

**COMMENTS TO
VENTURA PORT DISTRICT MEETING
FEBRUARY 3, 2021**

FROM: Samuel Sadove

Standard Agenda Item 1.

On page 16 it talks about “rate increase is being postponed due to the current impact of COVID”. How much were these planned increases, when were they planned for and how much and when does the Port anticipate enacting them. Will tenants be given notice or are they structural to signed leases.

Also on page 16 the total personnel expense are reduced by \$66,000, is this because of the non-replacement of Robbie Dunham?

Page 17 and in financial details in reflects the increase in trash expenditures. Is this because of beach restroom trash as I would suspect that tenant trash use would be decreased due to the reduction in activity.

Finally, on this item under page 22 the actual and projected total operating revenue differences for actual last year seem to suggest that decreasing the decrease from the previous projection for 20/21 by 6% seems to be unwise and seems to only be reliant on the one time fees paid by Derecktor and Safe Harbor is that correct? Same applies to page 24.

Standard Agenda Item 4.

First the Long Term Goals 5&6 of the Port District would seem to suggest or state that the Port wants transparency “at all levels”. The opinion given by the Lagerof response to me certainly seems not to be in this spirit. It would seem to be giving a logic for not involving the public as fully as possible. Regardless I wish to clarify statements made here and point out further details regarding Brown act and public participation.

First: I categorically did not state “before **and** during.” In fact I quoted directly from the brown act section 54954.3(a) which does in fact state “ Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the the legislative body’s consideration of the item,...” I am well aware of the difference of the use of the two “or and”. However, the Brown act in numerous cases and by statements of pamphlets by the California State Attorney General that the “inclusion of public and other provisions of the act are to be construed widely and exceptions to the law are to be construed narrowly.” The beginning of the act under 54950 states “ In enacting this chapter, the legislature finds and declares that the public commission, boards and councils and the other public agencies in this State

exist to aid in the conduct of the peoples business. It is the intent of the law that their actions be taken openly and that their deliberation be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. 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 of the instruments they have created.”

Numerous cases have found again that the boards are to act in a manner to encourage and expand public participation in ALL CONSIDERATIONS of the boards or agencies.

Additionally, I either mis-stated or was misunderstood when referring to items of closed session. There are a number of things that are considered valid for closed session, including the three I listed along with those Lageroff lists in the packet. My point is that there are provisions in the Brown act where there should be reports of actions taken. In over 10 years there has never been a “reportable action” taken from closed session. I simply ask that this be examined more closely for compliance.

In closing I am simply suggesting that to exclude the public from being able to make a comment only prior to discussion or consideration of an item means that any information divulged, disclosed, or that comes up or out during consideration will hence be excluded from public comment or question. At best this would clearly seem not to be in the spirit of the Brown act and may be more than that.

I also realize that the board desires to enable and conduct an orderly meeting. In 10 years of attending meetings I only know of two occasions where public comment during consideration of an item was not completely decorous. In addition, the enhancing of public involvement in the meetings would only encourage better attendance and a greater level or useful exchange of information for the Board.

I respectfully suggest that the Board consider enable a reasonable level of participation before “and or” during consideration of items on the agenda.

Submitted

Samuel S Sadove