



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 Deferral Program, as follows:

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

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 a Master Tenant, ~~or~~ Harbor Village Tenant (i.e. direct commercial tenant of the Ventura Port District), or a Village Marina Recreational Charter Business;
- 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.
- 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, 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

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.

(Seal)

Jackie Gardina, Secretary