No. 2.

BOARD COMMUNICATIONS: Commissioner Blumenberg and Stephens both reported that they had a nice tour of the barge. Commissioner Gardina attended the first tenant appreciation event. She was pleased to see how many women owned businesses there are in the Village and family legacy businesses as well.

STAFF COMMUNICATIONS: Mr. Pendleton reported that Vice Chairman Brennan, Mr. Mitchell and Mr. Parsons are currently at CMANC in Washington DC. He also followed up on Commissioner Gardina’s Board Communication by commenting that the District does recommend the Women’s Economic Venture and other organizations to new businesses interested in the Harbor. Mr. Pendleton announced that it is the Channel Islands National Park 40th Anniversary. He also reported that staff met with Mr. Sadove on his rate increases, which will be published on March 8th and be presented to the Board on April 15th.

LEGAL COUNSEL REPORT: None.

CONSENT AGENDA:

A) Approval of Out of Town Travel Requests

Recommended Action: Voice Vote.

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

- A) General Manager, Brian Pendleton to travel to Vancouver, WA to attend the Pacific Fishery Management Council’s Habitat Committee meeting and regular Council meeting on two separate dates;
- B) Business Operations Manager, Todd Mitchell to travel to San Diego, CA to attend the American Society of Civil Engineers: Coasts Oceans Ports Rivers Institute (COPRI) Ports and Harbors Committee meetings;
- C) General Manager, Brian Pendleton to travel to Sacramento, CA to attend legislative hearings on AB 2370; and
- D) One Commissioner to travel to Sacramento, CA to attend legislative hearings on AB 2370.

ACTION: Commissioner Gardina moved, seconded by Commissioner Blumenberg and carried by a vote of 3-0 (Brennan/Ashworth absent) to approve the out of town travel requests for General Manager, Brian Pendleton to travel to Vancouver, WA to attend the Pacific Fishery Management Council’s Habitat Committee meeting and regular Council meeting on two separate dates; Business Operations Manager, Todd Mitchell to travel to San Diego, CA to attend the American Society of Civil Engineers: Coasts Oceans Ports Rivers Institute (COPRI) Ports and Harbors Committee meetings; General Manager, Brian Pendleton to travel to Sacramento, CA to attend legislative hearings on AB 2370; and one Commissioner to travel to Sacramento, CA to attend legislative hearings on AB 2370.

B) Approval of a Professional Services Agreement with Carpi & Clay Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Carpi & Clay, Inc. in the amount of \$30,000 to provide the District with Federal Advocacy Services from January 1, 2020 to June 30, 2020.

ACTION: Commissioner Gardina moved, seconded by Commissioner Blumenberg and carried by a vote of 3-0 (Brennan/Ashworth absent) to approve a Professional Services Agreement with Carpi & Clay, Inc. in the amount of \$30,000 to provide the District with Federal Advocacy Services from January 1, 2020 to June 30, 2020.

C) Approval of a New Restaurant Lease Agreement for Kelly Shirk dba Sugar Lab Bake Shop, LLC

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Kelly Shirk dba Sugar Lab Bake Shop, LLC for the premises located at 1575 Spinnaker Drive #105 A/B consisting of a total of 1,330 square feet for a three (3) year term with two separate three (3) year options.

ACTION: Commissioner Gardina moved, seconded by Commissioner Blumenberg and carried by a vote of 3-0 (Brennan/Ashworth absent) to approve a new Restaurant Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Kelly Shirk dba Sugar Lab Bake Shop, LLC for the premises located at 1575 Spinnaker Drive #105 A/B consisting of a total of 1,330 square feet for a three (3) year term with two separate three (3) year options.

STANDARD AGENDA:

1) Approval of a New Professional Services Agreement with COWI for an Aquaculture Navigation Risk Assessment for the Ventura Shellfish Enterprise Project

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with COWI in an amount of \$64,040 to provide the District with an Aquaculture Navigation Risk Assessment for the Ventura Shellfish Enterprise Project.

Report by General Manager, Brian D. Pendleton.

Public Comment: Sam Sadove, owner of Ventura Harbor Marina and Yacht Yard asked if this assessment includes marine mammal navigation as well or if that is a separate study.

ACTION: Commissioner Blumenberg moved, seconded by Commissioner Gardina and carried by a vote of 4-0 (Brennan absent) to approve a Professional Services Agreement with COWI in an amount of \$64,040 to provide the District with an Aquaculture Navigation Risk Assessment for the Ventura Shellfish Enterprise Project.

RECONVENED TO CLOSED SESSION AT 7:37PM.

RECONVENED TO OPEN SESSION AT 8:31PM

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

ADJOURNMENT: The meeting was adjourned at 8:32PM.

The next meeting is Wednesday, March 18, 2020.

Jackie Gardina, Secretary

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS MINUTES OF MARCH 25, 2020 SPECIAL MEETING



CLOSED SESSION

CALL TO ORDER:

The Ventura Board of Port Commissioners Special Closed Session Meeting was called to order by Chairman Chris Stephens at 5:30PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

None

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Robin Baer, Property Manager via Teleconference
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner via Teleconference
Elsa Sham via Teleconference

PUBLIC COMMUNICATIONS: Jeff Moorhouse, owner of Moorhouse Financial, recommended changing the teleconferencing platform from GoToMeeting to Zoom. He also commented to not only think about the restaurants and retailers, but the offices as well. He has had to temporarily layoff an employee because he is concerned for her health and has been fiscally impacted by this pandemic.

CONVENED TO CLOSED SESSION AT 5:40PM.

ADJOURNMENT: Closed Session was adjourned at 6:50PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Board of Port Commissioners Special Open Session Meeting was called to order by Chairman Chris Stephens at 7:02PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001.

PLEDGE OF ALLEGIANCE: By Vice Chairman Brian Brennan.

ROLL CALL:

Commissioners Present:

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

Commissioners Absent:

None

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
John Higgins, Harbormaster via Teleconference
Robin Baer, Property Manager via Teleconference
Joe Gonzalez, Facilities Manager via Teleconference
Gloria Adkins, Accounting Manager via Teleconference
Dave Werneburg, Marina Manager via Teleconference
Jessica Rauch, Clerk of the Board

Legal Counsel:

Andy Turner via Teleconference
Elsa Sham via Teleconference

ADOPTION OF AGENDA

ACTION: Commissioner Brennan moved, seconded by Commissioner Blumenberg and carried by a vote of 5-0 to adopt the March 25, 2020 Special Meeting Agenda.

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

STANDARD AGENDA:

1) COVID-19 Update

Recommended Action: Informational.

That the Board of Port Commissioners receive an informational report on COVID-19 regarding:

- a) Status of Ventura Port District operations;
- c) Status and impacts to Harbor Tenant's; and
- d) Provide direction to staff on next steps.

Report by General Manager, Brian D. Pendleton.

Public Comment:

Jeff Moorhouse, owner of Moorhouse Financial said to save the tenants from unnecessary fiscal impacts and to switch from GoToMeeting to Zoom.

Jonra Cross, owner of Frenchies Nail Salon, was scheduled to open March 30th and has 12 new employees. Not having a future opening date is a challenge for her financially and stability wise to keep employees. Her business is a startup so there are not a lot of solutions and answers for her from a financial perspective. She appreciates the resources the District has been providing and anything new learned that will help tenants manage through this without having any revenue, would be greatly appreciated.

Sam Sadove, owner of Ventura Harbor Marina and Yacht Yard suggested a forgiveness or forbearance of rent and percentage rent for a period of time and when things normalize pay the Port back over a six-month period. Even though most would like a complete forgiveness for many fees, tenants also recognize that the District's survival is just as much an issue as the tenants when no revenues are coming in. Hence, he hopes the Commission can recognize that if full fees are to be collected from tenants, including master tenants, then many will simply not survive. Also, whatever forbearance the District's decides on, he will do the same for his tenants.

Suzanne Musson, owner of Dave's Fuel Dock asked the Commission to consider taking action tonight because a week is a long time for many.

Victor Dollar, Senior Vice President of Sales for Brighton Management, LLC stated that they have been forced to lay off or furlough over 300 people in Ventura County. 80% of the employees at the two Harbor hotels have been laid off or furloughed. They are trying to stay open but are losing enough money in a month that would be considered their minimum lease rent. Mr. Dollar is talking to ownership daily on whether to close or stay open. If they close, it won't just be hard on the hotel and owner, but on the Harbor as well. If they close, it will take up to six months to build revenue back up for the hotel, not just the District.

Cherryl Connally, owner of Island Packers stated that it is very important that everyone sticks together and helps each other through this. The Flood of '69 was detrimental, and the Harbor pulled through it and moved forward. She hopes that everyone can work together to get funding or compensation for employees and tenants can have break with the District. Everyone wants the Harbor to be alive and survive.

ACTION: The Board of Port Commissioners received a report from General Manager, Brian D. Pendleton on COVID-19 regarding the status of Ventura Port District operations and the status and impacts to Harbor Tenants.

ADJOURNMENT: The meeting was adjourned at 8:05PM.

The next meeting is Wednesday, April 1, 2020.

Jackie Gardina, Secretary



BOARD OF PORT COMMISSIONERS

APRIL 1, 2020

STANDARD AGENDA ITEM 1

ADOPTION OF RESOLUTION No.
3387 APPROVING COVID-19
VENTURA HARBOR RENTAL
ABATEMENT AND DEFERMENT
PROGRAM

VENTURA PORT DISTRICT
BOARD COMMUNICATION

STANDARD AGENDA ITEM 1
Meeting Date: April 1, 2020

TO: Board of Port Commissioners
FROM: Brian Pendleton, General Manager
Todd Mitchell, Business Operations Manager
Gloria Adkins, Accounting Manager
SUBJECT: Adoption of Resolution No. 3387 Approving COVID-19 Ventura Harbor Rental Abatement and Deferment Program

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3387 approving the COVID-19 Ventura Harbor Rental Abatement and Deferment Program, which will abate or defer all rental payments for those Harbor Master Tenants and Harbor Village Tenants who have been directly impacted by the COVID-19 Pandemic on a monthly basis for a period up to three months with repayment of deferred rents prior to December 31, 2020.

SUMMARY

Ventura Harbor has been severely impacted by the COVID-19 Pandemic. Many Harbor businesses have been closed by Governmental Order or in response to lost business resulting from the COVID-19 Pandemic. This may lead to the permanent closure of businesses, loss of employment and loss of rental revenue to the District, which is its primary source of operating revenue. Because of the symbiotic relationship of the businesses and the District, in order to help owners avoid permanent business closures, further loss of employment and long-term impacts to the Port District, staff recommends implementation of the COVID-19 Ventura Harbor Rental Abatement and Deferment Program.

BACKGROUND

COVID-19 Ventura Harbor Rental Abatement and Deferment Program

The Port District will abate or defer all rental payments for those Harbor Master Tenants and Harbor Village Tenants who have been directly impacted by the COVID-19 Pandemic on a monthly basis for a period up to three months. Abatements and deferrals will be for the monthly rental amounts due from April through June 2020.

COVID-19 Ventura Harbor Rental Abatement and Deferment Program Qualifications:

- Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of VPD);
- And:
 - Business is closed by Government Order; or
 - Business has lost 50% or more of typical monthly revenue pre-COVID-19.

Conditions:

- Master Tenants who qualify must provide the same monthly deferment to all sub-tenants.
- Harbor Village Tenants who qualify, and who also pay the District a promotional fee for marketing, shall have the promotional fee waived for each month rent is deferred.
- Harbor Village Tenants who qualify, and who also pay the District a common area maintenance (CAM) fee, shall have one-half the CAM fee waived for each month rent is deferred.
- Master Tenants and Village Tenants who report sales, will continue to report sales as currently required, to determine the total deferred rental amount, even if these sales are \$0 due to closure.

- Master Tenants and Village Tenants will seek COVID-19 federal business assistance and pursue business interruption insurance. Deferments for May through June 2020 will require demonstration of pursuit of both.
- Repayment of all deferred rent (base rents, one-half CAM fees, percentage rent, etc.) shall occur by December 31, 2020. No interest or late fees will apply to the deferred rent during this time period but shall be applicable as per the lease terms if not paid in full by this date.
- Any outstanding rent owed by Master Tenants and Village Tenants to the District, prior to April 2020, is not eligible for the COVID-19 Ventura Harbor Rental Abatement and Deferral Program.

The General Manager will have the authority to implement the program, receive applications and approve documentation of the qualifications and conditions above to ensure timely processing and approval of monthly rental abatements and deferments.

FISCAL IMPACT

It is estimated that the direct fiscal impact to the Port District due to the COVID-19 Pandemic for the 4th Quarter of FY19-20 is a reduction of revenues of estimated to be \$930,700. The Port District would recover the deferred portions of rents by December 31, 2020 which is the mid-point of FY20-21. This is estimated to be \$300,300. Therefore, the fiscal impact to the District, in terms of lost revenue is \$600,400 relative to FY19-20 mid-year budget forecast. Staff expects revenue reductions to continue past the end of the pandemic.

The General Manager will implement reductions in Marketing and Facilities expenditures to partially offset revenue losses for promotional and CAM fees beginning in April. Fiscal impacts caused by COVID-19 will require further evaluation of Port District operational, capital and tenant improvement expenses for the FY20-21 Budget.

ATTACHMENTS:

Attachment 1 – Resolution No. 3387



RESOLUTION NO. 3387

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF THE VENTURA PORT DISTRICT APPROVING COVID-19
VENTURA HARBOR RENTAL ABATEMENT AND DEFERMENT PROGRAM**

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19;

WHEREAS, on March 12, 2020, the County of Ventura declared a State of Emergency to exist in Ventura County as a result of the threat of COVID-19.

WHEREAS, on March 17, 2020, the County of Ventura Health Officer issued an Order for the control of COVID-19 directing vulnerable individuals to shelter at their place of residence and issued restrictions of certain businesses.

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 for the preservation of public health and safety throughout the entire State of California to head the State public health directives from the Department of Public Health that, in order to protect public health, all individuals living in California must stay in their home or place of residence unless needed to maintain continuity of operations of critical infrastructure sectors.

WHEREAS, Executive Order N-33-20 identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered to be essential. All other businesses were directed to close.

WHEREAS, on March 20, 2020, the County of Ventura Health Officer issued an Order directing persons living in Ventura County to stay in their place of residence and restricting non-essential activities in response to COVID-19. Essential activities include only activities and tasks essential to health and safety of themselves, family, or household members, to obtain services or supplies, outdoor activities, to perform work for an essential business, or to care for a family member or pet in another household.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners, by adoption of this Resolution No. 3387 hereby authorizes the approval of the COVID-19 Ventura Harbor Rental Abatement and Deferment Program, as follows:

The Ventura Port District hereby implements the COVID-19 Ventura Harbor Rental Deferment Program ("Program") that will defer all rental payments for those Harbor Master

ATTACHMENT 1

Tenants and Harbor Village Business Tenants who have been directly impacted by the COVID-19 Pandemic on a monthly basis for a period up to three months (April through June 2020);

The COVID-19 Ventura Harbor Rental Abatement and Deferment Program qualifications are:

- Businesses must be Master Tenant or Harbor Village Tenant (i.e. direct commercial tenant of the Ventura Port District);
- And:
 - Business is closed by Government Order;
 - Business has lost 50% or more of typical monthly revenue in the month prior to rent due

The conditions of the COVID-19 Ventura Harbor Rental Deferment Program are:

- Master Tenants who qualify must provide the same monthly deferment to all sub-tenants.
- Harbor Village Tenants who qualify and who also pay the District a promotional fee for marketing, shall have the promotional fee waived for each month rent is deferred.
- Master Tenants and Village Tenants who report sales, will continue to report sales as currently required, even if these sales are \$0.
- Master Tenants and Village Tenants will seek COVID-19 federal business assistance and pursue business interruption insurance. Deferments from May 2020 onward will require demonstration of pursuit of both.
- Repayment of the deferred rent shall occur by December 31, 2020. No interest or late fees will apply to the deferred rent during this time period but shall be applicable as per the lease terms if not paid in full by this date.
- All other terms, obligations, and requirements in both Master Tenant and Village Tenant lease agreements remain in full force and effect.

BE IT FURTHER RESOLVED that the Board of Port Commissioners, by adoption of this Resolution hereby authorizes General Manager, Brian D. Pendleton, to have the authority to implement the program, receive applications and approve documentation of the qualifications and conditions to ensure timely processing and approval of monthly rental abatements and deferments.

PASSED, APPROVED AND ADOPTED by the Board of Port Commissioners, this 1st day of April 2020.

Chris Stephens, Chairman

ATTEST:

Jackie Gardina, Secretary

ATTACHMENT 1

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

I, Jackie Gardina, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3387 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 1st day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 1st day of April 2020.

Jackie Gardina, Secretary

(Seal)