



BOARD OF PORT COMMISSIONERS MEETING JANUARY 18, 2023

Ventura Harbor
GATEWAY TO THE CHANNEL ISLANDS NATIONAL PARK

- Call to Order
- Pledge of Allegiance
- Roll Call

ADMIN AGENDA

ADMIN AGENDA

**Adoption of the
January 18, 2023 Agenda**

**Approval of the Minutes of
January 4, 2023
Regular Meetings**

PUBLIC COMMUNICATION ADMIN AGENDA ITEMS NOT ON TODAY'S AGENDA

00 : 03 : 00

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TimeUp Reminder (Optional):

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Choose Sound Effect

None

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None

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

ADMIN AGENDA

**Approval of New Slip Charter Lease Agreement
with Boatels on the Water, LLC dba Boatels on
the Water**

RECOMMENDATION

That the Board of Port Commissioners approve a new Slip Charter Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Boatels on the Water, LLC dba Boatels on the Water for the premises located at D-16A and D-16B consisting of two slips having a total of 110 linear feet for an eighteen-month term with two one-year options.

**CONSENT
AGENDA
ITEM
A**

**Report by:
Todd Mitchell, Sr. Business Ops Manager**

PUBLIC COMMUNICATION CONSENT AGENDA ITEM A

00 : 03 : 00

**Adoption of Resolution No. 3462 Declaring a
State of Emergency due to the Atmospheric
River Rain Events in January 2023 and
Authorizing the General Manager to Take
Emergency Measures to Respond to Impacts to
the District**

STANDARD AGENDA ITEM 1

Report by:
Brian D. Pendleton, General Manager

RECOMMENDATION

That the Board of Port Commissioners adopt Resolution No. 3462, making certain findings as set forth in said Resolution, including, without limitation, the following:

- A) Declare a State of Emergency due to the impacts suffered by the on-going atmospheric river storm systems creating a public safety concern;
- B) Find, based upon the evidence presented, the matter of the conditions of the Ventura Port District requires emergency actions; and
- C) The Board hereby delegates to the District's General Manager the authority to:
 - 1) take any action required to respond to the emergency;
 - 2) submit any and all emergency permit applications and documents required to support obtaining any necessary permits to perform work; and,
 - 3) to procure the necessary equipment, services, and supplies for the purpose of making the District's facilities, infrastructure, waterways and adjacent beach areas safe and usable, without giving notice for bids to let contracts; and,
- D) The General Manager shall report to the Board of Port Commissioners at its next regularly scheduled meeting the actions to respond to the emergency; and,
- E) The Board will review the emergency action at every regularly scheduled meeting hereafter until the emergency action is terminated, to determine that there is a need to continue the action by a four-fifths (4/5) vote.
 - 1) That, when the Board reviews the emergency action at subsequent meetings, if necessary, the Board will terminate the action at the earliest possible date that conditions warrant so that the remainder of the emergency action may be completed by giving notice for bids to let contracts, if necessary.

STANDARD AGENDA ITEM 1

Report by:
Brian D. Pendleton, General Manager

JANUARY 2023 STORMS STATE OF EMERGENCY



- Recent severe winter storms have caused damage within the Harbor area:
 - Village suites,
 - Public launch ramp,
 - Private boats and docks within the City's Ventura Keys,
 - City streets within the Harbor,
 - Significant coastal beach erosion, and
 - Debris flows into the Harbor and surrounding beaches
- Debris removal and repairs hampered by volume of material, continuing rain, wind, wave action and storm surge
 - These conditions present risks to the public
- The Harbor entrance has been the subject of on-going U.S. Coast Guard safety warnings in coordination with Harbor Patrol
 - These conditions present risks to boaters
- Attempts to determine changes in inner-Harbor water depths have been impeded by turbidity in the water column due to storm runoff

- On January 4, 2023, the CA Governor declared a state of emergency as a result of the winter storms related to a series of atmospheric river systems that occurred
- On January 6, 2023, the acting City Manager of the City of Ventura, as the designated Director of Disaster Services, proclaimed the existence of a local emergency pursuant to section 2.370.050 of the Municipal Code
 - City residents and property within the City suffered damage due to the severe storms.
- On January 9, 2023 the City Council ratified a resolution confirming the existence of a local emergency.
- On January 8, 2023, President Biden declared an emergency in California in response to the severe winter storms, flooding, and mudslides experienced in the State
 - Federal assistance to supplement the local response efforts
 - Authorizes Department of Homeland Security and Federal Emergency Management Agency to coordinate all disaster relief efforts.
- The County of Ventura declared a local emergency on January 17, 2023.
 - Damage from last week's storms expected to top \$30 million.

- Emergency declarations are contemplated in the District's Procurement and Purchasing Policy Section IV. Exceptions to Competitive Bidding, to enable the District to coordinate a timely and effective disaster response.

C. Emergencies: Pursuant to Public Contract Code Section 20751.1, in case of an emergency, the Board may, by resolution passed by a four-fifths vote of all of its members, declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property, and thereupon proceed to expend any sum or enter into a contract involving the expenditure of any sum needed in the emergency without observance of the provisions requiring contracts, bids, or notice for any purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA. If notice for bid to let contracts will not be given, the Board shall also comply with Public Contract Code Section 22050. In the case of any emergency involving a public project or maintenance work under the UCCPA, the terms and conditions set forth in Public Contract Code Section 22035 shall control.

An "emergency" means a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

- Staff is recommending a Declaration of Emergency to delegate authority to the General Manager to ensure that the District's facilities, infrastructure and assets are made and remain safe and functional as well providing additional staffing as needed to provide supplemental Harbor Patrol, Facilities, Marina Dockmaster, and Administrative services including management and accounting throughout these ongoing atmospheric river storm systems.
- The Board will review the emergency status at subsequent meeting(s) to either terminate the emergency condition or to continue it, as circumstances dictate.





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STANDARD AGENDA ITEM 1

Report by:
Brian D. Pendleton, General Manager

PUBLIC COMMUNICATION STANDARD AGENDA ITEM 1

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TimeUp Reminder (Optional):

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None



VENTURA
PORT DISTRICT

Established 1952

ADJOURNMENT
NEXT MEETING FEBRUARY 1, 2023

Ventura Harbor

GATEWAY TO THE CHANNEL ISLANDS NATIONAL PARK