



BOARD OF PORT COMMISSIONERS MEETING JANUARY 20, 2021

Ventura Harbor
HOME OF THE CHANNEL ISLANDS NATIONAL PARK

- Call to Order
- Roll Call

CLOSED SESSION AGENDA

PUBLIC COMMUNICATION CLOSED SESSION AGENDA ITEMS ON TODAY'S AGENDA



3:00

- Call to Order
- Pledge of Allegiance
- Roll Call

ADMIN AGENDA

ADMIN AGENDA

Adoption of the January 20, 2021 Agenda

- Approval of the Minutes
of the January 6, 2021
Regular Meeting
- Approval of the Minutes
of the January 6, 2021
Public Facilities
Corporation Annual
Meeting

PUBLIC COMMUNICATION ADMIN AGENDA ITEMS NOT ON TODAY'S AGENDA



3:00

- Closed Session Report
- Board Communications
- Staff and General Manager Reports
- Legal Counsel Report

ADMIN AGENDA

CONSENT AGENDA ITEM A

Approval of Second Amendment to Brophy Bros. Restaurant & Clam Bar Restaurant Lease Agreement

RECOMMENDATION

That the Board of Port Commissioners approve the Second Amendment to the Lease between the Ventura Port District and Brophy and Sons, Inc. DBA Brophy Bros. Restaurant & Clam Bar.

PUBLIC COMMUNICATION CONSENT AGENDA

3:00

Approval of a Cooperative Agreement between
the Ventura Port District and City of San
Buenaventura for Maintenance Dredging of the
Ventura Keys Stub Channel and Inner Harbor

RECOMMENDATION

That the Board of Port Commissioners approve
the Cooperative Agreement for the
Maintenance Dredging of the Ventura Keys Stub
Channel between the Port District and the City
of San Buenaventura.

Report by Todd Mitchell, Business Operations
Manager.

STANDARD
AGENDA
ITEM
1

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 1



3:00

STANDARD AGENDA ITEM 2

Award of Contract for 1567 Spinnaker Drive Building A Reroofing Project

RECOMMENDATION

That the Board of Port Commissioners award the 1567 Spinnaker Drive Building A Reroofing Project contract to Garland/DBS, Inc. in the amount of \$291,982.

Report by Todd Mitchell, Business Operations Manager

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 2



3:00

STANDARD AGENDA ITEM 3

Brown Act Presentation

RECOMMENDATION

That the Board of Port Commissioners receive a presentation from Lagerlof, LLP on the Ralph M. Brown Act.

Report by Andy Turner and Elsa Sham, Legal Counsel, Lagerlof, LLP.



Ventura Port District

The Brown Act



Conduct Public Business Openly

“The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”



LEGISLATIVE BODIES

MEETINGS

EXCEPTIONS



Application of the Brown Act



What is a Legislative body?

- Governing body of the agency
- Advisory committees created by the governing body
- Standing committees comprised of less than a quorum
- But not temporary committees comprised of less than a quorum



What is a Meeting?

- In person gatherings
- Communication through intermediary
- Emails, Facebook, Twitter [AB 992]
- Serial meetings – prohibited!
- When is a gathering not a Brown Act “meeting”?



AB 992 – Social Media

- First specific amendment to the Brown Act to address social media issues
- Authorizes a board member to communicate via social media to provide information to the public
- Social media communications are permissible as long as *less than a majority* of board members use the social media platform to “discuss among themselves” the district’s official business
 - “Discuss among themselves” is defined to include making posts, commenting and even using emojis to express reactions
- Expands Brown Act to prohibit a board member from:
 - Responding “directly to any communication on an Internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted or shared by *any other member* of the legislative body.”





Meetings

REGULAR MEETING

Board sets time
and place for its
regular meetings.
Agenda posted 72
hours ahead

SPECIAL MEETING

May be called by
president or
majority any time.
Agenda posted 24
hours ahead

ADJOURNED MEETING

Regular or special
meeting may be
adjourned to a future
date and time. No
new agenda required
if less than 5 days

EMERGENCY MEETING

May be called
without notice if
public health or
safety may be
impaired





E-Mail

- Refrain from replying
 - DO NOT REPLY TO ALL!
- Do not take a position or make a commitment
- E-mail Board for info only
- Take caution
- Ensure compliance with law
- Applies to other social media as well
- Public vs. private devices – San Jose case

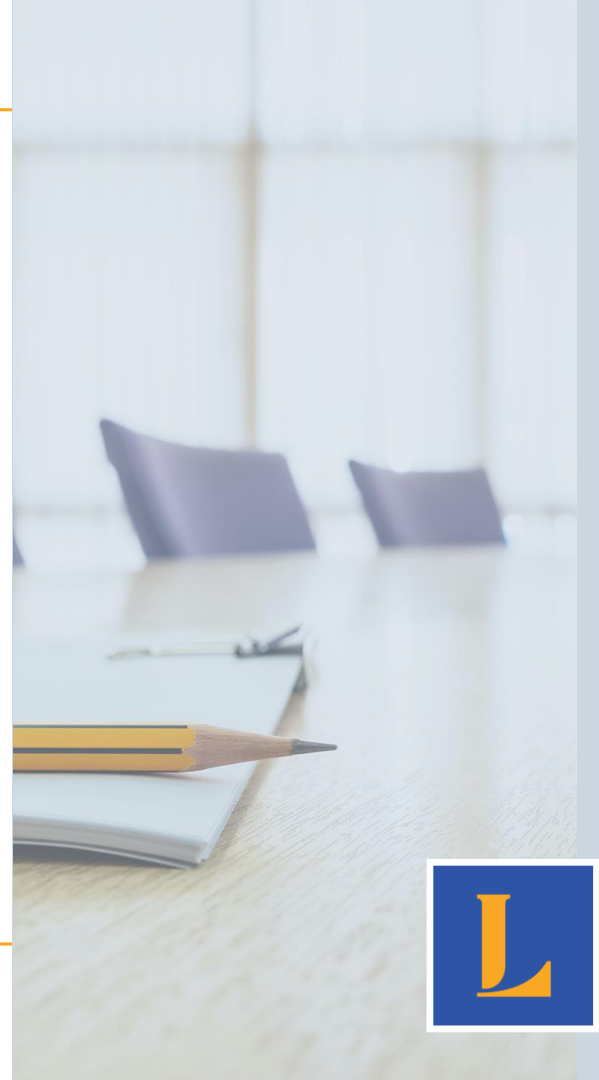
Meeting Agenda

- Brief description of each item of business to be transacted or discussed at the meeting
- Must provide opportunity for public to speak
 - Prior to deliberation on an agenda item
 - Reasonable limitations allowed
- General rule: No action/discussion if not on agenda
- Exceptions:
 - Emergency
 - Matter arose since agenda posted [2/3 vote]
 - Item on agenda of adjourned meeting <5 days prior



Closed Session

- Must be expressly authorized
- Must be on the agenda [safe harbor description]
- Must be verbally announced
- Any action, or no action, must be reported
- Common closed sessions: personnel, labor & real property negotiations, pending/anticipated litigation
- Closed sessions confidential; disclosure prohibited



The Brown Act - Ramifications

- Violations may be prevented by court order
- Action not in compliance may be invalidated
- Court costs & attorney's fees are recoverable
- Individuals may be guilty of a misdemeanor



Questions?



PUBLIC COMMUNICATION STANDARD AGENDA ITEM 3



3:00

STANDARD AGENDA ITEM 4

Ventura Port District Operations Update as it Relates to COVID-19

RECOMMENDATION

That the Board of Port Commissioners receive
an update on:

- a) The COVID-19 Ventura Harbor Rental
Abatement and Deferment Program; and,
- b) Status of Ventura Port District operations.

Report by Brian D. Pendleton, General Manager

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 4

3:00



VENTURA
PORT DISTRICT

Established 1952

ADJOURNMENT
IN HONOR OF RIGOBERTO CARDONA
NEXT MEETING FEBRUARY 3, 2021

Ventura Harbor

HOME OF THE CHANNEL ISLANDS NATIONAL PARK