



# VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Michael Blumenberg, Chair  
Jackie Gardina, Vice-Chair  
Anthony Rainey, Secretary  
Brian Brennan, Commissioner  
Chris Stephens, Commissioner

Brian D. Pendleton, General Manager  
Todd Mitchell, Sr. Business Operations Manager  
Andy Turner, Legal Counsel  
Jessica Rauch, Clerk of the Board

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## REGULAR MEETING WEDNESDAY, MAY 3, 2023

VENTURA PORT DISTRICT OFFICE  
1603 ANCHORS WAY DRIVE  
VENTURA, CA 93001

CLOSED SESSION – 6:45PM  
OPEN SESSION – 7:00PM

### PUBLIC PARTICIPATION OPTIONS

**MEETINGS WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE  
AND VIRTUAL PARTICIPATION.**

#### **WATCH THE MEETING LIVE**

<https://us02web.zoom.us/j/83276329300>

Webinar ID: 832 7632 9300

1-669-900-6833

1-253-215-8782

#### **PUBLIC COMMENT VIA ZOOM**

To request to speak on an item, use the “raise hand” button to notify the Clerk. The Clerk will announce public speakers and unmute participants to speak. Please be mindful that the meeting will be recorded, and all rules of procedure and decorum apply for in-person attendees and those participating virtually.

#### **SUBMIT PUBLIC COMMENT VIA EMAIL**

To submit written comments on a specific agenda item, please do so via email by 4:00PM on the day of the meeting. When sending an email, please indicate in the subject line, the agenda item number (i.e. General Public Comment or Consent Item A). Written comments should be no more than 1,000 characters in length. Written comments will be distributed to the Commission and will be posted as a supplemental packet on the District’s website at <https://venturaharbor.com/board-meeting-documents/>. Please submit your comment to the Clerk of the Board at [jrauch@venturaharbor.com](mailto:jrauch@venturaharbor.com).

<b>CLOSED SESSION</b> <b>6:45PM</b>
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**CALL TO ORDER:** *By Chair Michael Blumenberg.*

**ROLL CALL:** *By the Clerk of the Board.*

**PUBLIC COMMUNICATIONS (3 minutes)**

*The Public Communications period is set aside to allow public testimony on items only on the Closed Session Agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.*

<b>CONVENE IN CLOSED SESSION</b>
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**CLOSED SESSION AGENDA**

**1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS - PER GOVERNMENT CODE SECTION 54956.8:**

- a) Property: **1583 Spinnaker Drive #109**  
Negotiating Parties: Brian D. Pendleton, Todd Mitchell, Andy Turner  
The Boatyard, Inc. dba Boatyard Pub  
Under Negotiation: **Terms of New Restaurant Lease Agreement**

**2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION:** (Verbal Report)  
(Paragraph (1) of subdivision (d) of Section 54956.9)  
Name of case: RDHP Properties vs. Ventura Port District, et al.  
Ventura County Superior Court Case No. 56-2020-00546511-CU-WM-VTA

**ADJOURNMENT**

<b>OPEN SESSION</b> <b>7:00PM</b>
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**CALL TO ORDER:** *By Chair Michael Blumenberg.*

**PLEDGE OF ALLEGIANCE:** *By Chair Michael Blumenberg.*

**ROLL CALL:** *By the Clerk of the Board.*

**ADOPTION OF AGENDA**

*Consider and approve, by majority vote, minor revisions to agenda items and/or attachments and any item added to or removed/continued from the Port Commission's agenda. Administrative Reports relating to this agenda and materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the Port District's office located at 1603 Anchors Way Drive, Ventura, CA during business hours as well as on the District's website - [www.venturaharbor.com](http://www.venturaharbor.com).*

**APPROVAL OF MINUTES**

*The Minutes of the April 19, 2023 Port Commission Regular Meeting and Public Facilities Corporation Meeting will be considered for approval.*

## **PUBLIC COMMUNICATIONS**

*The Public Communications period is set aside to allow public testimony on items not on today's agenda. Each person may address the Commission for up to three minutes or at the discretion of the Chair.*

## **CLOSED SESSION REPORT**

*Closed Sessions are not open to the public pursuant to the Brown Act. Any reportable actions taken by the Commission during Closed Session will be announced at this time.*

## **BOARD COMMUNICATIONS**

*Port Commissioner's may present brief reports on port issues, such as seminars, meetings and literature that would be of interest to the public and/or Commission, as a whole. Port Commissioner's must provide a brief summary and disclose any discussions he or she may have had with any Port District Tenants related to Port District business.*

## **STAFF AND GENERAL MANAGER REPORTS**

*Ventura Port District Staff, Legal Counsel and General Manager will give the Commission updates on important topics or items of general interest if needed.*

## **CONSENT AGENDA:**

*Matters appearing on the Consent Calendar 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 given item. Approval by the Board of Consent Items means that the recommendation is approved along with the terms set forth in the applicable staff reports.*

### **A) Authorization to Execute Three Grants of Easement to Southern California Edison Company**

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to execute three Grants of Easement to Southern California Edison Company (SCE) and its successors an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time underground electrical supply systems (utilities) in three areas to facilitate the installation and operation of EV Charging Stations.

## **STANDARD AGENDA:**

### **1) Adoption of Ordinance No. 57 Authorizing Execution of Amendment No. 7 to the Existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease for Parcel 20**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners:

- a) Conduct a public hearing for the purpose of receiving input on proposed Ordinance No. 57.
- b) Waive reading and direct Clerk to place Ordinance No. 57 in the record of this meeting.
- c) Adopt Ordinance No. 57 authorizing execution of Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease for Parcel 20.

### **2) Quarterly Update on the Ventura Port District 5-Year Objectives**

Recommended Action: Voice Vote.

That the Board of Port Commissioners receive and file the quarterly update on the Ventura Port District 5-Year Objectives.

**3) Approval of Amendment No. 1 to Agreement for the Ventura Harbor Village 1559 and 1691 Spinnaker Drive New Trash Enclosure Project and Budget Adjustment to the 5-Year Capital Improvement Plan for Harbor Village Trash Enclosures**

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve:

- a) Amendment No. 1 to the Agreement with Carjul Engineering and Construction Corporation for the Ventura Harbor Village 1559 and 1691 Spinnaker Drive New Trash Enclosure Project in the amount of \$98,000.00 for a total of \$275,000.00.
- b) A Budget Adjustment to the 5-Year Capital Improvement Plan for the Harbor Village Trash Enclosures from \$225,000.00 to \$275,000.00.

**4) Approval of Amendment No. 1 to the At Will Employment Agreement for General Manager**

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve and authorize the Chair to sign Amendment No. 1 to the “At Will Employment Agreement for General Manager”, dated May 1, 2022, authorizing a 1.5% merit-based increase to the annual base salary.
- b) Approve and authorize a one-time payment of \$5,000 to General Manager Brian D. Pendleton in recognition of his excellent performance over the past year.
- c) Align evaluation date to consider future merit-based increases to be consistent with other non-represented District employees, as defined by the District’s Human Resources Manual.

**ADJOURNMENT**

*This agenda was posted on April 28, 2023 by 5:30 p.m. at the Port District Office and online at <https://venturaharbor.com/board-meeting-documents/>*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Ventura Port District at (805) 642-8538 or the California Relay Service at 711 or (800) 855-7100. Notification 72 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)*



VENTURA  
PORT DISTRICT  
*Established 1952*

# BOARD OF PORT COMMISSIONERS MAY 3, 2023

APPROVAL OF MINUTES  
APRIL 19, 2023  
REGULAR MEETING  
APRIL 19, 2023  
PUBLIC FACILITIES CORP MEETING

# VENTURA PORT DISTRICT

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## BOARD OF PORT COMMISSIONERS MINUTES OF APRIL 19, 2023

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### **CLOSED SESSION**

#### **CALL TO ORDER:**

The Ventura Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg at 5:30PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

#### **ROLL CALL:**

##### **Commissioners Present:**

Michael Blumenberg, Chair  
Anthony Rainey, Secretary arrived at 5:52PM  
Brian Brennan  
Chris Stephens

##### **Commissioners Absent:**

Jackie Gardina, Vice-Chair

##### **Port District Staff:**

Brian Pendleton, General Manager  
Todd Mitchell, Sr. Business Operations Manager  
Jessica Rauch, Clerk of the Board

##### **Legal Counsel:**

Andy Turner, Lagerlof Lawyers LLP  
Jeremy Shulman, Lagerlof Lawyers

##### **Number of interested persons:**

0 via zoom; 0 in-person

**PUBLIC COMMUNICATIONS:** None. Closed at 5:31PM.

**CONVENED TO CLOSED SESSION AT 5:32PM.**

**ADJOURNMENT:** Closed Session was adjourned at 6:57PM.

## **OPEN SESSION**

### **ADMINISTRATIVE AGENDA:**

#### **CALL TO ORDER:**

The Ventura Board of Port Commissioners Regular Open Session Meeting was called to order by Chair Blumenberg at 7:03PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

**PLEDGE OF ALLEGIANCE:** By Commissioner Brennan.

#### **ROLL CALL:**

##### **Commissioners Present:**

Michael Blumenberg, Chair  
Anthony Rainey, Secretary  
Brian Brennan  
Chris Stephens

##### **Commissioners Absent:**

Jackie Gardina, Vice-Chair

##### **Port District Staff:**

Brian Pendleton, General Manager  
Todd Mitchell, Sr. Business Operations Manager  
Jessica Rauch, Clerk of the Board  
John Higgins, Harbormaster  
Gloria Adkins, Accounting Manager  
Sergio Gonzalez, Facilities Manager  
Wayne Hatch, Maintenance Supervisor  
Jennifer Talt-Lundin, Marketing Manager  
Jessica Snipas, Business Operations Analyst via Zoom  
Dave Werneburg, Marina Supervisor via Zoom

##### **Legal Counsel:**

Andy Turner, Lagerlof Lawyers LLP

##### **City of Ventura Liaisons**

Councilmember McReynolds, City Council Liaison – Absent

##### **Number of interested persons:**

0 via zoom; 2 in person

## **ADOPTION OF AGENDA**

**ACTION:** Commissioner Brennan moved to adopt the April 19, 2023 agenda.

**Commissioner Stephens seconded. The vote was as follows:**

**AYES:** Commissioners Blumenberg, Rainey, Brennan, Stephens

**NOES: None**  
**ABSTAINED: None**  
**ABSENT: Vice-Chair Gardina**

**Motion carried 4-0.**

**APPROVAL OF MINUTES**

The Minutes of the April 5, 2023 Regular Meeting were considered as follows:

**ACTION:** Commissioner Stephens moved to approve of the March 15, 2023 Regular Meeting minutes.

Commissioner Rainey seconded. The vote was as follows:

**AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens**  
**NOES: None**  
**ABSTAINED: None**  
**ABSENT: Vice-Chair Gardina**

**Motion carried 4-0.**

**PUBLIC COMMUNICATIONS:** None. Closed at 7:05PM

**CLOSED SESSION REPORT:** Mr. Turner stated that the Board met in closed session; discussed and reviewed all items on the closed session agenda. The Board gave direction to staff as to how to proceed. No action was taken that is reportable under The Brown Act.

**BOARD COMMUNICATIONS:** Commissioner Brennan announced that Portside's Harbor Mart is open. He also announced that on May 11<sup>th</sup> BEACON will be hosting the annual Sand Summit. Chair Blumenberg walked the Harbor over the weekend and saw a volleyball tournament with local firefighter agencies being held at the beach.

**STAFF AND GENERAL MANAGER REPORTS:** Mr. Pendleton reported on the upcoming marketing activities.

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**The Port Commission adjourned and convened as the Board of Directors of the Ventura Port District Public Facilities Corporation at 7:12PM.**

**The Board of Directors of the Ventura Port District Public Facilities Corporation adjourned and reconvened the Regular Meeting of the Ventura Port District Board of Port Commissioners at 7:16PM.**

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**CONSENT AGENDA:**

**A) Approval of Out-of-Town Travel Requests**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve the out-of-town travel requests for:

- a) Sr. Business Operations Manager, Todd Mitchell to attend CMANC Spring Meeting from May 17 to May 19, 2023 in Morro Bay, CA.
- b) Harbor Patrol Officers Brendan Donohue and Taylor Plasch to attend Marine Firefighting Course from April 17 to April 21, 2023 in Marina Del Rey, California
- c) Harbor Patrol Officer Taylor Plasch to attend Water Women Empowerment Weekend from April 22 to 23, 2023 in San Diego, California
- d) Harbormaster, John Higgins to attend the California Harbormaster and Port Captains Conference May 23 to 25, 2023 in Sacramento, California.

Public Comment: None.

**ACTION:** Commissioner Brennan moved to approve the out-of-town travel requests for:

- a) Sr. Business Operations Manager, Todd Mitchell to attend CMANC Spring Meeting from May 17 to May 19, 2023 in Morro Bay, CA.
- b) Harbor Patrol Officers Brendan Donohue and Taylor Plasch to attend Marine Firefighting Course from April 17 to April 21, 2023 in Marina Del Rey, California.
- c) Harbor Patrol Officer Taylor Plasch to attend Water Women Empowerment Weekend from April 22 to 23, 2023 in San Diego, California.
- d) Harbormaster, John Higgins to attend the California Harbormaster and Port Captains Conference May 23 to 25, 2023 in Sacramento, California.

Commissioner Stephens seconded. The vote was as follows:

**AYES:** Commissioners Blumenberg, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Vice-Chair Gardina

**Motion carried 4-0.**

**B) Adoption of Resolution No. 3469 Accepting the Work of Garland/DBS, Inc. for the 1567 Buildings B and C and Building 1591 Reroofing Project**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3469:

- a) Accepting the work of Garland/DBS, Inc. for the 1567 Buildings B and C and 1591 Building Reroofing Project; and
- b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

Public Comment: None.

- ACTION:** Commissioner Brennan moved to adopt Resolution No. 3469:
- a) Accepting the work of Garland/DBS, Inc. for the 1567 Buildings B and C and 1591 Building Reroofing Project; and
  - b) Authorize staff to prepare and record a Notice of Completion with the Ventura County Recorder.

Commissioner Stephens seconded. The vote was as follows:

**AYES:** Commissioners Blumenberg, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Vice-Chair Gardina

**Motion carried 4-0.**

**C) Approval of the 2023 Lifeguard Services Contract**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners authorize the General Manager to enter into a contract with the Department of Parks and Recreation to provide Lifeguard Services from mid-May 2023 through Labor Day 2023 at Harbor Cove and Surfers Knoll beaches in the amount of \$143,362.19.

Public Comment: None.

- ACTION:** Commissioner Brennan moved to authorize the General Manager to enter into a contract with the Department of Parks and Recreation to provide Lifeguard Services from mid-May 2023 through Labor Day 2023 at Harbor Cove and Surfers Knoll beaches in the amount of \$143,362.19.

Commissioner Stephens seconded. The vote was as follows:

**AYES:** Commissioners Blumenberg, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Vice-Chair Gardina

**Motion carried 4-0.**

**D) Termination of Current Office Lease Agreement with Andres S. Fernandez, LLC dba The 805 Bar & Grilled Cheese and The Copa Cubana for 1567 Spinnaker Drive #205**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a termination of an Office Lease Agreement, dated June 1, 2022, between the Ventura Port District dba Ventura Harbor Village and Andres S. Fernandez, LLC dba The 805 Bar & Grilled Cheese and The Copa Cubana for 1567 Spinnaker Drive #205, consisting of approximately 290 square feet.

Public Comment: None.

- ACTION:** Commissioner Brennan moved to approve a termination of an Office Lease Agreement, dated June 1, 2022, between the Ventura Port District dba Ventura Harbor Village and Andres S. Fernandez, LLC dba The 805 Bar &

**Grilled Cheese and The Copa Cubana for 1567 Spinnaker Drive #205, consisting of approximately 290 square feet.**

**Commissioner Stephens seconded. The vote was as follows:**

**AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens**  
**NOES: None**  
**ABSTAINED: None**  
**ABSENT: Vice-Chair Gardina**

**Motion carried 4-0.**

**E) Approval of New Retail Lease Agreement with Tina O'Brien dba Mermaid Gallery**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Tina O'Brien dba Mermaid Gallery for the premises located at 1575 Spinnaker Drive #107B consisting of a total of 652 square feet for a three-year term with one two-year option.

Public Comment: None.

**ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Tina O'Brien dba Mermaid Gallery for the premises located at 1575 Spinnaker Drive #107B consisting of a total of 652 square feet for a three-year term with one two-year option.**

**Commissioner Stephens seconded. The vote was as follows:**

**AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens**  
**NOES: None**  
**ABSTAINED: None**  
**ABSENT: Vice-Chair Gardina**

**Motion carried 4-0.**

**F) Approval of New Retail Lease Agreement with Anne Trainoff dba Silhouettes by the Beach**

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Anne Trainoff dba Silhouettes by the Beach for the premises located at 1559 Spinnaker Drive #103 consisting of a total of 400 square feet for a two-year term with one two-year option.

Public Comment: None.

**ACTION: Commissioner Brennan moved to approve a new Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Anne Trainoff dba Silhouettes by the Beach for the premises located at 1559**

**Spinnaker Drive #103 consisting of a total of 400 square feet for a two-year term with one two-year option.**

**Commissioner Stephens seconded. The vote was as follows:**

**AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens**

**NOES: None**

**ABSTAINED: None**

**ABSENT: Vice-Chair Gardina**

**Motion carried 4-0.**

**STANDARD AGENDA:**

**1) Acceptance of Fiscal Year 2021-2022 Audit**

Recommended Action: Voice Vote.

That the Board of Port Commissioners accept the Basic Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended June 30, 2022, prepared by Clifton Larson Allen, LLP.

Report by Gloria Adkins, Accounting Manager and Nitin Patel, Principal, Clifton Larson Allen, LLP.

Public Comment: None.

**ACTION: Commissioner Brennan moved to accept the Basic Financial Statements and Supplementary Information with Independent Auditor's Report for the Year Ended June 30, 2022, prepared by Clifton Larson Allen, LLP.**

**Commissioner Stephens seconded. The vote was as follows:**

**AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens**

**NOES: None**

**ABSTAINED: None**

**ABSENT: Vice-Chair Gardina**

**Motion carried 4-0.**

**2) Adoption of Resolution No. 3470 Approving a Notice of Proposed Ordinance for Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between the Ventura Port District and Derecktor Marine Holdings for a new 50-Year Master Lease for Parcel 20**

Recommended Action: Roll Call.

That the Board of Port Commissioners adopt Resolution No. 3470 authorizing the Ventura Port District to publish a Notice of Proposed for Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between the Ventura Port District and Derecktor Marine Holdings for a new 50-Year Master Lease for Parcel 20.

Report by Brian D. Pendleton, General Manager.

Public Comment: Leonora Valvo and Tom Derecktor, owners of Derecktor Ventura thanked staff and legal counsel and appreciate the effort and consideration.

**ACTION:** Commissioner Stephens moved to adopt Resolution No. 3470 authorizing the Ventura Port District to publish a Notice of Proposed for Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between the Ventura Port District and Derecktor Marine Holdings for a new 50-Year Master Lease for Parcel 20.

Commissioner Rainey seconded. The vote was as follows:

**AYES:** Commissioners Blumenberg, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Vice-Chair Gardina

Motion carried 4-0.

**3) Adoption of Resolution No. 3471 Approving the Updates to the Board of Port Commissioners Protocols and Policies Manual and Rescind Resolution No. 3422**

Recommended Action: Roll Call.

That the Board of Port Commissioners adopt Resolution No. 3471 approving the updates to the Board of Port Commissioners Protocols and Policies Manual and rescind Resolution No. 3422.

Report by Jessica Rauch, Clerk of the Board.

Public Comment: None.

**ACTION:** Commissioner Brennan moved to adopt Resolution No. 3471 approving the updates to the Board of Port Commissioners Protocols and Policies Manual and rescind Resolution No. 3422 with revisions to Sections 1.4 Ventura Port District Guiding Principles and 5-Year Objectives and 3.7 Social Media.

Commissioner Stephens seconded. The vote was as follows:

**AYES:** Commissioners Blumenberg, Rainey, Brennan, Stephens

**NOES:** None

**ABSTAINED:** None

**ABSENT:** Vice-Chair Gardina

Motion carried 4-0.

**4) Adoption of Resolution No. 3472 Approving the Financial Statements and Checks for October 2022 through December 2022**

Recommended Action: Roll Call.

That the Board of Port Commissioners adopt Resolution No. 3472:

- a) Accepting the financial statements for the Quarter ending December 31, 2022.
- b) Review the payroll and regular checks for October through December 2022.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None.

**ACTION:**       **Commissioner Stephens moved to adopt Resolution No. 3472:**  
                  a) **Accepting the financial statements for the Quarter ending December 31, 2022.**  
                  b) **Review the payroll and regular checks for October through December 2022.**

**Commissioner Rainey seconded. The vote was as follows:**

**AYES: Commissioners Blumenberg, Rainey, Brennan, Stephens**

**NOES: None**

**ABSTAINED: None**

**ABSENT: Vice-Chair Gardina**

**Motion carried 4-0.**

**ADJOURNMENT:** The meeting was adjourned at 8:08PM.

The next regular meeting is Wednesday, May 3, 2023.

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Anthony Rainey, Secretary

# VENTURA PORT DISTRICT

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## PUBLIC FACILITIES CORPORATION MINUTES OF APRIL 19, 2023 MEETING

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### I. CALL TO ORDER:

At 7:13PM, President Stephens called to order the Meeting of the Ventura Port District Public Facilities Corporation. The meeting was held in the offices of the Ventura Port District located at 1603 Anchors Way Drive, Ventura, California and via Zoom.

### II. ROLL CALL

Present: Chris Stephens, President  
Michael Blumenberg, Vice-President  
Brian Brennan, Secretary  
Anthony Rainey, Director

Absent: Jackie Gardina, Director

Staff Present: Brian D. Pendleton, General Manager  
Todd Mitchell, Sr. Business Operations Manager  
Jessica Rauch, Clerk of the Board  
Gloria Adkins, Accounting Manager  
Sergio Gonzalez, Facilities Manager  
Wayne Hatch, Maintenance Supervisor  
Jennifer Talt-Lundin, Marketing Manager  
Dave Werneburg, Marina Manager via Zoom  
Jessica Snipas, Business Operations Analyst via Zoom

Legal Counsel: Andy Turner

### III. PUBLIC COMMENT: None.

### IV. ADOPTION OF RESOLUTION NO. 130 APPROVING THE DISSOLUTION OF THE VENTURA PORT DISTRICT PUBLIC FACILITIES CORPORATION

Recommended Action: Roll Call Vote.

That the Board of Directors adopt Resolution No. 130 to approve the dissolution of the Ventura Port District Public Facilities Corporation.

Report by Andy Turner, Legal Counsel, Lagerlof Lawyers LLP.

Public Comment: None.

**ACTION: Director Brennan moved to adopt Resolution No. 130 to approve the dissolution of the Ventura Port District Public Facilities Corporation.**

**Director Rainey seconded. The vote was as follows:**

**AYES: Directors Stephens, Blumenberg, Brennan, Rainey**

**NOES: None.**

**ABSENT: Director Gardina**

**Motion carried 4-0.**

V.     **ADJOURNMENT:** The meeting was adjourned at 7:16PM.

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Brian Brennan, Secretary





BOARD OF PORT COMMISSIONERS  
MAY 3, 2023

CONSENT AGENDA ITEM A  
AUTHORIZATION TO EXECUTE THREE  
GRANTS OF EASEMENT TO SOUTHERN  
CALIFORNIA EDISON COMPANY

**VENTURA PORT DISTRICT**  
**BOARD COMMUNICATION**

**CONSENT AGENDA ITEM A**  
Meeting Date: May 3, 2023

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Sr. Business Operations Manager  
Joe Gonzalez, Capital Projects Manager  
SUBJECT: Authorization to Execute Three Grants of Easement to Southern California Edison Company

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**RECOMMENDATION:**

That the Board of Port Commissioners authorize the General Manager to execute three Grants of Easement to Southern California Edison Company (SCE) and its successors an easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time underground electrical supply systems (utilities) in three areas to facilitate the installation and operation of EV Charging Stations.

**SUMMARY:**

The District is working with SCE to install charging stations at three locations within Ventura Harbor and these Grants of Easement are necessary to allow the installation of the underground conduit between the existing transformers and the locations of the new chargers. The District's Legal Counsel has reviewed the Easement Agreements.

**GUIDING PRINCIPLES:**

- 3) Grow financial sustainability through a reliable, recurring revenue stream supplemented with grants and public-private partnership investment while maintaining responsible budgeting practices.
- 4) Establish and implement harbor-wide environmental sustainability policies and practices through collaboration with our business partners.
- 7) Provide high-quality Harbor and coastal visitor-serving amenities, services, facilities and infrastructure.

**5-YEAR OBJECTIVES:**

- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
  - 1) Utilize grant funding opportunities for sustainable Harbor infrastructure
- V) Maintain and improve Harbor Village facilities, infrastructure, and amenities
  - 1) Ongoing investment in Harbor Village infrastructure.

**BACKGROUND:**

After applying for SCE's Charge Ready Program in July of 2021, District staff have been working with SCE on the grant program to install 25 EV charging ports in three locations within Ventura Harbor: 4 chargers at the District headquarters office at 1603 Anchors Way Drive, 10 at 1567 Spinnaker Drive, and 11 at 1591 Spinnaker Drive.

The Charge Ready program will have SCE perform all of the necessary work except installing the actual charger devices for both locations in Harbor Village. The Charge Ready program will provide a rebate towards the work performed by District contractors for the installation at the District's headquarters.

The two sites at Harbor Village have been submitted by SCE to the City of Ventura for permit approval. The site at the District office has been approved by the City.

These easements are required to allow SCE to access and service the underground conduit for the sites and to prohibit development above. The Easement Agreement allows the District to terminate the easement if the chargers and utility lines are removed in the future.

**FISCAL IMPACTS:**

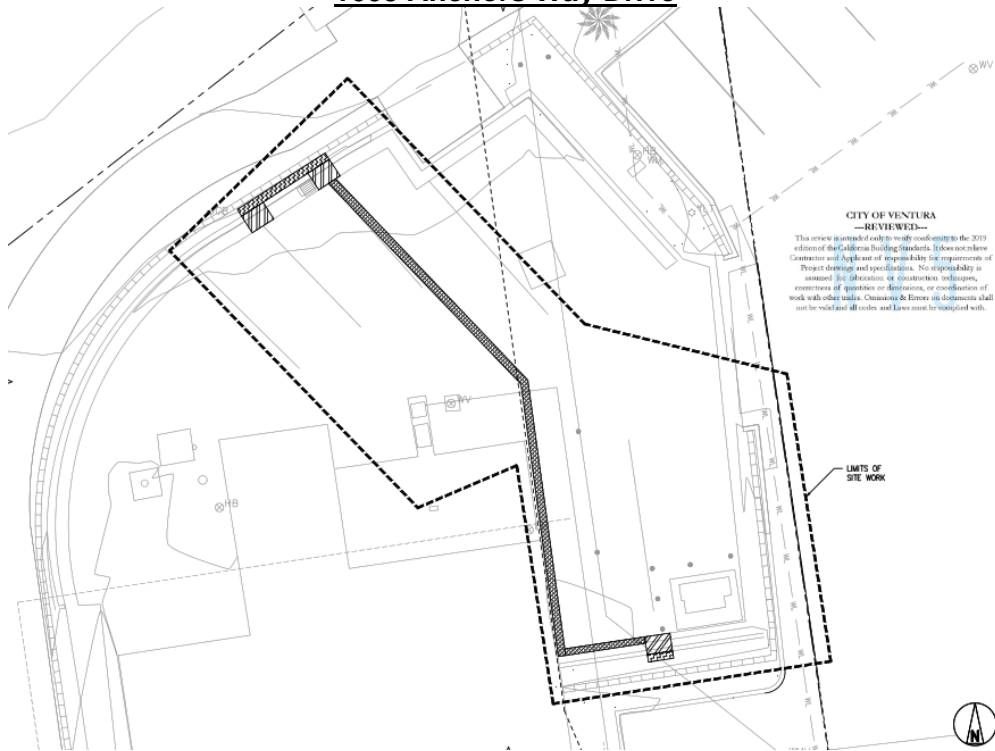
The granting of easement has no direct fiscal impact; however, the EV charger program is largely grant funded. As the easements are for the benefit of the District, there is no compensation received by the District.

**ATTACHMENT:**

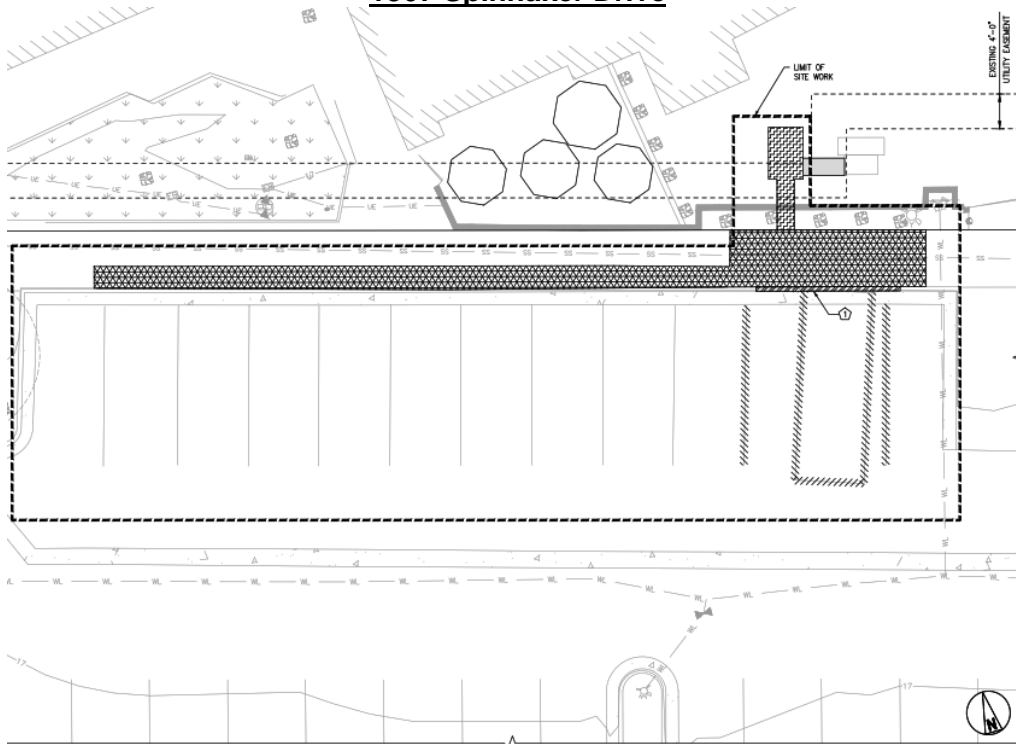
Attachment 1 – Maps of EV Charger Locations

## ATTACHMENT 1

### 1603 Anchors Way Drive



### 1567 Spinnaker Drive







# BOARD OF PORT COMMISSIONERS MAY 3, 2023

## STANDARD AGENDA ITEM 1 ADOPTION OF ORDINANCE NO. 57 AUTHORIZING EXECUTION OF AMENDMENT NO. 7 TO THE EXISTING PARCEL 20 MASTER LEASE AND AN AMENDMENT TO THE ASSIGNMENT AND OPTION AGREEMENT BETWEEN THE VENTURA PORT DISTRICT AND DEREKTOR MARINE HOLDINGS FOR A NEW 50-YEAR MASTER LEASE FOR PARCEL 20

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 1**  
Meeting Date: May 3, 2023

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Sr. Business Operations Manager  
SUBJECT: Adoption of Ordinance No. 57 Authorizing Execution of Amendment No. 7 to the Existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease for Parcel 20

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**RECOMMENDATION:**

That the Board of Port Commissioners:

- a) Conduct a public hearing for the purpose of receiving input on proposed Ordinance No. 57.
- b) Waive reading and direct Clerk to place Ordinance No. 57 in the record of this meeting.
- c) Adopt Ordinance No. 57 authorizing execution of Amendment No. 7 to the existing Parcel 20 Master Lease and an Amendment to the Assignment and Option Agreement between Ventura Port District and Derecktor Marine Holdings for a New 50-Year Master Lease for Parcel 20.

**SUMMARY:**

The Master Tenant of Parcel 20 is Derecktor Marine Holdings (DMH). Due to planning-related impacts caused by the City's VenturaWaterPure project, DMH's submitted a formal request to the District to consider an amendment to the option agreement for a 50-year lease (30-year lease with a 20-year option). It was the request of DMH to eliminate and/or modify milestones required before exercising the Option of the 50-year lease. The proposed Ordinance was published in the Ventura County Star on April 20<sup>th</sup> and if approved by the Board will become effective immediately.

**GUIDING PRINCIPLES:**

- 5) Build respectful, productive relationships with employees, tenants, residents, visitors, stakeholders, public officials, and elected representatives while promoting diversity, equity, and inclusion.

**5-YEAR OBJECTIVES:**

- M) Collaborate with Master Tenants and National Park Service to plan, improve, and develop the Harbor in a financially and environmentally sustainable way.
  - 1) Engagement and support of Master Tenants for successful business operations at the Harbor.

**BACKGROUND:**

The City of Ventura intends to break ground on VenturaWaterPure in 2023, which will cause the need for both temporary construction and permanent easements on Parcel 20, amongst other properties. The construction will cause business disruption, and the permanent easement will restrict some future development of the site. The City has discussed its' plans with the District and Derecktor and presented the current project status at the April 5<sup>th</sup> Board meeting. Derecktor's current development plans are reflective of the City's request for permanent easement on Parcel 20.

Generally, the current conditions that must be met for DMH to exercise the Option and implement the 50-year lease include:

1. Completion of the California Environmental Quality Act (CEQA) process for the proposed development project of Parcel 20.
2. Approval of the proposed development project for Parcel 20 by the Board of Port Commissioners, following the CEQA process.
3. Completion of project entitlements for the proposed development project (i.e. approvals by the City, Coastal Commission, and all other governing agencies).
4. Completion of City building plan check.
5. Demonstration of financing to complete project construction.

The proposed amendment to the Option would retain conditions 1 and 2, while conditions 3 through 5 would be eliminated or modified such that once the City has determined DMH has submitted a complete application for a Coastal Development Permit and DMH demonstrates the financial capacity to develop the project, they can request to exercise the Option.

The Option agreement includes:

- Remuneration to the District for the Option and exercising the Option.
- Reimbursement for legal fees for any amendments to the Option and/or Lease agreements.
- Restrictions on assignment of the Option.

As such, the District requires Derecktor reimburse for legal expenses associated with these amendments and pay any outstanding balance, when due, of the initial payment to exercise the Option, as outlined in the Option Agreement.

Since the current lease and option for the 50-year lease exceeds ten (10) years, the Board of Port Commissioners is required, pursuant to the California Harbors and Navigations Code Section 6270, to authorize and direct staff to publish a notice of its intent to adopt an Ordinance authorizing execution of the lease in the form attached hereto. A copy of the Notice of Proposed Ordinance is attached hereto for the Board's consideration.

**FISCAL IMPACT:**

Legal fees are to be reimbursed by DMH per the Option Agreement. The District received \$5,000 from DMH as a deposit towards the legal fees.

**ATTACHMENTS:**

Attachment 1 – Ordinance No. 57





**ORDINANCE NO. 57**

**AN ORDINANCE OF THE BOARD OF PORT COMMISSIONERS  
OF VENTURA PORT DISTRICT APPROVING  
AMENDMENT NO. 7 TO THE EXISTING PARCEL 20 MASTER LEASE, AND AMENDMENT  
OF THE ASSIGNMENT AND OPTION AGREEMENT BETWEEN THE DISTRICT AND  
DEREKTOR MARINE HOLDINGS FOR A NEW 50-YEAR MASTER LEASE  
FOR PARCEL 20**

(California Harbors and Navigation Code section 6270)

The Board of Port Commissioners of the Ventura Port District hereby ordains as follows:

The General Manager of the Ventura Port District is authorized and directed to execute Amendment No. 7 and the Amended Assignment and Option Agreement between Ventura Port District and Derektor Marine Holdings for a New 50-Year Master Lease for Parcel 20, with a commencement date of May 3, 2023."

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of Ventura Port District held on May 3, 2023. This Ordinance was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Michael Blumenberg, Chair

ATTEST:

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Anthony Rainey, Secretary

ATTACHMENT 1

State of California                    )  
County of Ventura                   (ss.  
City of San Buenaventura        )

I, Anthony Rainey, the duly Acting Secretary of the Ventura Port District, hereby certify that the foregoing is a true and correct copy of an Ordinance of Ventura Port District. Said Ordinance was published on April 20, 2023 in the Ventura County Star as a proposed Ordinance. On May 3, 2023, it was passed by the Board of Port Commissioners by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed the official seal of the Ventura Port District, this 3<sup>rd</sup> day of May 2023.

\_\_\_\_\_  
Anthony Rainey, Acting Secretary



# BOARD OF PORT COMMISSIONERS MAY 3, 2023

## STANDARD AGENDA ITEM 2 QUARTERLY UPDATE ON THE VENTURA PORT DISTRICT 5-YEAR OBJECTIVES

**VENTURA PORT DISTRICT**  
**BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 2**  
Meeting Date: May 3, 2023

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TO: Board of Port Commissioners  
FROM: Brian D. Pendleton, General Manager  
Todd Mitchell, Sr. Business Operations Manager  
SUBJECT: Quarterly Update on the Ventura Port District 5-Year Objectives

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**RECOMMENDATION:**

That the Board of Port Commissioners receive and file the quarterly update on the Ventura Port District 5-Year Objectives.

**SUMMARY:**

The General Manager retained Management Partners (MP) to facilitate a Public Workshop on Saturday, December 4, 2021. As a follow-up to the Public Workshop, MP prepared a written report for the District to utilize as a tool to formalize any updates to the District's Mission Statement, Long-Term Goals, and 5-Year Objectives. This report was presented on January 19, 2022. New Guiding Principles (previously known as Long-Term Goals) and updated Five-Year Objectives were adopted on April 6, 2022.

On September 29, 2022, the Board considered and adopted strategies for each of the Five-Year Objectives.

This report attaches the Quarterly Update Workbook which provides an update on achievements related to each strategy associated with the Board's Five-Year Objectives.

**GUIDING PRINCIPLES:**

6) Provide exceptional public service and organizational transparency.

**FIVE-YEAR OBJECTIVES:**

E) Encourage public and civic engagement; maintain high levels of organizational transparency; and promote Harbor-wide diversity, equity and inclusion through District policies, procedures and programs.

3) Public and Civic Engagement Planning

**BACKGROUND:**

In the completion of all activities in Harbor Patrol, Marketing, Leasing and Property Management, Maintenance, Marina Management, Capital Projects, Finance, Administration, and day-to-day service to the public, the Port District staff is guided by the District's Mission Statement, Guiding Principles, and Five-Year Objectives.

In 2021, the Board provided direction to the General Manager to conduct a Public Workshop. The District retained MP to facilitate the workshop and provide a follow-up report to the Board. The workshop was held on Saturday, December 4, 2021, at the Ventura Marina Mobile Home Park Community Room. In attendance were the Board, District staff and its Legal Counsel, Harbor tenants, and members of the public.

During the February 2022 discussion, the Board was supportive of updating the Mission Statement, Long-Term Goals, and Five-Year Objectives. Additionally, the Board provided guidance to the General Manager and requested specificity on implementation of the objectives including the use of the SMART approach through the inclusion of the strategies that were approved by the Board on September 29, 2022. SMART goals are specific, measurable,

achievable, relevant, and time-bound, and will continue to be utilized in quarterly reporting as has been past practice, with updates as applicable to reflect the new Guiding Principles.

The intent of the Workbook is to be a living document that:

- 1) Restates the Mission Statement and Guiding Principles
- 2) Captures the fundamental Five-Year Objectives identified during the workshop and subsequent Board meeting discussions
- 3) Includes high-level actions associated with achieving the Objectives:
  - a. Strategy: Sub-section identifying how Objectives can be advanced or achieved
  - b. Action: Actions currently identified to be undertaken to support each strategy
  - c. Milestone: Action timeline(s) associated with each milestone
- 4) Provides a method by which to report updates to the Board on a quarterly basis
- 5) Broadly speaking, seeks to align spending and actions with Guiding Principles and 5-Year Objectives

The intent of staff is to continue to return to the Board on a quarterly basis to provide an update on the status of the Five-Year Objectives and in particular the identified strategies and actions achieved.

**FISCAL IMPACT:**

In accomplishing goals and strategies, the District will need to continuously evaluate financial impacts primarily through the annual and mid-year budget decisions which include five-year capital improvements plans as well as departmental budgets.

**ATTACHMENTS:**

Attachment 1 – Board Five-Year Goals Workbook – Quarterly Update (PowerPoint)



# Strategies to the 5-Year Objectives

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Q3 of FY22-23

Board of Commissioners Meeting

May 3, 2023

# Guiding Principles

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- 1) Maintain a safe, navigable, and resilient harbor.
- 2) Advance the harbor's vibrant, working waterfront in support of commercial and recreational fishing and boating.
- 3) Grow financial sustainability through a reliable, recurring revenue stream supplemented with grants and public-private partnership investment while maintaining responsible budgeting practices.
- 4) Establish and implement harbor-wide environmental sustainability policies and practices through collaboration with our business partners.
- 5) Build respectful, productive relationships with employees, tenants, residents, visitors, stakeholders, public officials, and elected representatives while promoting diversity, equity, and inclusion.
- 6) Provide exceptional public service and organizational transparency.
- 7) Provide high-quality Harbor and coastal visitor-serving amenities, services, facilities and infrastructure.
- 8) Support the Channel Islands National Park in its efforts to provide a first-class visitor center, educational resources, and ferry boat services to the islands.

# 2022-2027 5-Year Objectives

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- D) Ensure **dredging** occurs annually at the federal Harbor entrance and as needed in the inner Harbor.
- E) Encourage public and civic **engagement**; maintain high levels of organizational transparency; and promote Harbor-wide diversity, equity and inclusion through District policies, procedures and programs.
- F) Support current and future commercial **fishing** and sustainable aquaculture industries. Maintain and improve working waterfront facilities and infrastructure.
- M) Collaborate with **Master Tenants** and National Park Service to plan, improve, and develop the Harbor in a financially and environmentally sustainable way.
- N) Maintain and grow Channel Islands **National Park Service** (NPS) presence and customer visitation to the Harbor.
- P) Implement **parking management**, traffic circulation, and multi-modal transportation strategies.
- R) Seek opportunities to grow **revenues** and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
- V) Maintain and improve Harbor **Village** facilities, infrastructure, and amenities.



## D: Ensure dredging occurs annually at the federal Harbor entrance and as needed in the inner Harbor.

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program	CMANC and/or WEDA Meeting attendance	3-4 times per year	Board Chair/Dredging Liaison (DL) & Senior Business Operations Manager (SBOM) attended CMANC in Washington DC.
	USACE District, Division & HQ meetings and communication	As needed or 2 times per year	DL & SBOM met with USACE HQ Navigation Manager to emphasize need for full funding in FY24. GM & SBOM met with USACE District personnel several times during 2023 dredging to encourage maximum dredging be completed.
	Engagement of Lobbyist to provide representation with the Federal Government and Congress	Monthly	Monthly reports from Carpi & Clay and K&L Gates. Congressman Carbajal visited Ventura Harbor and had boat tour in Jan 2023. Met again with Carbajal in DC. Met with staff member for Senator Padilla in DC.
	Advocating for full funding of VPD entrance channel in President's Budget	Q1 2023 and annually	Met with OMB as part of CMANC DC meeting in January. Was able to speak to the need for full funding in President's Budget, which was achieved.
2. On-going leadership and participation with California Marine Affairs and Navigation Conference (CMANC) and other relevant organizations in support of federal and state assistance	Continued Board Role at CMANC	Current Three-Year Term through 2022	CMANC election held with SBOM on ballot. Results pending.
	Committee lead and/or Executive Board role at CMANC	By next Board Election Q4 2022	No action this quarter while waiting for election results.
3. Ventura Port District Dredging	Prepare, submit and receive new permits for inner Harbor Dredging (unrestricted by Santa Clara river conditions)	Q1 2022 to Q2 2023	Application submitted to USACE and Water Board permits anticipated any day. Coastal Commission permit application submitted. Several additional requests for information to be responded to in coming quarter.

**E: Encourage public and civic engagement; maintain high levels of organizational transparency; and promote Harbor-wide diversity, equity and inclusion through District policies, procedures and programs.**

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Collaborate with business partners and stakeholders through increased engagement, communication, and participation.	Village tenant meetings	Quarterly	Hosted Annual Ventura Harbor Village Tenant Reception on February 23 at Deep Sea Wine & presented annual leasing milestone plaques.
	Celebrate DEI through recognition of dates and events of cultural significance	Annual Visitation Plan for Ventura Harbor Village Q2 2023	Ongoing content development and recognition to celebrate DEI this quarter: Legacy of Martin Luther King Jr. / Black History Month / Lunar New Year/ Women’s History Month / International Women’s Month
	Refresh the Ventura Harbor Village.com website to include dynamic features, the Channel Islands, digital map, and reformatted calendar of events	Q2 2023	No action this quarter.
	Harbor tenant education and advocacy re: implementation of sustainability practices e.g. CA Green Business Network, Surfrider Foundation Ocean Friendly Restaurants program	Q1 2023 tenant meetings and forward	Hosted a Ventura Harbor restaurant presentation by Surfrider Foundation on February 16 for the Ocean Friendly Restaurants / Shared information & incentives from the Green Business Network on the CA Green Business Certification with Village & Harbor tenants.
2. Collaborate with City, regional, state, and federal agency officials in pursuit of mutually beneficial projects, programs	Collaborate with City, tenants, and stakeholders on updates to Local Coastal Program and General Plan	City organized meetings through Q4 2023	GM coordinated City presentation regarding the General Plan and Local Coastal Program update at the March 15 Board meeting with focus on Harbor land use.
	Collaborate with other harbors and special districts on best management practices, legislative impacts and funding opportunities	Monthly	GM participated in the VCSDA February annual meeting and elections. GM re-elected as Treasurer for two-year term (2023-2025). HM maintains membership in CA Harbormaster & Port Association, Pacific Congress of Harbormasters, Marina Recreation Association, and American Shore and Beach Preservation Association.
	Collaboration between Port District and law enforcement and emergency services	Ongoing	HM participates in DHS Homeland Security Planning & Response Groups. HM has been working with California State Parks for Lifeguard Contract.
	Port Commission updates to Ventura City Council	Bi-Annual	City Council presentation scheduled for May 8 <sup>th</sup> .

**E: Encourage public and civic engagement; maintain high levels of organizational transparency; and promote Harbor-wide diversity, equity and inclusion through District policies, procedures and programs.**

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
3. Public and Civic Engagement Planning	Public Workshop every two years	Q3-Q4 2024	PCEP updated December 2022.
	Mid-term Objective evaluation	Q3-Q4 2024	No action this quarter.
4. Updates to District policies to reflect improved transparency and DEI	Identification and utilization of multi-channel outreach for staff recruitment, solicitation of tenant businesses and contracts	Q3 2022 to Q2 2023	GM attended LCW annual conference in March with training emphasis on employment law and best practices re: DEI in recruiting, hiring and retaining employees. HM sent HPO Taylor Plasch to a Water Women Empowerment event. The event stressed team building, mentoring, and supporting advancement of women in these careers.
	Annual review and updates to HR Manual, Board Protocols Manual, Public and Civic Engagement Plan, and other District policies.	Q3-Q4 and annually	HR Manual update approved by Board on Feb 1. PCEP updated Dec 21, 2022. Brown Act presentation to Board on Feb 15. Additional policy updates planned for next quarter.

F: Support current and future commercial fishing and sustainable aquaculture industries. Maintain and improve working waterfront facilities and infrastructure			
STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Engage with commercial fishing and sustainable aquaculture interests in Ventura Harbor	Regular engagement with commercial fishing business owners and key industry representatives	Seasonally	HM worked with the commercial fishermen to temporarily store their traps at the end of the lobster season. Staff has worked with the Ventura Sportfishing to ensure parking at the launch ramp during the peak season.
	Engagement with sustainable aquaculture industry interests at Ventura Harbor	As received	As part of District’s planning efforts for modernization of commercial fishing facilities, two aquaculture companies have agreed to participate in consultation regarding what their facility needs would be if offloading at Ventura Harbor.
	Monitor legislative and regulatory changes potentially impacting commercial fishing and sustainable aquaculture	Monthly	K&L Gates Monthly Commercial Fishing & Aquaculture Advocacy Report is routinely distributed to the eight commercial squid fisheries operating in Ventura Harbor and Port of Hueneme. Staff have been following the CARB requirements coming into effect in the near future.
2. Continue improvements of District’s Working Waterfront infrastructure	Maintain existing harbor infrastructure and related amenities to continue to meet commercial fishing needs	Q2 Annual Budget & 5-Year CIP	Commercial marina and fish hoist maintenance projects planned for next quarter. Working with Del Mar for placement of a 3 to 5-ton ice machine to be located on east side of commercial Fish Pier.
	Master planning for growth of commercial fishing and sustainable aquaculture capital improvements	Q1/Q2 2023	Board approved contract with a port planning consultant to receive proposal for development of a micro-masterplan. Site visit and interviews with stakeholders by consultant have begun.
	Identify and pursue grant/funding opportunities to implement capital infrastructure needs for commercial fishing and sustainable aquaculture	Q2 2023 and on-going	Staff has worked with Port of Hueneme and their consultant to apply for grant funding to modernize commercial fishing infrastructure at Ventura Harbor in order to accept all squid offloading from Port of Hueneme. Outcome of application anticipated in May.
3. Continue to pursue opportunities for diversifying commercial fishing and sustainable aquaculture	Support and endorse NOAA sustainable aquaculture initiatives in the Santa Barbara Channel	Q2/Q3 2023	Initiate review and recommended next steps by KL Gates regarding NOAA’s “Public Scoping Report” released in March summarizing public comments received for the California AOA Notice of Intent to Prepare a Programmatic Environmental Impact Statement for Identification of One or More Aquaculture Opportunity Area(s) in Southern California.
	Knowledge, experience, and technology transfer with aquaculture industry and stakeholders	Ongoing Resource	Maintain resource library on District’s website

<b>M: Collaborate with Master Tenants and National Park Service to plan, improve, and develop the Harbor in a financially and environmentally sustainable way.</b>			
STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Engagement and support of Master Tenants for successful business operations at the Harbor	Work with Master Tenants to help facilitate sustainable capital improvement projects	Tenant specific	District is Lead Agency in environmental review of proposed development for Derektor Marine Holdings (DMH) and Ventura Yacht Club (VYC). VYC IS/MND approved February 1 <sup>st</sup> Board meeting. DMH IS/MND public comment period begins in April.
	Coordination with Portside on commercial tenant leasing	Q1 2022 to Q4 2023	GM and SBOM met with Portside to discuss. GM on-going biweekly meetings. Shared traffic count data on Schooner for marketing purposes. Evaluating Portside request for signage at Harbor Blvd and Schooner Dr.
	Strategic planning meetings between master tenants and District staff	Q2 of each year	GM coordinated City presentation regarding the General Plan and Local Coastal Program update at the March 15 Board meeting with focus on Harbor land use. Outreach to tenants to participate in discussion.
2. Evaluate opportunities for Parcel Development	Evaluate master planning opportunities in conjunction with current and future leasehold development	Annually	Met with Ventura West Marina master tenant in March to discuss master planning opportunities for parcel.
	Master planning for Parcel 5 development	Commencing Q2 2023	Board received a presentation in March for previous park venue plans developed for Parcel 5. Board provided preliminary direction to staff.
3. Implement sustainability technologies at the Harbor	Explore renewable energy, energy storage applications Harbor-wide e.g. solar power, EV charging stations, hybrid and electric vehicles	Q2 2023 and forward	SBOM/Capital Projects Manager (CPM) working towards installation of EV chargers. SBOM/CPM met with solar power-generating patio company and introduced to Boatyard Pub who had expressed interest. Monitoring plans. HM subscribed to Govt EV Fleet to stay informed on technology and availability of vehicles.
3. VenturaWaterPure	Continue commitment to help minimize impacts and disruptions caused by the VenturaWaterPure project through ongoing work with City, master tenants, and stakeholders	Q3 2022 to Q3 2024	Multiple meetings between District and City staff re: VenturaWaterPure (VWP) project. City has submitted formal request for appraisals to District. City returned to present status of VWP to Board in March.

## N: Maintain and grow Channel Islands National Park Service (NPS) presence and customer visitation to the Harbor.

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Work with NPS and harbor visitors regarding enhancement of visitor experience.	Collaborate with City, CA Coastal Commission, and stakeholders including NPS to prepare a master plan integrating Parcel 8 into the visitor experience at the Harbor and Visitor's Center	Q2 2023	No action this quarter. No action anticipated for 2023. Discuss new Action and Milestone.
	Work with NPS and ferry operator on cross-promotional activities to increase attraction of visitors to the Harbor	Q2 2023 to Q2 2024	Paid advertorial piece in California 101 magazine on "More to SEA & Explore at CINP Visitor Center in Ventura Harbor" / CINP Visitor Center inclusion in the Central Coast Visitor Map / PR distributed Island Packers Winter Whale Excursion press release & marketing promoted winter whale watching trips/ Invited CINP Visitor Center to host an info booth in March in Village as part of Spring Break/Mermaid Month
	Work with NPS to provide/upgrade visitor educational signage along pedestrian areas	Q3-Q4 2023	District is providing additional wayfinding signs to be installed along Spinnaker Drive by May. Additional pedestrian signage to be part of Sustainable Transportation Plan
2. Coordinate with NPS Superintendent to evaluate long-term goals and improvement needs for the Channel Islands National Park Visitor Center	Collaborate with NPS Superintendent to identify mutual long-term goals and options at Ventura Harbor for NPS operations, NPS visitor center, and ferry terminal	Ongoing	Meeting in March with NPS and Ventura West Marina to improve signage, access, and parking to Visitor Center. District is providing additional wayfinding signs to be installed along Spinnaker Drive by May.
	Investigate synergies for collaborative improvement of NPS Visitor Center experience	Q3 2023	Meeting in March with NPS and Ventura West Marina to improve signage, access, and parking to Visitor Center. District is providing additional wayfinding signs to be installed along Spinnaker Drive by May.
3. Coordinate with National & California State Parks, and City to develop destination-based ecotourism offerings	Continue collaboration with National & State Parks officials regarding multiple opportunities for enhancing the visitor destination in and around Ventura Harbor	Q2 2024	No action this quarter.
	Explore potential enhancements of Ventura Harbor Ecological Reserve with City (owner)	Q3 2023	No action this quarter. Reevaluate when Sustainable Transportation Planning grant outcome is known.



## P: Implement parking management, traffic circulation, and multi-modal transportation strategies.

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Work with City to improve access between the City and Harbor	Work with City Active Transportation Plan Working Group to promote emphasis on improving active transportation access to the Harbor.	Q1-Q4 2022 through City Plan	Worked with City's Transportation department regarding pursuit of Sustainable Transportation Grant. Grant outcome to be published fall 2023.
	Advocate to the City to repave Spinnaker and Navigator Drive.	Q3-Q4 2022 and ongoing	Multiple discussions with City Public Works staff regarding repaving all of Navigator Drive, with tentative support. City is also planning to include Spinnaker Drive in their 5-year CIP.
	Coordinate with City on planning for active transportation network improvements	Q4 2023	Worked with City's Transportation department regarding pursuit of Sustainable Transportation Grant. Grant outcome to be published fall 2023.
2. Evaluate alternative and active methods for people to travel to and within the Harbor and pursue needed improvements and strategies in partnership with the City	Work with City, Ventura County Transportation Commission, and regional transportation services for expanding public transit options to Harbor.	Q4 2023	HM worked with the City of Santa Clarita to provide a beach bus to the Harbor to improve multimodal transportation to the Harbor. HM continued collaboration with the City of Moorpark to do the same.
	Advocate to the City to improve bicycle, pedestrian access, and safety along and crossing Spinnaker Drive.	Q3-Q4 2022 and ongoing	Working with City to improve bicycle lanes on Navigator Drive as part of 2023 City repaving project. Continued involvement with City Active Transportation Plan Working Group.
	Collaborate with master tenants to develop an intra-Harbor pilot program for transportation services e.g. water-taxi and/or shuttle	Q3 2023 to Q3 2024	Portside is researching options for pilot water taxi program in collaboration with District.
3. Pursue and implement parking management solutions to increase vehicle circulation	Obtain necessary agreements and permits to implement managed parking at Harbor Village	Q3 2022 to Q3 2023	Draft MOU provided to City staff for review and comment. City staff have advised that Municipal Code also needs to be changed as it only has paid parking in downtown. District will start preparing CDP application per City direction.
	Identify & budget for Capital Improvements to improve parking & circulation at Harbor Village	Q3 2022 to Q2 2023	Initial cost estimate developed with Sept 21 draft Plan. Updated with consultant and potential provider in March.

## R: Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Utilize grant funding opportunities for sustainable Harbor infrastructure	Work with SCE, CALeVIP, SLC, and City to complete installation of 21 EV charging stations in Harbor Village per CIP.	Q1 2023	Charger procurement complete. Designs for VPD HQ approved by City and ready for installation. SCE working on final designs for Village.
	Complete installation of 4 EV charging stations at District office for company vehicles per CIP.	Q2 2023	Designs approved by City. Ready for installation.
	Complete procurement of hybrid Harbor Patrol vehicle utilizing SLC grant funds per CIP.	Q3-Q4 2023	Harbormaster preparing to go to bid on a hybrid electric Jeep Wrangler 4x4
	Complete procurement of EV or hybrid Maintenance & Dockmaster vehicles using SLC grant funds per CIP.	2023 and 2024	No action this quarter.
2. Seek additional grant funding for improving/replacing District capital assets.	Establish mechanisms to receive transportation funding from the State and/or Federal governments with emphasis on active transportation.	Q4 2023	Worked with City as partner agency to receive Caltrans Sustainable Transportation Planning Grant. Grant outcome will be published late summer 2023. HM met with Ventura County Fire Department to discuss potentially partnering in a grant for a regional and offshore Fireboat.
	Identify and apply for grants that align with Board-approved 5-year CIP.	Q2 2022 Ongoing	Worked with City as partner agency to receive Caltrans Sustainable Transportation Planning Grant. Grant outcome will be published late summer 2023.
3. Leasing/Property Management	Prepare, approve and implement Annual Leasing/Property Management Action Plan	Q2 2023 and Annually	Annual update next quarter. Most recently completed June 2022.
	Through active marketing, continue to attract a diverse array of businesses and business owners to Ventura Harbor with the goal of expanding the offerings to the public while creating value for the District.	Commencing Q3 2022	Full page Village suite advertisement including in Our Community USA (LGBTQ+ regional service directory)



**R: Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.**

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
4. Update of Financial Management System	Roll out of new accounting and property management software.	Q4 2022	MRI software roll out completed in December for Harbor Village billing to begin January 2023. Tenant Portal roll-out nearly complete. Portal will allow online rent payment for many Village tenants starting in April. Addition of Leasing module and Master Tenants to be done in next quarter. The accounts payable and general ledger modules implemented in December 2022.
	Creation and implementation of Tenant Portal to allow tenants to report sales and review lease documents.	Q1 2023	Tenant Portal training and development. Tenant Portal for Village tenants implemented for a 4/1/2023 start date.
	Implementation of online payments for tenants.	Q1 2023	Online payments now available for Village tenants through Tenant Portal. Roll out for tenants in phases to manage tenant inquires and potential issues. Initial testing with select group of tenants has been successful.
5. Financial Reporting	Stakeholder budget workshops	Q2 and annually	No action this quarter. A budget study session is scheduled with the Board in the next quarter.
	Periodic reports to Board and public on financial position, audits, and budget.	Quarterly	Financial statements for Q4 and the audit for the fiscal year ended 6/30/22 will be included in the April 19 Board meeting packet. The implementation of the new lease accounting requirement was completed in February 2023.
	Annual review of District bonds, debt position, restructuring opportunities and CalPERS obligations.	Q2 and annually or as needed	No action this quarter. Most recently completed June 2022.

## V: Maintain and improve Harbor Village facilities, infrastructure, and amenities.

STRATEGY How will it be achieved	ACTION Actions to be undertaken	MILESTONE Action timeline	ACHIEVEMENTS Progress Report
1. Ongoing investment in Harbor Village Infrastructure	Complete outstanding ADA improvements in Capital Improvement Plan	Q2 2023	ADA restroom improvements & ADA compliant trash enclosures projects under construction.
	Evaluate new ADA improvement requirements for District properties and update Capital Improvement Plan to address.	Q2 2024	No action this quarter.
	Village Promenade/Trail physical upgrades, including sustainability enhancements	Q4 2024 onwards	No action this quarter.
	Complete infrastructure upgrades (elevators, roof replacements per CIP)	Q4 2026	1567 Building C Roof replacement commenced in December, 2022.
	Complete Village Tenant Signage, Awnings	Q4 2024	Ongoing progress for Village tenants with implementation of Master Sign Program. Several door-protecting awnings on order for replacement.
	Evaluate opportunities for renewable energy/energy storage infrastructure for Village; implement drought tolerant landscaping and related irrigation systems.	Q3 2022 through Q4 2027	When replenishing vegetation inside planters, the District is planting drought tolerant succulents. Sprinkler irrigation is transitioning to dedicated drip system. Staff have met with solar power generating awning company to discuss options for tenants.
	Implement WiFi in Harbor Village	Q2 2023	No action this quarter.
2. Develop and implement an Annual Visitation Plan for Ventura Harbor Village.	Submit a proposed Visitation Plan in spring for Board, tenant and stakeholder input and feedback.	Q2 2023 and annually	Researching and meeting with potential activations/events/entertainment for potential 2023-2034 Visitation Plan
	Implement seasonal décor at Ventura Harbor Village and Spinnaker Drive	Q4 2022 and annually	SEASON's Greetings Holiday Décor & Lighting program in Village completed. White rope lights reinstalled on Village Promenade. Installation of "I (heart) the SEA" promenade signage.



# BOARD OF PORT COMMISSIONERS MAY 3, 2023

## STANDARD AGENDA ITEM 3 APPROVAL OF AMENDMENT No. 1 TO AGREEMENT FOR THE VENTURA HARBOR VILLAGE 1559 AND 1691 SPINNAKER DRIVE NEW TRASH ENCLOSURE PROJECT AND BUDGET ADJUSTMENT TO THE 5-YEAR CAPITAL IMPROVEMENT PLAN FOR HARBOR VILLAGE TRASH ENCLOSURES

**VENTURA PORT DISTRICT**  
**BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 3**  
Meeting Date: May 3, 2023

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TO: Board of Port Commissioners  
FROM: Todd Mitchell, Sr. Business Operations Manager  
Joe Gonzalez, Capital Projects Manager  
SUBJECT: Approval of Amendment No. 1 to Agreement for the Ventura Harbor Village 1559 and 1691 Spinnaker Drive New Trash Enclosure Project and Budget Adjustment to the 5-Year Capital Improvement Plan for Harbor Village Trash Enclosures

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**RECOMMENDATION:**

That the Board of Port Commissioners approve:

- a) Amendment No. 1 to the Agreement with Carjul Engineering and Construction Corporation for the Ventura Harbor Village 1559 and 1691 Spinnaker Drive New Trash Enclosure Project in the amount of \$98,000.00 for a total of \$275,000.00.
- b) A Budget Adjustment to the 5-Year Capital Improvement Plan for the Harbor Village Trash Enclosures from \$225,000.00 to \$275,000.00.

**SUMMARY:**

On October 19, 2022, the Board awarded a contract to Carjul Engineering to construct two new trash enclosures and demolish three existing trash enclosures. After approving change orders to the project to improve sidewalk path-of-travel items, the authority of staff to approve further change orders is expended. Staff is recommending additional change orders to improve materials being used. Staff is also seeking to increase the project budget to improve the sustainability of adjacent planters to the trash enclosures by reducing water usage.

**GUIDING PRINCIPLES:**

7) Provide high-quality Harbor and coastal visitor-serving amenities, services, facilities and infrastructure.

**5-YEAR OBJECTIVE:**

- V) Maintain and improve Harbor Village facilities, infrastructure, and amenities.  
1) Ongoing investment in Harbor Village Infrastructure

**BACKGROUND:**

The Port District's approved FY22-23 Capital Improvement Budget included \$350,000 for 1) new construction of two trash enclosure adjacent to 1559 and 1691 Spinnaker Drive and 2) the demolition of three existing trash enclosures within the Ventura Harbor Village complex parking lot. Utilizing procedures of public bidding, the District received seven bids for the work.

The Board awarded the contract to Carjul Engineering to perform the new build project in the amount of \$177,000.00, as this company was the lowest qualified and responsive bidder. After award of the contract, the project budget was reduced to \$225,000 in the Mid-Year Budget Adjustment.

Per the District's procurement policy, Staff have the authority to approve change orders up to 10% of the contract value without returning to the Board. Staff has approved change orders to the contract to address path-of-travel issues for the sidewalks that connect to the new trash enclosures ensuring that they meet ADA requirements. These change orders have exhausted staff's authority to approve change orders.

Staff have evaluated the originally specified galvanized steel for the mesh at the top of the trash enclosures to prevent birds from accessing the enclosure. The galvanized steel used for the last trash enclosure at 1575 Spinnaker does not appear to be holding up in our marine environment. Staff is recommending a change order to use stainless steel on the two new enclosures and replace the corroding mesh on the 1575 enclosure. This change order will not require a change to the project budget.

With recent weather changes, sand has overrun the sod and is preventing sprinklers from working properly. This is preventing them from popping up or retracting, leaving them exposed for trip hazards or damage. The demolition of three trash enclosures is allowing for new pavers to be used in the islands, rather than grass. Staff is recommending adding more pavers and drought tolerant vegetation on six nearby planters. These six planters are in high-traffic walking areas. Changing these planters from grass to pavers and vegetation will be beneficial to the District and the public. This addition will reduce domestic water usage, introduce drought tolerant plants, and lower maintenance cost. This change order requires the Board to approve an increase in the overall project budget.

All of the change orders have been at the request or recommendation of staff (or staff's architect) to improve the project outcome, rather than at the request of the contractor.

**FISCAL IMPACT:**

On December 15, 2021, the Board approved a Funding Agreement with the State of California, acting through the State Lands Commission to receive \$1,060,484 allocated from the Coronavirus State Fiscal Recovery Fund. Those funds have been received by the District. Project number 4 (of 10) identified in that grant award is this trash enclosure replacement project. The approved budgeted amount for this project was \$350,000. The trash enclosure bid amount of \$177,000 from Carjul Engineering was within the FY22-23 Capital Improvement Plan budget.

At the Mid-Year Budget Adjustment, the project was adjusted to \$225,000. Staff is recommending the Board approve an Amendment to the contract with Carjul Engineering and an increase in the Capital Improvement Plan's project budget to \$275,000.00. The additional expense is offset through the deferment of other CIP's.

**ATTACHMENTS:**

Attachment 1 – Location Map



## ATTACHMENT 1 – LOCATION MAP





# BOARD OF PORT COMMISSIONERS MAY 3, 2023

## STANDARD AGENDA ITEM 4 APPROVAL OF AMENDMENT NO. 1 TO AT WILL EMPLOYMENT AGREEMENT FOR GENERAL MANAGER

**VENTURA PORT DISTRICT  
BOARD COMMUNICATION**

**STANDARD AGENDA ITEM 4**  
Meeting Date: May 3, 2023

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TO: Board of Port Commissioners  
FROM: Michael Blumenberg, Chair  
Jackie Gardina, Vice-Chair  
SUBJECT: Approval of Amendment No. 1 to the At Will Employment Agreement for General Manager

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**RECOMMENDATION:**

That the Board of Port Commissioners:

- a) Approve and authorize the Chair to sign Amendment No. 1 to the "At Will Employment Agreement for General Manager", dated May 1, 2022, authorizing a 1.5% merit-based increase to the annual base salary.
- b) Approve and authorize a one-time payment of \$5,000 to General Manager Brian D. Pendleton in recognition of his excellent performance over the past year.
- c) Align evaluation date to consider future merit-based increases to be consistent with other non-represented District employees, as defined by the District's Human Resources Manual.

**SUMMARY:**

In preparation for the District's evaluation of the GM's performance in 2022-2023, an ad hoc committee consisting of the Chair, Michael Blumenberg and Vice-Chair, Jackie Gardina was established to lead the Board's performance evaluation process. Through the efforts of the ad hoc committee, and the input of the remainder of the Commissioners in multiple closed sessions, the General Manager's performance evaluation was completed on April 18, 2023. Brian Pendleton's performance as the General Manager for the Ventura Port District was found to be excellent.

Subsequent to the performance evaluation, the Board considered a merit-based increase to the GM's annual base salary, as required by the Employment Agreement, and the ad hoc committee is recommending the following actions be taken by the Board of Port Commissioners:

1. Approve and authorize the Chair to sign Amendment No. 1 to the "At Will Employment Agreement for General Manager", dated May 1, 2022, as follows:

The first sentence in Section 2, Paragraph A, Salary, is amended to read: "Pendleton's annual base salary shall be \$217,394 paid pursuant to VPD's payroll schedule." This revised salary includes a 3.5% COLA that was authorized for all non-represented employees in the FY2022-2023 Budget. This new salary including the merit-based increase shall be effective May 1, 2023.

The second sentence in Section 2, Paragraph A, Salary, is amended to read: "VPD shall review the General Manager's performance annually by December 31 each year and consider a merit-based salary increase each year consistent with the District's Human Resources Manual".

2. Grant a one-time payment of \$5,000 to the General Manager, to be issued during the first pay period in June 2023 in recognition of his excellent performance over the past year.



**GUIDING PRINCIPLES:**

6) Provide exceptional public service and organizational transparency.

**5-YEAR OBJECTIVES:**

E) Encourage public and civic engagement; maintain high levels of organizational transparency; and promote Harbor-wide diversity, equity and inclusion through District policies, procedures and programs.

1) Collaborate with business partners and stakeholders through increased engagement, communication, and participation.

2) Collaborate with City, regional, state, and federal agency officials in pursuit of mutually beneficial projects and programs.

**BACKGROUND:**

Effective May 1, 2022, the Board of Port Commissioners entered into an employment agreement with Brian Pendleton to continue to serve as the Port District's General Manager. That agreement requires the District to consider merit-based salary increases no later than April 30 each year. This consideration of a potential salary increase is predicated on an annual performance evaluation, but an evaluation is not stipulated in the Agreement. The proposed amendment adds a specific requirement for the District to complete an annual performance evaluation of the GM.

The current deadline for the District to review the GM's performance and consider a merit-based salary increase is inconsistent with the timeline to consider merit-based increases for other non-represented District employees. The current April 30 deadline also occurs in the final quarter of each fiscal year which makes it challenging to assess the District's ability to offer a merit-based increase prior to the development of the next fiscal year budget. Aligning the GM's annual evaluation and the District's consideration of merit-based increases with other non-represented employees will allow the District to better manage its fiscal responsibilities.

**FISCAL IMPACT:**

The 1.5% merit-based salary increase results in an increase of approximately \$3,213 in future annual personnel costs. If approved for implementation beginning May 1, 2023, the combined merit-based increase and one-time award of \$5,000 is an increase in FY2023 personnel costs of approximately \$5,535.

**ATTACHMENTS:**

Attachment 1 – Amendment No. 1 to At Will Employment Agreement for General Manager

**AMENDMENT NO. 1**

**TO AT WILL EMPLOYMENT AGREEMENT FOR GENERAL MANAGER**

This AMENDMENT NO. 1 TO AT WILL EMPLOYMENT AGREEMENT amends that certain AT WILL EMPLOYMENT AGREEMENT (the "Agreement") dated and effective, May 1, 2022, by and between Ventura Port District (hereinafter referred to as "VPD"), a political subdivision of the State of California, and Brian D. Pendleton (hereinafter referred to as "Pendleton").

**RECITALS**

- A. VPD and Pendleton entered into the Agreement with respect to Pendleton's at will employment with VPD as VPD'S General Manager.
- B. The Agreement provides for an annual review of Pendleton, at which time VPD considers an adjustment to Pendleton's compensation.
- C. The parties now desire to amend Section 2, paragraph A, Salary.

NOW, THEREFORE, the parties agree as follows:

1. Section 2, paragraph A of the Agreement shall be deleted in its entirety and the following inserted in its place:

"A. **Salary.** Pendleton's annual base salary shall be \$217,394 paid pursuant to VPD's payroll schedule. VPD shall review the General Manager's performance annually by December 31 each year and consider a merit-based salary increase each year consistent with the District's Human Resources Manual."

2. Except for the Amendment set forth above in this Amendment No. 1 to At Will Employment Agreement for General Manager, the Agreement shall otherwise remain unchanged.

DATED: May 3, 2023

Ventura Port District  
Board of Port Commissioners

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Brian D. Pendleton

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Michael Blumenberg, Chair