



RESOLUTION NO. 3422

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT UPDATING THE BOARD OF PORT COMMISSIONERS
PROTOCOLS AND POLICIES MANUAL**

WHEREAS, the adoption of written guidelines regarding the conduct of public business by elected and appointed officials provides a sound foundation on which to build public trust and confidence;

WHEREAS, the proper operation of the Ventura Port District requires that decisions and policies be made within the proper channels of governmental structure, that public office not be for personal gain, and that the Board of Port Commissioners remains objective and responsive to the needs of the public and business owners they serve;

WHEREAS, the purpose of the Board of Port Commissioners Manual is to set forth protocols and policies that govern the conduct of business of and by the Ventura Port District and meetings of the Board of Port Commissioners;

WHEREAS, the intent of the Board of Port Commissioners Protocols and Policy Manual is to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated matters heard and determined by the Board of Port Commissioners; and

WHEREAS, on March 25, 2015, the Board of Port Commissioners passed, approved, and adopted at a Regular Meeting Resolution No. 3271, wherein the Board adopted the Board of Port Commissioners Protocols and Policies Manual; and

WHEREAS, on July 27, 2016, the Board of Port Commissioners adopted Resolution No 3315 to amend the existing manual and rescind Resolution No. 3271; and

WHEREAS, on December 12, 2018, the Board of Port Commissioners updated the manual to reflect changes in the annual meeting schedule; and

WHEREAS, on January 20, 2020, the Board of Port Commissioners updated the manual to clarify, restate and add new information; and

WHEREAS, the Board has determined that it is in the best interest of the District to amend the existing manual as set forth in Exhibit A and rescind Resolution No. 3315; and

WHEREAS, if at any time after this Resolution is passed, the District wishes to amend or restate the Protocols and Policies Manual, it elects to do so by Motion, rather than by Resolution, if it so desires.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3315, which was previously passed, approved and adopted by the Board on July 27, 2016, and approves and adopts this Resolution No. 3422, amending the Board of Port Commissioners Protocols and Policies Manual.

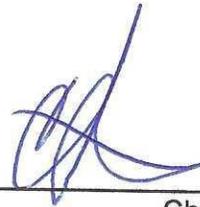
PASSED, APPROVED AND ADOPTED by the Board of Port Commissioners, this 21st day of July 2021, by the following vote:

AYES: Commissioners Stephens, Blumenberg, Brennan, Gardina

NOES:

ABSENT: Commissioner Ashworth

ABSTAINED:



Chris Stephens, Chairman

ATTEST:



Brian Brennan, Secretary

BOARD OF PORT COMMISSIONERS

PROTOCOLS AND POLICIES

MANUAL



**VENTURA
PORT DISTRICT**

Established 1952

Adopted March 25, 2015
Updated July 27, 2016
Updated December 12, 2018
Updated January 22, 2020
Updated July 21, 2021

TABLE OF CONTENTS

Section		Page
1.0	INTRODUCTION	1
	1.1 Purpose and Intent of Handbook	1
	1.2 Ventura Port District Description	1
	1.3 Ventura Port District Mission Statement	1
	1.4 Ventura Port District Goals	2
	1.5 Ventura Port District 5-year Objectives	2
2.0	GOVERNING BODY	3
	2.1 Board of Port Commissioners	3
	2.2 Term of Office	3
	2.3 Election of Officers	3
	2.4 Role of Chair	3
	2.5 Role of Vice-Chair	3
	2.6 Role of Secretary	3
3.0	RESPONSIBILITIES AND CONDUCT OF COMMISSIONERS	4
	3.1 Board Principles	
	3.2 Procedure for Responding to Breaches of the Board Principles	4
	3.3 Oath of Office	5
	3.4 Conflict of Interest	5
	3.5 Ethics Training	5
	3.6 New Commissioner Orientation	5
4.0	TRAININGS AND CONFERENCES	6
	4.1 New Board Member Training	6
	4.2 Expense Reimbursement Policy for Commissioners	6
5.0	COMMISSIONER INTERACTIONS	7
	5.1 Commissioner/Clerk of the Board	7
	5.2 Commissioner/Staff	7
	5.3 Commissioner/Port District Tenant	7
	5.4 Commissioner/Legal Counsel	7
	5.5 Commissioner and Staff Visibility to the Public	7
	5.6 Commissioner Representation as a Commissioner at Public Engagements	8
	5.7 Commissioner Participation as Interested Party at Community Events	8
6.0	DISTRICT OFFICERS	9
	6.1 General Manager	9
	6.2 General Counsel	9
7.0	PORT COMMISSION MEETINGS	10
	7.1 Meeting Location	10
	7.2 Compliance with the Brown Act	10
	7.3 Regular Meetings	10
	7.4 Special Meetings	10
	7.5 Emergency Meetings	10
	7.6 Cancelled Meetings	10
	7.7 Adjourned Meetings	11
	7.8 Teleconferenced Meetings	11
	7.9 Closed Sessions	11
	7.10 Sub-committees	12
	7.11 Board Liaisons	12
	7.12 Quorum and Voting	12
	7.12.1 Attending Meetings of Other Public Agencies, Conferences, Etc.	13
	7.12.2 Social Gatherings	13
	7.12.3 Email, Texting, Instant Messages, and Other Electronic Communication	13
	7.13 Commissioner Absences	13
	7.14 Attendance by the Public	13

7.14.1	Public Communication – Verbal and Written	13
7.15	Agendas	14
7.16	Minutes and Recordings	14
8.0	ORDER OF BUSINESS	15
9.0	POLICIES ADOPTED BY THE PORT COMMISSION	17
	APPENDIX 1 – LAFCo Sphere of Influence Map	18
	APPENDIX 2 – District Parcel Map	19
	APPENDIX 3 – Harbors and Navigation Code Sections	20

1.0 INTRODUCTION

1.1 Purpose and Intent

The adoption of written guidelines regarding the conduct of public officials provides a sound foundation on which to build public trust and confidence. The proper operation of the Ventura Port District (“District”) requires that decisions and policies be made within the proper channels of governmental structure, that public office not be for personal gain, and that the Board of Port Commissioners (“Board” or “Commissioner”) remains objective and responsive to the needs of the public and business owners they serve. The purpose of this manual is to set forth protocols and policies that govern the conduct of Board meetings and other District business. The intent of this manual is to ensure uniformity of procedure, access to the public, fairness to the public and interested parties, and compliance with legal requirements in all designated matters heard by the Board.

1.2 District Description

The District was established on April 8, 1952 by an election and majority vote of the citizens of the City of Ventura. On April 15, 1952, the Board of Supervisors of Ventura County, ordered formation of the District pursuant to the Harbors and Navigation Code of the State of California.

The District was organized for the purpose of acquiring, constructing and operating a commercial and recreational boat harbor within the City of Ventura. The District’s legal boundaries encompass all of the City of Ventura as well as some small areas outside the City limits.

The District is the owner and operator of the Ventura Harbor. The Ventura Harbor is a 274-acre multiple use recreational and commercial fishing small craft harbor. Other than the 2.74-acre site owned by the Department of Interior, National Park Service, the District is the sole landowner within the Harbor. The District’s current property holdings include approximately 152 acres of land and 122 acres of water area. The Harbor was initially developed in the early 1960’s and still has approximately 3.74 acres of land area available for development.

APPENDIX 1 illustrates the Ventura Port Districts Sphere of Influence approved by LAFCo.

APPEDIX 2 illustrates the Ventura Port District parcel map.

The official address and principal place of business of the District is:

VENTURA PORT DISTRICT
1603 Anchors Way Drive
Ventura, CA 93001
(805) 642-8538; Fax (805) 658-2249

1.3 Ventura Port District Mission Statement

The Ventura Port District, home to the Channel Islands National Park, is committed to providing a safe and navigable harbor and a seaside destination with exceptional facilities, events and services that benefits residents, visitors, fishermen and boaters.

1.4 Ventura Port District Goals

The District will provide a rewarding and vibrant coastal marine experience to our residents and visitors through efficient and timely execution of these District Goals.

- 1) Maintain and enhance a safe and navigable harbor by:
 - A. Securing funding for dredging the Harbor entrance through the Army Corps of Engineers in coordination with agencies and our elected officials;
 - B. Dredging the Inner Harbor and preserving infrastructure;
 - C. Providing superior Harbor Patrol, Maintenance, and related District services;
 - D. Preserving and enhancing infrastructure, equipment and facilities for a modernized, efficient and safe working harbor.
- 2) Support and promote commercial and recreational boating and fishing.
- 3) Increase economic development, vitality, and diversity of the District through effective leasing and marketing strategies.
- 4) Promote sustainable use of our natural environment through business practices and programs designed in concert with our tenants, educators, agencies, and interest groups.
- 5) Build respectful, productive, and mutually beneficial business relationships with our tenants, public agencies, elected officials and the community.
- 6) Provide exceptional public service and transparency at all levels within the organization through effective leadership, training, mentoring, and oversight. This promotes accountability, increased public trust, and a more efficient, effective and public focused organization.

1.5 Ventura Port District 5-Year Objectives

In its continuing effort to fulfill its mission and achieve its goals set out above, while managing the daily Harbor operations, the District established objectives to guide its Commission and staff.

These five-year objectives were developed following a public workshop involving tenants, city officials, and other community stakeholders. It is expected that that a similar process will be relied upon periodically to update the five-year objectives and long-term goals and ensure the District and its stakeholders are fully engaged in planning for the future of the District and its facilities.

2.0 GOVERNING BODY

2.1 Board of Port Commissioners

The Board of Port Commissioners consists of five members appointed by the mayor and City Council of Ventura, who shall govern the Ventura Port District.

Commissioners shall not be appointed to the Board of Port Commissioners unless they are, at the time of appointment, a taxpayer within the District and have resided within the District for at least one year. (H&N Code Section 6244)

2.2 Terms of Office

Commissioners will serve a term of office of four years from the time of appointment. (H&N Code Section 6245) If a Commissioner resigns in the middle of their term, a new Commissioner will be appointed to finish out that term, which could be one, two or three years. (H&N Code Section 6242) Every officer whose term has expired shall continue to discharge the duties of his/her office until his/her successor has been appointed. (Gov't Code Section 1302)

2.3 Election of Officers

At one of its January meetings, every two years, the Board shall elect from its membership a Chairman, Vice-Chairman and Secretary. (H&N Code Section 6241.1)

2.4 Role of Chair

The Chair of the Board is to be elected by the Board of Port Commissioners for a term of two years. (H&N Code Section 6241.1) The Chair shall have the authority to preserve order at all Board meetings, to remove any person from any meeting for disorderly conduct, to enforce the rules of the Board and to determine the order of business.

The Chair shall have the authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Board by ruling any such matter out of order. In so ruling, the Chair shall be courteous and fair and should presume that the moving party is acting in good faith.

The Chair shall attend an agenda review meeting with the General Manager before each Board Meeting either in person or by phone.

2.5 Role of Vice-Chair

In the absence of the Chair or his/her inability to act, the Vice-Chair shall preside at all meetings. The Vice Chair shall attend an agenda review meeting with the General Manager and Chair before each Board Meeting either in person or by phone.

2.6 Role of Secretary

The Secretary ensures the Commission adheres to all adopted polices and must attest and sign all approved minutes, resolutions, and other official documents.

3.0 RESPONSIBILITIES AND CONDUCT OF COMMISSIONERS

3.1 Board Principles

The Board of Port Commissioners recognizes its actions affect the District's ability to fulfill its mission. Listed below are practices deemed essential for the Board to positively affect the District's ability to operate efficiently and effectively. To that end, the members of the Board of Port Commissioners affirm their commitment to act in accordance with the following practices:

1. Act in accordance with the District's Mission.
2. Maintain a high level of integrity and follow through with all commitments, especially with other government agencies.
3. Work only as a Board, with no independent, tangential, or hidden agendas.
4. Always strive for consensus, remembering unanimity is not required.
5. Once the Board has made a decision, acknowledge and act in accordance with it.
6. Understand the Board's role is to set policy and ensure staff understands this, while facilitating staff's ability to implement Board directed policy.
7. Recognize and abide by the separation of responsibilities between the Board, General Manager and Staff.
8. Clearly understand the expectations and the responsibilities of the Board Chair, Vice Chair, and Commissioners.
9. Correctly identify the issues.
10. Realistically select important issues related to the District's mission and worthy of the Board's energies and efforts.
11. Make sure all major policy decisions are well thought out from a legal perspective, all options have been explored, with each advantage and disadvantage, explored and weighed.
12. Communicate all facts accurately and fully.
13. Encourage open discussion by all Board members on all subjects.
14. Ensure everyone has a chance to give and explain his or her point of view.
15. Actively and courteously listen to each other in a genuine effort to understand opposing views.
16. Attend and actively participate in all meetings, keeping absences to a minimum.
17. Come to meetings prepared, having reviewed the materials provided by staff.
18. Ask the General Manager for background information as needed prior to Board meetings.
19. Never hesitate to ask questions at a Board meeting or request additional information, if required.
20. Understand and follow Brown Act requirements.
21. Maintain confidential information that has been acquired during closed session.

3.2 Procedure for Responding to Breaches of the Board Principles

Should evidence or allegations of violations of the Board Principles by a Commissioner of the Ventura Port District come to the attention of a Board member, that Board member shall address the matter with the General Manager and General Legal Counsel, who will investigate the matter. If it is determined to be a potential violation based upon the investigation, the matter will be agendaized for Board consideration and determination in open session. (Open & Public V: A guide to the Ralph M. Brown Act)

Should the Principles continue to be violated by the Commissioner as determined by the Board, the Board may direct the General Manager to bring it to the attention of the Ventura City Council. The Ventura City Council has the authority to remove Commissioners from office during their term for cause by a vote of not less than five members of the Council. (H&N Code Section 6241.1)

3.3 Oath of Office

Within ten days of a Commissioners appointment and before performing duties of his or her office, each Commissioner shall take and subscribe to an Oath of Office before the Clerk of the Board, that he or she will support the Constitution of the United States and the Constitution of the State of California and will faithfully discharge the duties of his or her office according to the best of their ability. (H&N Code Section 6243)

3.4 Conflict of Interest

Pursuant to Sections 87200 *et. seq.*, Government Code, newly appointed Commissioners are required to file a “Statement of Economic Interests” within ten days of assuming office; this Statement is filed with both the County and City Clerks offices and at the District office. After the initial statement is filed, each Commissioner is required to file an annual statement, usually after January 1 of each year but no later than April 1 of each year.

A Commissioner is required to conform to the Conflict of Interest provisions of the Political Reform Act, Section 87100 *et. seq.*, California Government Code and the District’s Conflict of Interest Code, which regulate financial conflicts of interest. The law imposes the responsibility to avoid financial conflicts of interest upon each Commissioner. Pursuant to state law, each Commissioner must undergo training in the obligations of the law to avoid conflicts of interest and to conform to all other applicable laws including those concerning ethics and conflict of interest.

A Commissioner is required to file a “Leaving Office Statement” within 30 days after leaving office.

3.5 Ethics Training

Each Commissioner shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service no later than one year from the first day of service. Thereafter, each Commissioner shall receive the training at least once every two years, without regard to the number of local agencies with which he or she serves. (Gov’t Code Section 53235(b))

3.6 New Commissioner Orientation

When a Commissioner is first appointed to the Board, the General Manager and Chairman shall hold an orientation to give an introduction to the Ventura Port District, its policies and procedures.

4.0 TRAININGS AND CONFERENCES

Members of the Board are encouraged to attend educational trainings, conferences, and professional meetings when the purpose of such activity is to improve District operations. There is no limit as to the number of Commissioners attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. If multiple Commissioners attend a training or conference, they must not discuss District business amongst themselves.

A training and conferences budget is set every fiscal year by the General Manager and approved by the Board. All training and conferences for Commissioners and staff are brought to the Board for approval.

4.1 New Board Member Training

It is recommended that all new Board Members attend the California Special District Association's "How to be an Effective New Board Member" Training. The training has been designed specifically for special district board members and board chairs/presidents in order to provide the tools, background and overall knowledge necessary to help navigate the first year of governing a special district and be an effective leader. This training would qualify for travel and expense reimbursement.

4.2 Expense Reimbursement Policy for Commissioners

On March 23, 2016, the Board approved Resolution No. 3303 adopting the Ventura Port District Expense Reimbursement Policy ("Policy") for Commissioners. The purpose of the Policy is to set forth the procedure of the District concerning the reimbursement of actual and necessary expenses incurred by a Commissioner in the performance of official duties for the benefit of the District, pursuant to Government Code Sections 53232 et. seq. This policy can be viewed on the District's website under Port District Business – Meetings & Agendas.

5.0 COMMISSIONER INTERACTIONS

5.1 Commissioner/Clerk of the Board

All questions or requests regarding conduct of District meetings and travel requests must come through the Clerk of the Board.

5.2 Commissioner/Staff

The Board will address District staff in a professional, constructive, and considerate manner. This will ensure that Board interactions with staff will have a positive impact on the operations of the District.

Board members have no authority to direct staff to work on projects without the approval of a majority vote of the Board. To operate the District in an effective and professional manner, the General Manager needs to be aware of the projects on which each staff member is working.

Correspondence and requests directed to staff on behalf of Commissioners should be routed through the Chair, Clerk and/or General Manager. Requests related to the conduct of a meeting should also be routed through the Clerk.

5.3 Commissioner/Port District Tenant

In an effort to ensure fair and efficient communication with tenants in the harbor, a Commissioner will provide a brief summary and disclose any contacts he or she may have had with any tenant at a subsequent Board meeting. This brief summary of such contact shall be provided as part of routine reporting during Board Communications at the next District public meeting, as appropriate.

To assure fair and consistent negotiations on all pending leasing agreements, no Commissioner shall discuss any aspect of a lease that is under negotiation or discussion between the tenant and the District General Manager or District staff. Should a tenant wish to meet or confer with a Commissioner at any point during lease negotiation regarding the terms of a lease, the Commissioner may only do so if a member of the District staff is also present.

5.4 Commissioner/Legal Counsel

While there will be instances where individual Commissioners have a need to contact District Counsel directly, in general it is preferred that Commissioners first direct their inquiry to the General Manager or his/her designee before involving Counsel.

5.5 Commissioner and Staff Visibility to the Public

To ensure that Commissioners and District staff are easily recognized by the public for District events or events where the Port District is being represented, a Commissioner or District staff should wear an appropriate name badge to identify the individual and his or her affiliation with the District. The cost of the name badge will be borne by the District.

5.6 Commissioner Representation as a Commissioner at Public Engagements

In an effort to ensure transparency in the conduct of District business, when possible, Commissioners shall advise the Board in advance, of participation at conferences, meetings, and public speaking engagements in which Commissioners will be representing the District in their official capacity. Participation in such engagements shall be for the purpose of advancing the Board's policies, projects and goals as determined by the Board through its prior approval actions, consistent with other protocols.

5.7 Commissioner Participation as Interested Party at Community Events

From time to time, Commissioners may choose to participate in community activities, committees, events, and task forces. When a Commissioner participates in these types of activities, the Commissioner is acting as an interested party rather than acting on behalf of the Board. Acting or participating on behalf of the Board is limited to those instances when the Commission has formally designated the Commissioner as its representative for the matter.

6.0 DISTRICT OFFICERS

6.1 General Manager

The Board of Port Commissioners is authorized to employ a General Manager of the Ventura Port District by Employment Agreement who shall be responsible for the day-to-day management of the District and the employment of the District personnel subject to Board policy. The qualifications of the General Manager shall meet the requirements established by the Board. The General Manager may also act as Board Secretary or be appointed as the Finance Officer, but no Commissioner shall be appointed as General Manager. The duties of the General Manager shall be determined by the Board, and the General Manager's performance shall be evaluated annually by the Board.

The General Manager may also acts as "Auditor" pursuant to the California Harbors and Navigation Code Section 6241.1, which states..."An auditor shall be appointed by the board with the approval of the City Council..."

6.2 General Counsel

General Counsel to the District is appointed by the Board, and although they may provide services to the District under contract, General Counsel serves at the pleasure of the Board. The Board shall review the performance of General Counsel periodically.

7.0 PORT COMMISSION MEETINGS

7.1 Meeting Location

Meetings of the Board shall be held at 1603 Anchors Way Drive, Ventura, California. The Board may, at times, elect to meet at other locations within the City and upon such election shall give public notice of the change of location as per Brown Act requirements.

7.2 Compliance with the Brown Act

Pursuant to the Ralph M. Brown Act ("Brown Act"), all meetings of the Board of Port Commissioners shall be open and public, and all persons shall be permitted to attend and participate in any public meeting of the Board of Port Commissioners except as provided by law; provided, however, that closed sessions may be held when permitted by law. Periodically, Legal Counsel will provide a refresher training on the Brown Act.

7.3 Regular Meetings

The Board of Port Commissioners considers and approves a meeting schedule for the year at one of its regular meetings, usually in December of each year. Regular Meetings are typically held the first and third Wednesday of every month. However, the Board customarily does not meet in August, and November and December have only one meeting on the third Wednesday of the month. Normally, closed session begins at 5:30PM for public comment on closed session items. Open session begins at 7:00PM.

7.4 Special Meetings

Special meetings of the Board may be called and held from time to time pursuant to the procedures set forth in the Brown Act.

7.5 Emergency Meetings

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities an emergency meeting may be called by the Board Chairman or by a majority of the Commissioners without complying with the 24-hour notice or posting requirements or both. The meeting shall be conducted under the same rules as a Special Meeting. The Board may meet in closed session pursuant to Government Code section 54957 during an Emergency Meeting if agreed to by two-thirds vote of the Commissioners present, or, if less than two-thirds of the Commissioners are present, then by a unanimous vote of the Commissioners present at the meeting.

An emergency situation includes an emergency (a work stoppage, crippling activity, or other activity which severely impairs public health or safety, or both, as determined by a majority of the Board) and a dire emergency (a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of the Board.) (GC Sec. 54956.5)

7.6 Cancelled Meetings

When the day for any regular meeting falls on a legal holiday, the regularly scheduled meeting for that day shall be deemed cancelled unless otherwise provided by the Board. Any meeting of the Board may be cancelled in advance by a majority vote of the Board.

7.7 Adjourned Meetings

Any regular, adjourned, or special meeting may be adjourned to another time, place and date specified in the order of adjournment provided it is not beyond the next regular meeting date. Once adjourned, the meeting may not be reconvened. (GC Sec. 54955)

7.8 Teleconferenced Meetings

Regular or Special meetings of the Board of Port Commissioners may be teleconferenced, i.e. a meeting of individuals in different locations, connected by electronic means, through either audio or video, or both. Any teleconferenced meeting shall meet requirements of the Brown Act (GC Sec. 54950, et seq.) as follows:

1. The meeting agenda(s) shall be posted at all teleconferenced locations and include a listing of each teleconference location. For example, a Commissioner teleconferencing from a hotel must see that the agenda is posted in the public area of the hotel and on the door of the Commissioner's room.
2. Any notices of the meeting shall list each teleconference location. The District Secretary shall be notified by a Commissioner desiring to teleconference of the Commissioner's location in sufficient detail and sufficiently in advance of the meeting date to meet the requirements for providing the appropriate notice.
3. Each teleconference location shall be accessible to the public. For example, if a Commissioner is teleconferencing from his/her hotel room then the door to the room must be ajar or unlocked to permit members of the public to enter during the course of the teleconferenced meeting.
4. A speaker phone must be used at the location of the teleconferencing site to permit members of the public who attend the meeting to be able to hear the meeting and, as appropriate, participate in the meeting.
5. All votes taken during a teleconferenced meeting shall be by roll call. (GC Sec. 54953(b)).

7.9 Closed Sessions

The Board may hold closed sessions during any regular, adjourned-regular or special meeting, or any time otherwise authorized by law, to consider any matter which is authorized by law to be heard or considered in closed session, including, but not limited to, the following:

- (a) Real Property Negotiations – To discuss the terms of a real estate transaction
- (b) Litigation – To discuss anything related to the litigation – facts, legal theories, settlements, etc.
- (c) Labor Negotiations – To confer with and instruct the District's labor negotiator with respect to labor negotiations
- (d) Personnel Matters – To discuss the employment, appointment, evaluation or dismissal of staff

The general subject matter for closed session consideration shall be agendaized or publicly announced as required under the Brown Act, before such session is held.

Except as otherwise provided in Government Code section 54963, no person in attendance at a closed session shall disclose confidential information that has been acquired during the closed session to a person not entitled to receive that information, unless the Board of Directors authorizes the disclosure.

Confidential information means a communication made in closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under Government Code Section 54963.

Violation of Government Code Section 54963 may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

- (1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.
- (2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.
- (3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.
- (d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

7.10 Sub-committees

In an effort to ensure transparency in the conduct of District business, the use of committees is to be discouraged whenever possible. Generally, the Board only establishes committees on an ad hoc basis to more efficiently address matters subject to closed session. The District and public are better served when Board meetings are conducted openly. As such, the Board does not have standing committees. This will ensure that all five Commissioners have an equal opportunity to have input on all issues related to the District.

7.11 Board Liaisons

Board Liaison appointments can be raised by any Commissioner. When such appointment(s) is raised, it must be formally approved by the Commission at a noticed public meeting.

Commissioners appointed as a liaison shall represent the interests of the District and shall keep the Board informed of their activities and positions taken under the Board Communications portion of the agenda.

The current Board liaisons are: Dredging Liaison, Audit Liaison and JPIA Liaison.

7.12 Quorum and Voting

Three members of the Board shall constitute a quorum and three affirmative votes are required for the Board to take action. (H&N Code Section 6270)

Any Commissioner present at a meeting when a question comes up for a vote, should vote for or against the item unless he/she is disqualified from voting and abstains because of a conflict of interest. If the vote is a voice vote, the Chair shall declare the result. The Board may also vote by roll call at the request of any Board member. Resolutions and Ordinances require a roll call vote.

7.12.1 Attending Meetings of other Public Agencies, Conferences, Etc.

Any number of Commissioners may attend meetings of other public agencies, conferences, etc.; provided, however, that where a quorum of the Board is present, they do not discuss District business amongst themselves. This does not preclude Commissioners from addressing the governing body or members of a panel at the meeting or event regarding District business.

7.12.2 Social Gatherings

A quorum of the Board may attend or participate in social gatherings or other similar events. However, even when meeting socially, Commissioners shall not discuss District business, or the gathering could be deemed a meeting under the Brown Act.

7.12.3 Email, Texting, Instant Messages, and other Electronic Communication

Commissioners and staff must take care not to participate in non-contemporaneous electronic communications that could turn into a serial meeting under the Brown Act. The District encourages the use of email as a one-way communication tool. To this end, Commissioners should not “Reply All” to any emails to avoid a quorum of the Board being involved in the communication. Similarly, staff should be cautious of acting as an intermediary in a serial communication including Commissioners to avoid potential Brown Act violations.

7.13 Commissioner Absences

In the event a Commissioner is going to be absent from a Board meeting, every effort should be made to advise the Clerk of the Board in advance of that absence. If a Commissioner anticipates an extended absence, he or she should provide advance notice of the absence to the Chair and Clerk so that the Board may plan ahead for and manage any work that might otherwise be assigned to that Commissioner.

7.14 Attendance by the Public

All meetings of the Board, except Closed Sessions, shall be open and public in accordance with the terms, provisions and exceptions consistent with the Brown Act. A public comment period is available for members of the public to raise issues of concern within the Board’s jurisdiction or authority at all regular meetings of the Board. While public comments are welcome, the public should not expect a response or any significant exchange, as the Board is limited under the Brown Act in its ability to respond to public comment.

7.14.1 Public Communications – Verbal and Written

The Board shall accept public comments and testimony on specific agenda items as well as on matters not specifically appearing on the agenda. The Board will request, but not require, speakers to fill out and submit a speaker card to the Clerk.

For items appearing on the Board agenda, prior to initiation of discussion by the Board, the Chairman will acknowledge that a request to speak has been received and invite the speaker to address the Board immediately prior to or during discussion of the item by the Board.

In addition to verbal comments, written comments will be accepted prior to the start of the public hearing. Copies of all written comments shall be distributed to the Board prior to their decision on the matter and posted on the Commission's webpage. Written comments will not be read out loud during public comment.

7.15 Agendas

The Clerk of the Board shall prepare, publish and distribute agendas for all meetings. Meeting agendas shall be posted at least 72 hours in advance and topics shall be limited to those on the agenda. Agendas are available on the Ventura Port District Website at <https://venturaharbor.com/board-meetings-minutes/>.

7.16 Minutes and Recordings

Minutes and recordings of Board meetings will be kept and maintained as follows:

- a. "Action Minutes" will be prepared by the Clerk of the Board for all Commission meetings that are open to the public. Minutes are prepared after each commission meeting by the Clerk of the Board and approved by the Board at a subsequent meeting. These minutes are not actual transcripts of the meetings but describe only the motion-maker and the contents of the motion, the Commissioner seconding the motion, the vote, and any conditions of approval. The minutes will also reflect the names of public speakers. If a Commissioner desires for a comment to be included in the minutes, it is his or her responsibility to indicate to the Clerk of the Board that the statement is "for the record" before making the comments.
- b. Board meetings are digitally recorded and maintained by the Clerk of the Board in accordance with the District's Record Retention Policy. Members of the public may listen to audio recordings on the District's website.

8.0 Order of Business

The business of the Commission at its meetings will generally be conducted in accordance with the following order unless otherwise specified on the agenda. A closed session may be held at any time during a meeting consistent with applicable law:

CALL TO ORDER (Closed Session)
ROLL CALL
PUBLIC COMMUNICATION
ADJOURN TO CLOSED SESSION
CALL TO ORDER (Open Session)
PLEDGE OF ALLEGIANCE
ROLL CALL
ADOPTION OF AGENDA
APPROVAL OF MINUTES
PUBLIC COMMUNICATIONS
CLOSED SESSION REPORT (If a closed session is conducted)
BOARD COMMUNICATIONS
STAFF AND GENERAL MANAGER REPORT(S)
LEGAL COUNSEL REPORT
CONSENT AGENDA
STANDARD AGENDA
 ACTION ITEMS
 INFORMATIONAL ITEMS
ADJOURNMENT

Call to Order – The Chair opens the public meeting by calling it to order at the appropriate scheduled time.

Pledge of Allegiance – The Chair or designee will lead those present at the meeting in the Pledge of Allegiance.

Roll Call – The Clerk of the Board will take roll.

Adoption of the Agenda – The Board will consider and approve, by majority vote, minor revisions to agenda items and/or attachments and any item added to (in accordance with the requirements of the Brown Act) or removed/continued from the agenda. This motion is approved by voice vote.

Approval of the Minutes – The Commission will discuss, make possible amendments to and approve minutes of the past meeting(s).

Public Communications – This period is set aside to allow public communications on items not on the agenda, but within the jurisdiction and authority of the District. Each person may address the Board for up to three minutes or at the discretion of the Chair. Each person is requested but not required to fill out and return to the Clerk of the Board a speaker slip, which allows the Chair to recognize who would like to speak. No person may speak without first being recognized by the Chair.

Closed Session Report – Any reportable actions taken by the Board during Closed Session will be announced at this time by Legal Counsel.

Board Communications – This time is set aside to allow Board members to briefly comment on District issues, such as seminars, meetings, projects and literature that would be of interest to the public and/or District, as a whole, as well as report any interactions with Harbor tenants.

Staff and General Manager Report(s) – District staff will give the Board reports on their Department activities. The General Manager will report on items of general interest to the Board and public.

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

Consent Agenda - Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the Board at one time, without discussion, unless a member of the Board or the public requests an opportunity to address any item identified on the Consent agenda. Approval by the Board of Consent Items means that the recommendation by staff is approved by motion along with the terms set forth in the applicable staff reports.

Standard Agenda – The Standard Agenda consists of Action Items and Informational Items.

Action Items – In accordance with the Brown Act, the Board may not take action on any item that does not appear on the agenda posted at least 72 hours prior to the meeting, unless the item is added to the agenda in accordance with the Brown Act (Gov't Code Section 54954.2). Staff will give the Board a report, the Board will ask questions, the Chair will call for public comment, then Board discussion and deliberation, and then action may be taken, to be followed by a brief oral summary of the action taken by the Chair or the Board member presiding at the meeting. A voice vote or roll call vote will be taken, unless the item is continued, or no motion or action is taken.

Informational Items – Staff will give a report on matters requested by the Board or a Commissioner or on a matter of general interest to the Board or public. Normally, no action is to be taken on an informational Item.

Adjournment – The Chairman will adjourn the meeting.

ACKNOWLEDGEMENTS

This handbook was based on similar handbooks from other municipalities. We thank the City of Ventura, County of Santa Barbara, Princeton, New Jersey Government, Newhall County Water District, Alameda-Contra Costa Transit District, and San Simeon Community Services District. Also used as references were the Harbors and Navigation Code, Robert's Rules of Order and the Brown Act.

9.0 PORT COMMISSION AND PORT DISTRICT POLICIES BY RESOLUTION

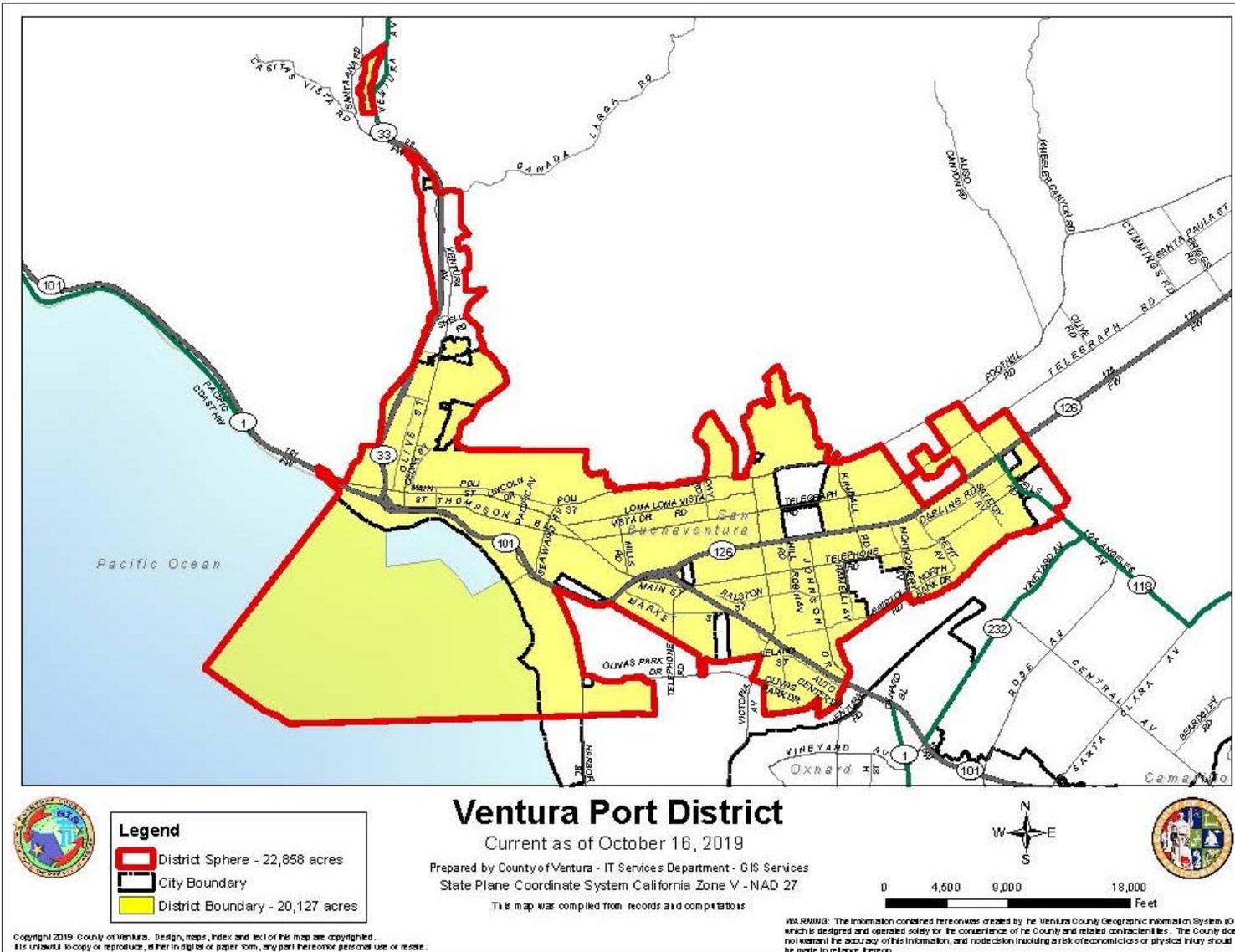
District policies can be found on the District's website under Port District Business – Transparency Reports. (<https://venturaharbor.com/transparency-reports-2/>)

If you are unable to locate a certain policy, please contact the District Clerk.

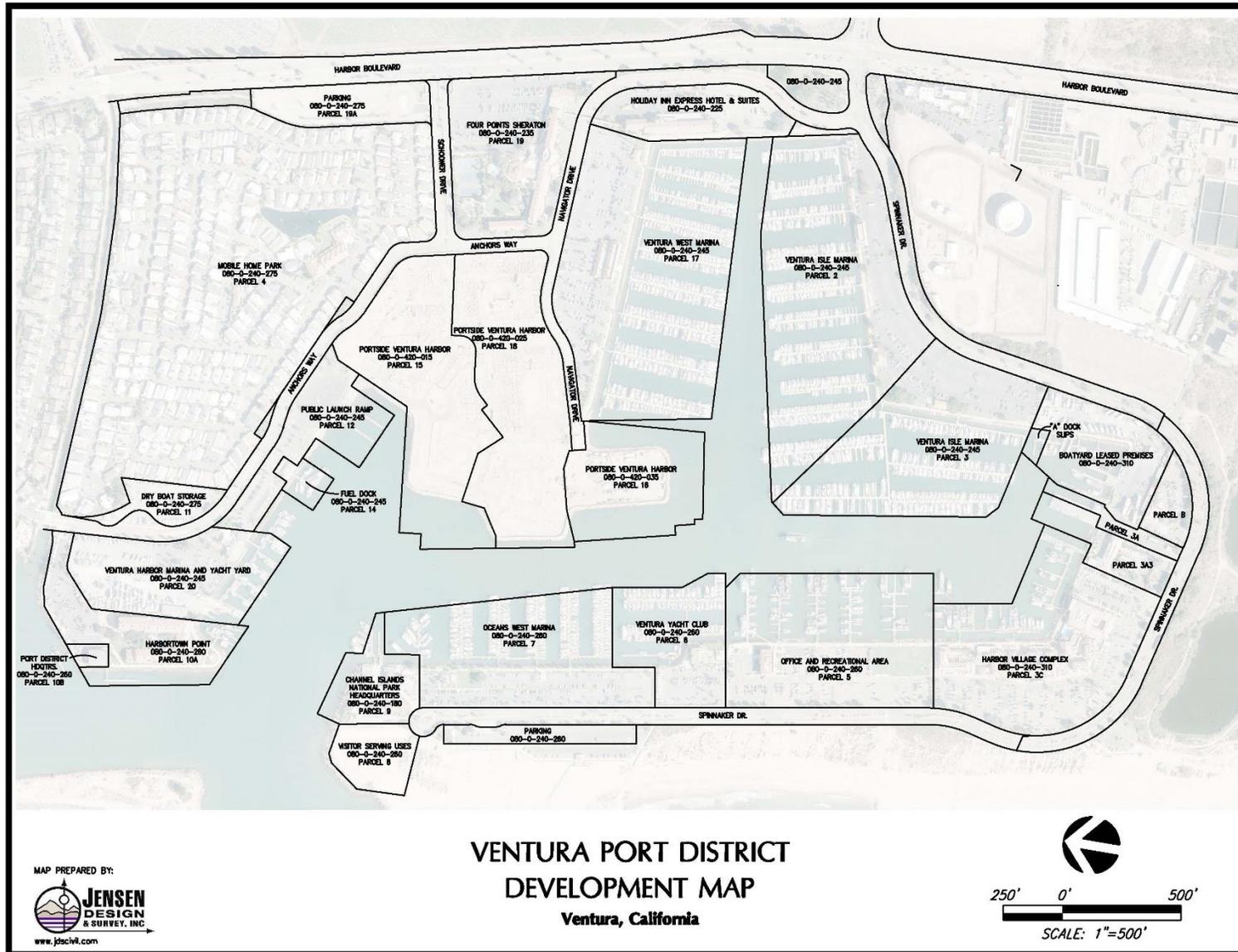
Ventura Port District Policies for reference:

- Records Retention Policy
- Lease Negotiation and Administrative Policy
- Slip Rate Policy
- Reserve Policy
- Investment Policy
- Master Lease/Option Negotiation Administration Policy
- Expense Reimbursement Policy for Commissioners
- District Conflict of Interest Code
- Expense Reimbursement Policy for Employees
- California Public Records Act Policy and Procedures
- Sale of Surplus Personal Property
- Ventura Port District Human Resources Manual
- Art Donation Policy
- California Uniform Construction Cost Accounting Policies & Procedures

APPENDIX 1 – LAFCO SPHERE OF INFLUENCE MAP



APPENDIX 2 – DISTRICT PARCEL MAP



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APPENDIX 3

Harbors and Navigation Code

General Provisions

6200. "District," as used in this part, refers to any port district formed pursuant to this part.

6201. "Board," as used in this part, means the board of port commissioners described in Chapter 2 (commencing with Section 6240).

6202. This part does not repeal, modify or otherwise affect the provisions of any other law relating to port or harbor districts, and no other law providing for the creation of port or harbor districts repeals, modifies or otherwise affects this part or any of its provisions.

6203. Any property owned by any city which is used or held for the purpose of aiding or developing navigation, commerce or fishing may be transferred to the district to be used for the same purposes, and any lands of the State which may have been transferred to any such city may be transferred to the district subject to the trusts and other provisions for the transfer of the lands from the State to the city. A city which is governed by a freeholders charter may only transfer or turn over property if authorized by the provisions of its charter or an amendment thereof.

6204. If any land under a navigable stream is by virtue of any work or improvement by the United States or the State, freed from the easement of navigation and fishing, it reverts to the district, to be used for the purposes for which the district was organized. But if any land is not used or held for such purposes, it reverts to the State.

6205. If the district is dissolved, lands which were granted to it by a municipal corporation revert to that municipal corporation.

Formation

6210. A district may be organized pursuant to this part. It shall include one municipal corporation and any contiguous unincorporated territory in any one county but a municipal corporation shall not be divided in the formation of a district.

Territory which may be annexed to a municipal corporation, which is in a district, is by virtue of the annexation a part of the district.

6211. The formation of a district is initiated by a petition presented at a regular meeting of the board of supervisors of the county in which the proposed district is situated.

The petition shall be signed by a number of registered voters, residing within the proposed district, equal to not less than five per cent of the number of registered voters, residing in the district, who voted at the last preceding general State election at which a Governor was elected. The petition may consist of any number of instruments.

6212. The petition shall state the name of the proposed district, and describe the proposed boundaries and it shall pray that the territory included be created a district pursuant to this part.

6213. Upon presentation, the petition shall be filed with the clerk of the board of supervisors, and upon filing, or at its next regular meeting, the board of supervisors shall fix a time for hearing it, which shall not be less than thirty nor more than sixty days from the date of filing.

6214. A notice of the time and place of the hearing of the petition, including a copy of the petition, excepting the names thereon, shall be published at least four times in a newspaper of general circulation published in the territory included within the proposed district, and in case no such newspaper is published in the territory, then in a newspaper published in the county in which the proposed district is situated.

6215. At the hearing of the petition, the board of supervisors shall hear those appearing in support, and all protests or objections. The hearing may be adjourned from time to time, not exceeding sixty days in all.

6215.5. If the board of supervisors finds that protests have been made, prior to its final determination for formation of the district, by the owners of real property within the proposed district the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property within the proposed district, the proceeding shall terminate. The board of supervisors shall order the proceeding terminated when such protests are received.

6216. The board of supervisors may make such changes in the proposed boundaries of the district as are advisable, and it shall define and establish the boundaries.

If the board of supervisors deems it proper to include any territory not included within the boundaries proposed in the petition, it shall first give notice of its intention so to do, by publication of notice in a newspaper published in the county in which the district is located, for two times. The hearing on a proposed inclusion of additional territory shall not be continued beyond sixty days after the board determines to give notice of its intention to increase the boundaries. Within ten days of the final hearing of the matter, the board of supervisors shall make its order fixing the boundaries of the district.

6217. The boundaries of any district shall be fixed by the board of supervisors so as not to include more than fifty square miles of unincorporated territory. This area shall have a frontage upon the waterway which it is contemplated will be improved, and the board of supervisors shall only include within the boundaries land which will be benefited by the creation and operation of the district.

6218. At the time of making its order fixing the boundaries of the district the board of supervisors shall call an election to determine whether the proposed district shall be organized.

A defect in the contents of the petition or in the title to or in the form or publication of the notice shall not vitiate any proceedings thereon, if the petition has a sufficient number of qualified signatures.

6230. An election shall be held within 130 days of the call, to determine whether the district shall be organized. The election shall be conducted in conformity with the general election laws. At the election the proposition shall be placed on the ballot, permitting each voter to vote "yes" or "no."

6231. The board of supervisors shall canvass the results of the election and if a majority of those voting have voted "yes" the proposition is carried, and the board of supervisors shall certify the result to the Secretary of State, who shall file it. From and after the filing of the certificate by the Secretary of State, the district is in existence.

6232. A certified copy of the certificate filed with the Secretary of State, shall be recorded in the office of the county recorder in the county in which the district is situated.

6233. Any informality in procedure or in the conduct of the election shall not invalidate the establishment of the district.

Any proceedings in which the validity of its establishment is denied shall be commenced within sixty days after the date of filing in the office of the Secretary of State of the certificate mentioned in this article. Otherwise, the establishment and legal existence of the district and all proceedings in respect thereto are valid in every respect and incontestable.

Board of Port Commissioners

6240. The district shall be governed by a board of port commissioners. The board consists of five members. Two of the commissioners shall be appointed by the board of supervisors of the county in which the district is located. Two of the commissioners shall be appointed by the city council of the municipal corporation situated in the district. The board of supervisors, together with five members of the city council, appointed by the mayor of the municipality in the district constitute a board of election to appoint the other commissioner. This commissioner shall be chairman of the board. A majority vote is necessary for the appointment of the chairman of the board. An auditor shall be appointed by the board of port commissioners and approved by the board of supervisors and the city council.

6241. These appointments shall be made within thirty days after the formation of the district.

6241.1. Port districts in Ventura County shall be governed by a board of port commissioners consisting of five members appointed by the mayor of the municipal corporation in the district, with the approval of the city council.

The chairperson of the board shall be elected by the commissioners for a term of two years. An auditor shall be appointed by the board with the approval of the city council.

After a public hearing, the city council may remove commissioners from office during their term for cause by a vote of not less than five members of the city council.

6242. A vacancy on the board shall be filled by the body which appointed the commissioner whose office is vacated, and the new appointee shall hold his office for the unexpired term.

6243. Each commissioner shall, within ten days after his appointment and before entering upon the discharge of the duties of his office, take and subscribe to an oath or affirmation before an officer authorized by law to administer oaths, that he will support the Constitution of the United States and the Constitution of the State of California, and will faithfully discharge the duties of his office according to the best of his ability. The oaths or affirmations shall be filed in the office of the district.

6244. A person shall not be appointed a member of the board unless he is, at the time of his appointment, a taxpayer within the district and has resided within the district for at least one year.

6245. The term of office of each commissioner is four years from the time of his appointment, except that the chairman first appointed shall hold office for two years, and the remaining commissioners first appointed to the board shall classify themselves by lot, so that they hold office respectively for one, two, three, and four years.

6246. The chairman is the presiding officer of the board and he shall vote on propositions passed upon by the board.

6247. The first meeting of the board shall be held within ten days of the appointment of its chairman. The board may make its own rules of procedure and determine the place and time of its meeting.

6248. The board shall select one of its members vice chairman, who shall preside in the absence of the chairman.

The board shall provide for and select such officers, except the auditor, as it deems necessary to conduct the affairs of the district.

6249. The board may prescribe rules and regulations pertaining to the selection of officers and employees of the district, other than the auditor. It shall also fix the salary or wages of all officers and employees of the district. The term of each officer appointed by the board shall be during the pleasure of the board.

The board may adopt and carry into effect a contract or contracts of group insurance or a system of group annuities or both for the benefit of such of the officers and employees of the district as accept the same and who have authorized the board to make deductions from their compensation for the payment of a portion of the premium thereon. Contracts of group insurance or systems of group annuities which include benefits to dependents of officers and employees are contracts of group insurance or systems of group annuities for the benefit of officers and employees for the purpose of this section.

The board may make such deductions and may pay the remainder of such premiums from any funds of the district not required to be devoted to a specific purpose. The board may pay such portion of the premiums thereon or attributable thereto as it determines to be advisable. The board may arrange or contract for a contract or contracts of group insurance or a system of group annuities or both with any public agency or any insurance company or agent authorized by or pursuant to law to transact such business within this State.

6250. A corporation may be selected as treasurer or the board may provide that the duties of the treasurer shall be performed by the county treasurer of the county in which the district is located, or by the city treasurer of the city within the district.

6251. The commissioners shall serve without salary or compensation.

6252. The auditor of the district shall hold office during the pleasure of the board of election, and it shall fix his salary and require him to file a bond for the faithful performance of his duties in such amount as it may determine. The bonds shall be filed in the office of the board.

6253. The mayor of the city within the district, or the chairman of the board of supervisors of the county in which the district is located, may call meetings of the board of election.

6254. The fiscal year of any district shall begin on the first day of July of each year and shall end on the thirtieth day of June in the following year, unless otherwise fixed with the consent of the board of supervisors of the county in which the district is located.

6255. The board shall annually file a report of the affairs and financial condition of the district for the preceding year. This report shall show the sources of all receipts and purposes of all disbursements during the year.

6270. The powers of a district established pursuant to this part shall be exercised by the board, by ordinance or resolution passed by a majority vote of the board. All ordinances shall be published in a newspaper of general circulation, printed or published in the county in which the district is situated, at least once before final passage.

Franchises and leases for a period of more than ten years shall not be valid, unless authorized by ordinance.

6271. A grant of a franchise or lease of property of the district shall not be made for a longer period than 50 years.

6272. A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

6273. The district may itself, without letting contracts therefor, do work and make improvements. The work shall be done under the direction of its officers or employees.

6275. An officer of the district, and any of its employees, shall not be interested, directly or indirectly, in any contract or transaction with the district; or become surety for the performance of any contract made with or for the district, upon bonds given to the district.

An officer or employee of the district shall not receive any commission or thing of value, or derive any profit, benefit, or advantage, directly or indirectly, from or by reason of any dealings with or service for the district by himself or others, except as lawful compensation as such officer or employee.

The violation of the provisions of this section by an officer or employee works a forfeiture of his office or employment.

6276. (a) In lieu of the benefits afforded pursuant to Division 4 (commencing with Section 3200) and Division 4.7 (commencing with Section 6200) of the Labor Code, the district may agree to provide workers' compensation benefits to its stevedore employees in amounts, and under such conditions, as would be payable to stevedore employees of private employers pursuant to the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 901, et seq.).

(b) Such an agreement shall be binding upon the parties only if it is in writing and signed by the employee and by a representative of the district. It shall acknowledge, in writing, that the benefits agreed upon are authorized by this section and are expressly in lieu of any benefits available under Division 4 (commencing with Section 3200) and Division 4.7 (commencing with Section 6200) of the Labor Code.

(c) All claims for benefits against the district which are authorized by this section shall be determined pursuant to law and the rules and regulations of the Workers' Compensation Appeals Board.

To the fullest extent possible, the Workers' Compensation Appeals Board shall attempt to apply the Longshoremen's and Harbor Workers' Compensation Act to employees covered by this section in the same manner as applicable to private employees.

(d) Notwithstanding the provisions of Sections 11779 and 11870 of the Insurance Code or any other provision of law, the State Compensation Insurance Fund or any private insurer may provide insurance coverage for the benefits authorized by this section.

District Powers

6290. A district created under this part is a public corporation created for municipal purposes.

6291. It has perpetual succession.

6292. It may sue and be sued.

6293. It may adopt a seal.

6294. It may take by grant, purchase, gift, devise or lease or otherwise acquire and hold and enjoy, and lease or dispose of, real and personal property of every kind, within or without the district, necessary to the full or convenient exercise of its powers.

6295. A district may acquire, purchase, takeover, construct, maintain, operate, develop, and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, belt railroads, floating plants, lighterage, lands, towage facilities, and any and all other facilities, aids, or public personnel, incident to, or necessary for, the operation and development of ports, waterways, and the district.

6296. It may exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of the district.

6297. It may incur indebtedness and issue bonds or other evidence of indebtedness for its purposes.

If any bonds issued for port improvement purposes by any part of a district prior to its creation are refunded, the refunding bonds are a lien only upon the lands upon which the original bonds were a lien at the time of the creation of the district.

6298. It may levy and collect or cause to be levied or collected taxes as in this part provided.

6299. It has exclusive jurisdiction over, and it may provide for and supervise pilots and the pilotage of sea-going vessels from the end of jurisdiction of existing pilot authorities to points lying upon any navigable waterway project of the United States, entering the district.

6300. It may contribute money to the Federal or the State Government or to the county in which it is located or to any city within the district, for the purpose of defraying the whole or a portion of the cost and expenses of work and improvement to be performed, either within or without the territorial limits of the district, by the Federal, State, county or city government, in improving rivers, streams, or in doing other work, when such work will improve navigation and commerce, in or to the navigable waters in the district.

6301. A district may do any work or make any improvement within or without the territorial limits of the district, which will aid in the development or the improvement of navigation or commerce to or within the district.

6302. A district may enact necessary police regulations providing for control of any waterway project of the United States, entering the district, and adopt rules and regulations concerning the construction of wharves, docks, buildings, and improvements of all types, contemplated.

6303. A district may provide for the opening and laying out of streets leading to the waterfront.

6304. A district may regulate and control the construction, maintenance, and operation or use of all wharves, warehouses, structures, improvements, or appliances used in connection with or for the accommodation and promotion of transportation or navigation on any improvement project of the federal government applying to the main waterway entering the district and on other navigable streams improved or unimproved which lie within the district, and it may make and enforce necessary police and sanitary regulations in connection therewith.

6304.1. Notwithstanding any other provision of law, any port district which has received, or is receiving, money pursuant to the provisions of Division 1 (commencing with Section 30) for the construction or improvement of a small craft harbor or facilities in connection therewith, may enter

into a lease of any portion of its land and water area which has been freed from the public trust for commerce, navigation, or fisheries for the development of marine-oriented apartments and townhouses. Such lease may authorize the lessee to sublet individual dwelling units, but such lease shall not exceed a term of 50 years, after which time any improvements constructed pursuant to the lease shall revert to the district. Land rental units constructed pursuant to such lease shall be available to all persons on equal and reasonable terms. Any such lease shall contain express provisions requiring the lessee to provide for reasonable public access across the leased lands to adjacent port water areas.

Nothing in this section shall be construed to allow the use of tide or submerged lands in any manner inconsistent with the California Constitution or with the public trust for commerce, navigation, or fisheries.

Any lease of real property so freed from the public trust which is proposed to be let under the provisions of this section shall first be submitted to the State Lands Commission and to the Attorney General for review and approval, and no such lease shall be let unless the State Lands Commission and the Attorney General find that the proposed lease would be in the public interest and would not be in violation of any provision of the California Constitution or of any term of a grant of tidelands or submerged lands and would not be inconsistent with the public trust for commerce, navigation, or fisheries.

6305. It may fix, regulate and collect the rates or charges for the use of wharves, warehouses, vessels, railroads and other facilities, structures and appliances owned, controlled or operated by it, in connection with or for the promotion and accommodation of transportation or navigation, and it may also fix, regulate and collect the rates or charges for pilotage and towage.

6306. It may lay out, plan and establish the general plan and system of harbor and harbor district improvements and modify the plan and prescribe the specifications for such improvements.

6307. It may perform the functions of warehousemen, stevedores, lighterers, reconditioners, shippers and reshippers of properties of all kinds.

6308. It may manage the business of the district and promote the maritime and commercial interests by proper advertisement of its advantages, and by the solicitation of business, within or without the district, within other States or in foreign countries, through such employees and agencies as are expedient.

6309. Except as otherwise provided in Section 660, the board may adopt all ordinances necessary for the regulation of the district with respect to the parking of vehicles, the speed and operation on vehicles and vessels, berthing of vessels, fire safety ashore and afloat, prohibiting the pumping of raw sewage or waste into port waters, and littering.

6309.2. Before any ordinance may be adopted, the ordinance shall be published in its entirety on three separate occasions in a newspaper of general circulation published within the district, or if none, in any newspaper of general circulation published in the county in which the district, or a part thereof, is located, together with a notice of the date on which the board will meet for the purpose of adopting the ordinance. The first publication shall occur at least 20 days prior to the date of such meeting, and the second and third publications shall occur at seven-day intervals. The general public shall be allowed to appear at the meeting and be heard on the proposed ordinance. The ordinance shall become effective as provided in Section 9141 of the Elections Code, unless another effective date is set forth by the board.

6309.4. Every person who violates any of the provisions of a district ordinance adopted pursuant to Sections 6309 and 6309.2 is guilty of an infraction and shall be subject to a fine not to exceed one hundred dollars (\$100).

6309.6. The district's manager, harbormaster or wharfinger, or any duly authorized representative of one of these persons, shall have the power to issue citations for violation of district ordinances in the manner provided by Chapter 5C (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code.

6310. Notwithstanding the enumeration and specific statement herein of particular powers, the district may do and perform all acts and things necessary and appropriate to carry out the purposes of this part and the powers of the district.

6311. Upon a four-fifths vote of all the members of the board, it may issue negotiable promissory notes bearing interest at a rate of not exceeding 7 percent per annum; provided, however, that said notes shall be payable from revenues and taxes levied for purposes of the district other than the payment of principal and interest on any bonded debt of the district; and provided further, that the maturity shall not be later than 20 years from the date thereof and that the total aggregate amount of such notes outstanding at any one time shall not exceed 1 percent of the assessed valuation of the taxable property in the district, or if said assessed valuation is not obtainable, 1 percent of the county auditor's estimate of the assessed valuation of the taxable property in the district evidenced by his certificate.

Bonds

6330. A district may create a bonded debt pursuant to Article 1 (commencing with Section 43600) of Chapter 4 of Division 4 of Title 4 of the Government Code. Bonds may be issued for the purpose of raising money for use in carrying out any of the powers and purposes of the district.

6331. Bonds issued by any district pursuant to this part are legal investments for all trust funds, and for the funds of all insurers, banks, both commercial and savings, and trust companies, and for the State school funds, and whenever any money or funds may, by law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts or municipalities in this State, such money or funds may be invested in bonds of districts organized pursuant to this part.

6340. Pursuant to this article a district may create a revenue bond indebtedness for the acquisition and construction, or acquisition or construction of any improvements or property or facilities contained within its powers.

6341. The issuance of said bonds shall be authorized by ordinance adopted by two-thirds of all the members of the board, to take effect upon its publication.

6342. The secretary shall publish said ordinance once in a newspaper of general circulation printed in said district, and if there is none, then in such newspaper published in the county in which said district is located.

6343. Said ordinance shall specify the total amount, denomination, method of maturity, and the rate or maximum rate of interest of said bonds, and in general terms, the acquisitions and improvements to be constructed thereby; and, in addition, shall contain such other and further provisions as in the judgment of the board are deemed advisable.

6344. The proceeds of said bonds shall be placed in an account in the treasury of the district to be entitled ____ Port District Revenue Construction Fund No. ____ and used exclusively for the objects and purposes mentioned in the ordinance.

6345. The lien of said bonds of the same issue shall be prior and superior to all revenue bonds subsequently issued.

6346. Proceedings for the issuance of said bonds shall be had, the board shall have such powers and duties, and the bondholders shall have such rights and remedies, all in substantial accordance with and with like legal effect as provided in Sections 54344 to 54346, inclusive, 54347, 54348, 54350, 54351, 54352, and in Articles 4 (commencing at Section 54400) to 11 (commencing at Section 54660), inclusive, of Chapter 6, Part 1, Division 2, Title 5 of the Government Code. As used therein the word "resolution" shall mean ordinance, the word "local agency" shall mean district, and the words "legislative body" shall mean board.

6355. Whenever, upon the creation of a district any municipality therein or any county in which the district is located which has theretofore authorized or incurred a bonded indebtedness for any work or improvement for which the district may incur a bonded debt pursuant to this part, and such municipality or such county thereafter sells such bonds or any portion thereof, the proceeds of the sale may, upon the order of the appropriate board of supervisors or city council, be paid by the custodian into the treasury of the district and shall be applied by the board, exclusively to the purposes and objects for which the bonds were authorized by the municipal corporation or the county issuing them.

Finances and Taxation

6360. On or before June first of each year, the port director shall submit to the board a detailed statement of the money required for the ensuing fiscal year for the purpose of conducting the business of the district. There shall be submitted with such estimate, such data and schedules as the board may require.

6361. Annually, on or before the date set for the consideration of the budget by the board of supervisors of the county in which the district is located, the board of each district shall furnish to the board of supervisors of the county in which the district is situated, an estimate in writing of the amount of money needed for all purposes by the district during the ensuing fiscal year. Thereupon, it is the duty of the board of supervisors to levy a special tax, on all taxable property of the county lying within the district, sufficient in amount to raise that sum.

6362. The tax shall in no event exceed the rate of ten cents (\$0.10) on each one hundred dollars (\$100) of the assessed value of all taxable property within the district, exclusive of the amount necessary to be raised by taxes to meet bond and promissory note interest and redemption. The tax shall be computed, entered upon the tax rolls and collected in the same manner as county taxes are computed, entered and collected. All money collected shall be paid into the county treasury to the credit of the particular district fund and shall be paid to the treasurer of the district upon the order of the board of port commissioners.

6363. From the time of the organization of any district until the next succeeding July first, the district may incur indebtedness for the purpose of operating the port and in the first tax levy, the rate shall be in an amount sufficient to operate the port for the first full fiscal year as well as to pay the obligations thus incurred before the first of the July succeeding the creation of the district.

6364. A district may impose a special tax pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

6365. (a) The district may, in any year, levy assessments, reassessments, or special taxes and issue bonds to finance waterway construction projects and related operations and maintenance, or operations and maintenance projects independent of construction projects in accordance with, and pursuant to, the Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), the Benefit Assessment Act of 1982 (Chapter 6.4 (commencing with Section 54703) of the Government Code), the Integrated Financing District Act (Chapter 1.5 (commencing with Section 53175) of Division 2 of Title 5 of the Government Code), the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code), and the Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code).

(b) Sections 5116, 5117, 5118, 5119, 5190, 5191, 5192, 5193, 10104, and 10302 of the Streets and Highways Code shall not apply to assessment proceedings undertaken pursuant to this section.

(c) Notwithstanding the related provisions of any assessment act which the district is authorized to use, any assessment diagram which any of those acts requires to be prepared prior to final approval of the assessment district may show only the exterior boundaries of the assessment district and the boundaries of any assessment zones or improvement areas within the district. The diagram may refer to the county assessor's maps and records for a detailed description of each lot or parcel.

(d) Notwithstanding any other provision of law, the district may levy and collect assessments and reassessments in the same manner as provided in Article 3 (commencing with Section 51320) of Chapter 2 of

Part 7 of Division 15 of the Water Code, to pay any or all of the following:

(1) For the operation and maintenance of projects, including maintenance of lands, easements, rights-of-way, dredge material disposal areas, and remediation.

(2) For the satisfaction of liabilities arising from projects.

(3) To accumulate a fund which may be used to advance the cost of district projects, provided that the advances be repaid, with interest as determined by the commissioners, from assessments, reassessments, special taxes, or fees charged by the district pursuant to this section.

(4) To acquire real property, easements, or rights-of-way for a navigation project or the maintenance of a navigation project.

(5) To acquire real property within the district for disposal of dredged material.

(e) For purposes of this section, functions designated by Article 3 (commencing with Section 51320) of Chapter 2 of Part 7 of Division 15 of the Water Code to be performed by the board of supervisors, the board of trustees, or valuation commissioners shall be performed by the district's board.

(f) For purposes of this section, the board may order the creation of a separate assessment roll to pay the allowable expenses of any single project or any group or system of projects.

(g) Notwithstanding any other provision of law, all assessments, reassessments, and taxes levied by the district may be collected together with, and not separately from, taxes for county purposes.

Any county in which the district is located may collect, at the request of the district, all assessments, reassessments, and special taxes levied by the district and shall cause those revenues to be deposited into the county treasury to the credit of the district.

Each county may deduct its reasonable collection and administrative costs.

(h) Notwithstanding any other provision of law, any assessment or reassessment levied pursuant to this section may be apportioned on the basis of land use category, tonnage shipped on the waterway, size and type of vessel using the waterway, front footage, acreage, capital improvements, or other reasonable basis, separately or in combination, as determined by the district commissioners.

(i) Notwithstanding any other provision of law, Division 4 (commencing with Section 2800) of the Streets and Highways Code shall not apply to any assessment levied by the district.

(j) Notwithstanding any other provision of law, no bond issued pursuant to this section shall be used to fund the routine maintenance dredging of channels.

6370. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto. All claims not governed thereby shall be filed with the auditor on forms and blanks prescribed by him. A claim shall not be paid without the endorsement of the auditor certifying to its correctness.

The auditor shall keep a record, which shall be a public record, of all claims against the district showing by whom made, for what purpose, the amount thereof and when paid.

6371. If there is not sufficient money in any fund to pay the demands made against it, the demand shall be registered in a book kept by the treasurer, showing its number, when presented, date, amount, name of payee, and on what account allowed and out of what fund payable, and when so registered, the demand shall be returned to the person presenting it with the endorsement of the word "Registered" dated and signed by the treasurer. All registered demands are payable in the order of their registration.

This section does not prevent the payment by the treasurer of bonds of the district or of any city or county, and interest coupons thereof, in accordance with the Constitution of this State and the provisions of this part authorizing the issuance and payment of such bonds.

6372. Wages and salaries shall be paid at such intervals as the board may direct, but at least once each month.