



VENTURA PORT DISTRICT BOARD OF PORT COMMISSIONERS

Michael Blumenberg, Chair
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Elizabeth Howell, Commissioner
Chris Stephens, Commissioner

Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
Tom Bunn, Legal Counsel
Jessica Rauch, Clerk of the Board

REGULAR MEETING WEDNESDAY, DECEMBER 18, 2024

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

CLOSED SESSION – 6:00PM
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

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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.

**CLOSED SESSION
6:00PM**

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.

CONVENE IN CLOSED SESSION

CLOSED SESSION AGENDA

1. CONFERENCE WITH LABOR NEGOTIATORS - PER GOVERNMENT CODE SECTION 54957.6:

- a) Employee Units: **Full-Time and Part-Time Harbor Patrol Officers** (verbal report)
Groups: Service Employees International Union (SEIU), Local 721
Negotiating Parties: Brian Pendleton, Todd Mitchell, Tom Bunn, Oliver Yee
Under Negotiation: **Labor Negotiations**

2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION – PER GOVERNMENT CODE PARAGRAPH (1) OF SUBDIVISION (D) OF SECTION 54956.9:

Name of case: Ventura Harbor Restaurant Associates, Inc., et al. vs. Ventura Port District, Ventura Superior Court Case No. 56-2022-00572144-CU-MC-VTA. (verbal report)

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

- a) Property: **1583 Spinnaker Drive #105**
District Negotiators: Brian D. Pendleton, Todd Mitchell, Tom Bunn
Negotiating Parties: Feel Good Beauty, Inc. dba Frenchies Modern Nail Care
Under Negotiation: **Price and Terms of Payment for New Retail Lease Agreement**

4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PER GOVERNMENT CODE SECTION 54957(B)(1): Brian D. Pendleton, General Manager - Annual Review. (verbal report)

ADJOURNMENT

**OPEN SESSION
7:00PM**

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.

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.

PROCLAMATION HONORING JOE GONZALEZ FOR HIS 38 YEARS OF SERVICE

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) Approval of Out-of-Town Travel Request

Recommended Action: Voice Vote.

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

- a) Brian D. Pendleton, General Manager to attend Congressional meetings and CMANC Conference from February 9-13, 2025 in Washington DC.
- b) Todd Mitchell, Deputy General Manager to attend Congressional meetings and CMANC Conference from February 9-13, 2024 in Washington DC.
- c) Jessica Snipas, Business Operations Analyst II to attend the CJPIA Supervisor Academy from January 13-16, 2025 in San Diego, CA.

B) Approval of a New Office Lease Agreement with Danielle Marie Sanchez dba Danielle Marie Sanchez

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Danielle Marie Sanchez dba “Danielle Marie Sanchez”, for the premises located at 1559 Spinnaker Drive, Suite #205A, Ventura, California 93001, consisting of approximately 448 square feet.

C) Approval of Amendment No. 1 to the Restaurant Lease Agreement with The Boatyard, Inc. dba Boatyard Pub

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Restaurant Lease Agreement dated August 1, 2023 between the Ventura Port District and The Boatyard, Inc. dba Boatyard Pub for the premises located at 1583 Spinnaker Drive, Suite #109, consisting of approximately 2,675 square feet.

D) Approval of Amendment No. 3 to a Service Agreement with Medallion Protective Services for Ventura Harbor Village and Marina

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 3 to a Service Agreement with Medallion Protective Services to increase the compensation from \$250,000 to \$330,000 and to extend the term of the contract until June 30, 2025, for security services in Ventura Harbor Village and around the Marina.

E) Authorize a Letter of Support for NOAA’s Establishment of Shellfish and Seaweed Aquaculture Opportunity Areas Near Ventura Harbor

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to submit a public comment letter to the National Oceanic and Atmospheric Administration in support of establishment of shellfish and seaweed Aquaculture Opportunity Areas near Ventura Harbor.

F) Authorize a Letter of Support for the Ocean Rainforest Commercial-Scale Kelp Facility in Federal Navigable Waters

Recommended Action: Voice Vote.

That the Board of Port Commissioners authorize the General Manager to submit a public comment letter to the Army Corps of Engineers in support of the continued processing of the Ocean Rainforest, INC application to conduct commercial-scale cultivation of Giant kelp in federal waters proximate to Ventura Harbor.

G) Approval of Updates to the Ventura Port District Public and Civic Engagement Plan

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve updates to the Ventura Port District Public and Civic Engagement Plan.

H) Adoption of Resolution No. 3514 Approving the SEIU-Local 721 MOU Representing Full-Time and Part-Time Harbor Patrol Officers

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3514 approving the Memorandum of Understanding Collective Bargaining Agreement between the Ventura Port District and the Service Employees International Union, SEIU-Local 721, representing all regular full-time and part-time employees classified as the Harbor Patrol.

I) Adoption of Resolution No. 3515 Approving the Updated Reserve Policy and Rescinding Resolution No. 3225

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3515 approving the updated Ventura Port District Reserve Policy and rescinding Resolution No. 3225, dated August 28, 2013.

J) Adoption of Resolution No. 3516 Approving the Updated Ventura Port District Investment Policy and Rescinding Resolution No. 3488

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3516 approving the updated Ventura Port District Investment Policy and rescinding Resolution No. 3488, dated December 6, 2023.

K) Adoption of Resolution Nos. 3517 and 3518 Approving Updates to the Expense Reimbursement Policies for Employees and Commissioners and Rescinding Resolution Nos. 3473 and 3474

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt:

- a) Resolution No. 3517 approving the updates to the Expense Reimbursement Policy for Employees and rescind Resolution No. 3473.
- b) Resolution No. 3518 approving the updates to the Expense Reimbursement Policy for Commissioners and rescind Resolution No. 3474.

STANDARD AGENDA:

1) Update on the District’s Parking Management Program and Approval for Solicitation for Parking Management Services

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Receive an update on the entitlements for the Parking Management Program (PMP)
- b) Receive an update on the final PMP Details
- c) Approve staff to publish a request for proposals for Parking Management Services.

2) Adoption of Resolution No. 3519 Approving the Amendments to the Ventura Port District Procurement and Purchasing Policy and Rescinding Resolution No. 3450

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopt Resolution No. 3519 approving amendments to the Ventura Port District’s Procurement and Purchasing Policy and rescinding Resolution No. 3450.

ADJOURNMENT

This agenda was posted on Friday, December 13, 2024 by 6:00 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
DECEMBER 18, 2024

APPROVAL OF MINUTES
OCTOBER 16, 2024
NOVEMBER 20, 2024
REGULAR MEETINGS

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF OCTOBER 16, 2024



CLOSED SESSION

CALL TO ORDER:

The Ventura Port District Board of Port Commissioners Regular Closed Session Meeting was called to order by Chair Blumenberg at 6:01PM 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
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Chris Stephens
Elizabeth Howell

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Deputy General Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Tom Bunn, Lagerlof, LLP

Number of interested persons:

0 via zoom; 0 in-person

PUBLIC COMMUNICATIONS: None. Closed at 6:02PM

CONVENED TO CLOSED SESSION AT 6:03PM.

ADJOURNMENT: Closed Session was adjourned at 7:01PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Port District Board of Port Commissioners' Regular Open Session Meeting was called to order by Chair Blumenberg at 7:06PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

PLEDGE OF ALLEGIANCE: By Commissioner Stephens.

ROLL CALL:

Commissioners Present:

Michael Blumenberg, Chair
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Chris Stephens
Elizabeth Howell

Commissioners Absent:

None.

Port District Staff:

Brian D. Pendleton, General Manager
Jessica Rauch, Clerk of the Board
Joe Gonzalez, Capital Projects Manager
Sergio Gonzalez, Facilities Manager
Will McReynolds, Management Assistant
Jessica Perkins, Accountant
Jessica Snipas, Business Operations Analyst
Jennifer Talt-Lundin, Marketing Manager

Legal Counsel:

Tom Bunn, Lagerlof, LLP

City of Ventura Liaisons:

Councilmember Duran, City Council Liaison – Absent

Number of interested persons:

1 via zoom; 0 in person

ADOPTION OF AGENDA

ACTION: Commissioner Stephens moved to adopt the October 16, 2024 agenda.

Vice-Chair Gardina seconded. The vote was unanimous.

APPROVAL OF MINUTES

The Minutes of October 2, 2024 Board of Port Commissioners' Regular Meeting were considered as follows:

ACTION: **Commissioner Rainey moved to approve the Minutes of the October 2, 2024 Regular Meeting.**

Commissioner Howell seconded. The vote was unanimous.

PUBLIC COMMUNICATIONS: None. Closed at 7:09PM.

CLOSED SESSION REPORT: Mr. Bunn stated that the Board met in closed session and discussed and reviewed all items on the closed session agenda. Staff was given instructions on how to proceed as appropriate and no action was taken that is reportable under The Brown Act.

BOARD COMMUNICATIONS: Commissioner Howell reported that she took a tour of Ventura West Marina with Natasha and also did her District Harbor boat tour with staff. Vice-Chair Gardina mentioned she popped into The Loose Cannon and is glad to see it open.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton reported on the upcoming Halloween events and promotions at Harbor Village, the VC Reporter's "Best of" winners, The Loose Cannon opening and City Director's Hearing results. Mr. Mitchell reported on issues with dredging.

CONSENT AGENDA:

A) Approval of Out-of-Town Travel Request

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the out-of-town travel request for Deputy General Manager Todd Mitchell to attend the California Mobility & Parking Association Conference from November 4-7, 2024 in Costa Mesa, CA.

Public Comment: None.

ACTION: **Commissioner Stephens moved to approve the out-of-town travel request for Deputy General Manager Todd Mitchell to attend the California Mobility & Parking Association Conference from November 4-7, 2024 in Costa Mesa, CA.**

Commissioner Howell seconded. The vote was unanimous.

B) Approval of a Professional Services Agreement with Rasmussen & Associates for Architectural Services

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Rasmussen & Associates in the amount of \$48,092 for the architectural design and permitting for 1559 Spinnaker Dr. Suite 101 & 102.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve a Professional Services Agreement with Rasmussen & Associates in the amount of \$48,092 for the architectural design and permitting for 1559 Spinnaker Dr. Suite 101 & 102.

Commissioner Howell seconded. The vote was unanimous.

C) Approval of a New Fishery Lease Agreement with J DeLuca Fish Company, Inc.

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Fishery Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and J DeLuca Fish Company, Inc. dba “J DeLuca Fish Company,” for the premises located at 1449 Spinnaker Drive, Suite #D, Ventura, California 93001, consisting of approximately 1,350 square feet.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve a new Fishery Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and J DeLuca Fish Company, Inc. dba “J DeLuca Fish Company,” for the premises located at 1449 Spinnaker Drive, Suite #D, Ventura, California 93001, consisting of approximately 1,350 square feet.

Commissioner Howell seconded. The vote was unanimous.

D) Approval of Amendment No. 2 to the Retail Lease Agreement with Commissioned Desserts LLC dba Top This Chocolate

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 2 to the Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Commissioned Desserts LLC dba Top This Chocolate for the premises located at 1559 Spinnaker Drive, Suite #109, Ventura, California 93001, consisting of approximately 1,381 square feet.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve Amendment No. 2 to the Retail Lease Agreement between the Ventura Port District dba Ventura Harbor Village and Commissioned Desserts LLC dba Top This Chocolate for the premises located at 1559 Spinnaker Drive, Suite #109, Ventura, California 93001, consisting of approximately 1,381 square feet.

Commissioner Howell seconded. The vote was unanimous.

E) Approval of a New Office Lease Agreement with the Buenaventura Art Association

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Buenaventura Art Association, for the premises located at 1591 Spinnaker Drive, Suite #207, Ventura, California 93001, consisting of approximately 1,420 square feet.

Public Comment: None.

ACTION: Commissioner Stephens moved to approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Buenaventura Art Association, for the premises located at 1591 Spinnaker Drive, Suite #207, Ventura, California 93001, consisting of approximately 1,420 square feet.

Commissioner Howell seconded. The vote was unanimous.

F) Approval of a New Office Lease Agreement with Junior Explorers – Ventura LLC

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Junior Explorers – Ventura LLC dba “Junior Explorers”, for the premises located at 1591 Spinnaker Drive, Suite #117B, Ventura, California 93001, consisting of approximately 811 square feet.

Public Comment: Written public comment was received from Trysten Hicks, owner of Junior Explorers. Letter was posted on the District website and distributed to Commissioners.

ACTION: Commissioner Stephens moved to approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Junior Explorers – Ventura LLC dba “Junior Explorers”, for the premises located at 1591 Spinnaker Drive, Suite #117B, Ventura, California 93001, consisting of approximately 811 square feet.

Commissioner Howell seconded. The vote was unanimous.

STANDARD AGENDA:

1) Receive and File the Public Workshop Report and Approve the Workshop Minutes of September 14, 2024

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Receive and file a report on the public workshop held on September 14, 2024.
- b) Approve the September 14, 2024 Workshop minutes.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 8:33PM

Commissioner’s comments:

Parking Management Implementation

- Focus on managing parking effectively as a scarce resource.
- Ensure a slow, steady rollout with functioning systems and clear communication.
- Consider the balance between net revenue and potential deterrence due to parking cost.
- Emphasize using parking fees as a tool for resource management.
- Clear messaging is essential, including a timeline for implementation and public communication during the rollout.
- QR code system for communication with the District.

- Validation for parking is a priority for businesses.
- Explore options for a trolley or water taxi while considering economic feasibility.
- Need reliable infrastructure for technology to be effective.

Harbor Sustainability & Resiliency

- Many restaurant owners find it economically unfeasible to eliminate plastics, Styrofoam, and similar materials.
- While promoting or encouraging sustainability changes remains a goal, it is recognized as a challenging path for achieving broader objectives.
- Trash and stagnant water in the harbor are significant concerns and potential solutions, like the VIM catchment system should be explored.
- Availability and maintenance of pump-out facilities are critical for harbor health.

Public Safety

- The life jacket loaner program was successful and should be expanded if needed.
- Although statistically not a major issue, underreporting is a concern as many incidents occur when boat owners are not present.
- Paddle boats present risk (damage to boats). There is a need to evaluate age requirements and vendor responsibilities.
- Issues like homeless individuals in the restrooms and digging through the trash create discomfort for families. Staff should focus on strategies to manage these problems effectively.

Economic Development

- Need strategy to attract younger generation.
- Like the events for children and schools as they build local engagement and a sense of community.
- Explore activities and gathering spots around the new fisheries building, emphasizing education.
- Significant enthusiasm for Parcel 5, with a stage being a top priority.

ACTION: Commissioner Howell moved to:
a) **Receive and file a report on the public workshop held on September 14, 2024.**
b) **Approve the September 14, 2024 Workshop minutes.**

Commissioner Rainey seconded. The vote was unanimous.

ADJOURNMENT: The meeting was adjourned at 8:36PM.

The next regular meeting is Wednesday, November 20, 2024.

Anthony Rainey, Secretary

VENTURA PORT DISTRICT

BOARD OF PORT COMMISSIONERS REGULAR MEETING MINUTES OF NOVEMBER 20, 2024



CLOSED SESSION

CALL TO ORDER:

The Ventura Port District 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
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Chris Stephens
Elizabeth Howell

Commissioners Absent:

None.

Port District Staff:

Brian Pendleton, General Manager
Todd Mitchell, Deputy General Manager
Jessica Rauch, Clerk of the Board

Legal Counsel:

Tom Bunn, Lagerlof, LLP

Number of interested persons:

0 via zoom; 0 in-person

PUBLIC COMMUNICATIONS: None. Closed at 5:31PM

CONVENED TO CLOSED SESSION AT 5:31PM.

ADJOURNMENT: Closed Session was adjourned at 7:03PM.

OPEN SESSION

ADMINISTRATIVE AGENDA:

CALL TO ORDER:

The Ventura Port District Board of Port Commissioners' Regular Open Session Meeting was called to order by Chair Blumenberg at 7:08PM at the Ventura Port District Administration Office, 1603 Anchors Way Drive, Ventura, CA 93001 and via Zoom meeting.

PLEDGE OF ALLEGIANCE: By Chair Michael Blumenberg.

ROLL CALL:

Commissioners Present:

Michael Blumenberg, Chair
Jackie Gardina, Vice-Chair
Anthony Rainey, Secretary
Chris Stephens
Elizabeth Howell

Commissioners Absent:

None.

Port District Staff:

Brian D. Pendleton, General Manager
Jessica Rauch, Clerk of the Board
Todd Mitchell, Deputy General Manager
Gloria Adkins, Accounting Manager
Joe Gonzalez, Capital Projects Manager
Sergio Gonzalez, Facilities Manager
Wayne Hatch, Maintenance Supervisor
John Higgins, Harbormaster
Will McReynolds, Management Assistant
Jessica Perkins, Accountant via Zoom
Jessica Snipas, Business Operations Analyst
Jennifer Talt-Lundin, Marketing Manager
Dave Werneburg, Marina Manager via Zoom

Legal Counsel:

Tom Bunn, Lagerlof, LLP

City of Ventura Liaisons:

Councilmember Duran, City Council Liaison – Absent

Number of interested persons:

3 via zoom; 11 in person

ADOPTION OF AGENDA

ACTION: Commissioner Howell moved to adopt the November 20, 2024 agenda.

Vice-Chair Gardina seconded. The vote was unanimous.

PUBLIC COMMUNICATIONS: Gregg Kravich noticed the new Harbor Patrol boat and suggested opening up the naming to the community. Andrew Berner and David Livingstone, Hokuloa Outrigger Canoe Club updated the Board on the relocation of their assets. Closed at 7:14PM.

CLOSED SESSION REPORT: Mr. Bunn stated that the Board met in closed session and discussed and reviewed all items on the closed session agenda. Staff was given instructions on how to proceed as appropriate and no action was taken that is reportable under The Brown Act. The Board will reconvene in closed session to finish discussion on item 4.

BOARD COMMUNICATIONS: Commissioner Howell would like to discuss derelict boats on the next agenda. Closed at 7:15PM.

STAFF AND GENERAL MANAGER REPORTS: Mr. Pendleton reported on the upcoming Holiday events, decorations and promotions at Harbor Village. He also thanked all the Parade of Light sponsors. The Leasing Plan was mentioned, and the team has been meeting with several consultants and has expanded its marketing on Loopnet.com. Mr. Pendleton also commented on the new Harbor Patrol boat.

CONSENT AGENDA:

A) Approval of Out-of-Town Travel Request

Recommended Action: Voice Vote.

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

- a) General Manager, Brian D. Pendleton to attend the LCW 2025 Annual Public Sector Employment Law Conference from January 29 – January 31, 2025 in San Diego, CA.
- b) Commissioner Elizabeth Howell to attend the to attend the National Working Waterfront Network 2025 Conference from February 3 – February 5, 2025 in San Diego, CA.

Public Comment: None. Closed at 7:33PM.

ACTION: Vice-Chair Gardina moved to approve the out-of-town travel requests.

Commissioner Rainey seconded. The vote was unanimous.

B) Approval of a New Restaurant Lease Agreement with Ricardo and Christina Magana dba Baja Bay Surf n Taco

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Restaurant Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and with Ricardo and Christina Magana dba “Baja Bay Surf n Taco”, for the premises located at 1567 Spinnaker Drive, Suite #104, Ventura, California 93001, consisting of approximately 773 of interior square feet and 623 of patio square feet.

Public Comment: None. Closed at 7:33PM.

ACTION: Vice-Chair Gardina moved to approve a new Restaurant Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and with Ricardo and Christina Magana dba “Baja Bay Surf n Taco”, for the premises located at 1567 Spinnaker Drive, Suite #104, Ventura, California 93001, consisting of approximately 773 of interior square feet and 623 of patio square feet.

Commissioner Rainey seconded. The vote was unanimous.

C) Approval of a New Office Lease Agreement with Commercial Collections of America, LLC dba CCA

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Commercial Collections of America, LLC dba “CCA”, for the premises located at 1559 Spinnaker Drive, Suite #205, Ventura, California 93001, consisting of approximately 438 square feet.

Public Comment: None. Closed at 7:33PM.

ACTION: Vice-Chair Gardina moved to approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Commercial Collections of America, LLC dba “CCA”, for the premises located at 1559 Spinnaker Drive, Suite #205, Ventura, California 93001, consisting of approximately 438 square feet.

Commissioner Rainey seconded. The vote was unanimous.

D) Approval of Amendment No. 1 to the Office Lease Agreement with Elmo Iadevaia

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Office Lease dated January 1, 2022 between the Ventura Port District, and Elmo Iadevaia, for the premises located at 1567 Spinnaker Drive, Suite #203, consisting of approximately 370 square feet.

Public Comment: None. Closed at 7:33PM.

ACTION: Vice-Chair Gardina moved to approve Amendment No. 1 to the Office Lease dated January 1, 2022 between the Ventura Port District, and Elmo Iadevaia, for the premises located at 1567 Spinnaker Drive, Suite #203, consisting of approximately 370 square feet.

Commissioner Rainey seconded. The vote was unanimous.

E) Approval of Amendment No. 1 to the Office Lease Agreement with American Pacific Mortgage Corporation

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve Amendment No. 1 to the Office Lease dated December 1, 2022 between the Ventura Port District, and American Pacific Mortgage Corporation, for the premises located at 1583 Spinnaker Drive, Suite #213, consisting of approximately 791 square feet.

Public Comment: None. Closed at 7:33PM.

ACTION: Vice-Chair Gardina moved to approve Amendment No. 1 to the Office Lease dated December 1, 2022 between the Ventura Port District, and American Pacific Mortgage Corporation, for the premises located at 1583 Spinnaker Drive, Suite #213, consisting of approximately 791 square feet.

Commissioner Rainey seconded. The vote was unanimous.

F) Approval of the 2025 Port Commission Meeting Schedule

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve the 2025 Port Commission meeting schedule.

Public Comment: None. Closed at 7:33PM.

ACTION: Vice-Chair Gardina moved to approve the 2025 Port Commission meeting schedule, correcting March 16 to March 19.

Commissioner Rainey seconded. The vote was unanimous.

G) Approval of a Professional Services Agreement with Noble Consultants, Inc. for Engineering and Consulting Services

Recommended Action: Voice Vote.

That the Board of Port Commissioners approve a Professional Services Agreement with Noble Consultants, Inc. in the amount of \$50,000 for engineering and consulting services.

Public Comment: None. Closed at 7:33PM.

ACTION: Vice-Chair Gardina moved to approve a Professional Services Agreement with Noble Consultants, Inc. in the amount of \$50,000 for engineering and consulting services.

Commissioner Rainey seconded. The vote was unanimous.

STANDARD AGENDA:

1) Ventura Yacht Club Dock Replacement Project Presentation

Recommended Action: Informational.

That the Board of Port Commissioners receive a presentation on the completion of the Ventura Yacht Club Dock Replacement Project.

Presentation by Dave Boatner, Staff Commodore, Ventura Yacht Club.

Public Comment: Tom Derecktor, member of the Yacht Club, said they did an excellent job on the new docks.

ACTION: The Board of Port Commissioners received a presentation on the completion of the Ventura Yacht Club Dock Replacement Project.

No action was taken.

2) Ventura West Marina Redevelopment Project Parcel 17 (APN 080-0-240-325)

Recommended Action: Voice Vote.

That the Board of Port Commissioners:

- a) Approve a Professional Services Agreement with Impact Sciences in the amount of \$60,000 for the performance of an environmental review pursuant to the California Environmental Quality Act for the proposed redevelopment of Ventura West Marina Parcel 17.
- b) Receive a presentation and provide preliminary feedback on the proposed redevelopment of Ventura West Marina Parcel 17.

Report by Brian D. Pendleton, VPD General Manager; Beauchamp Leslie Development Management Team - Dick Beauchamp, President, Justin Pappa, VP of Development, Natasha Delamere, COO, Eric Leslie, CEO; and Bryce Fisher, Project Development Manager, Bellingham Marine.

Public Comment: None. Closed at 8:16PM.

ACTION: The Board of Port Commissioners received a presentation on the proposed redevelopment of Ventura West Marina Parcel 17.

ACTION: Commissioner Rainey moved to approve a Professional Services Agreement with Impact Sciences in the amount of \$60,000 for the performance of an environmental review pursuant to the California Environmental Quality Act for the proposed redevelopment of Ventura West Marina Parcel 17.

Vice-Chair Gardina seconded. The vote was unanimous.

3) Adoption of Resolution No. 3513 Approving the Financial Statements and Checks for July through September 2024

Recommended Action: Roll Call Vote.

That the Board of Port Commissioners adopts Resolution No. 3513 to:

- a) Accept the draft financial statements for the Quarter ending September 30, 2024, pending final year-end reconciliation adjustments and audit review.
- b) Review the payroll and regular checks for July through September 2024.

Report by Gloria Adkins, Accounting Manager.

Public Comment: None. Closed at 8:39PM.

ACTION: Commissioner Stephens moved to adopt Resolution No. 3513 to accept the draft financial statements for the Quarter ending September 30, 2024, pending final year-end reconciliation adjustments and audit review and review the payroll and regular checks for July through September 2024.

Commissioner Howell seconded. The vote was as follows:

AYES: Commissioners Blumenberg, Gardina, Rainey, Stephens, Howell

NOES: None.

ABSTAINED: None.

ABSENT: None.
Motion carried 5-0.

4) Ventura Port District 5-Year Objectives Annual Accomplishments and Quarterly Update

Recommended Action: Voice Vote.

That the Board of Port Commissioners

- a) Receive and file the FY23-24 Ventura Port District 5-Year Objectives annual accomplishments.
- b) Receive and file the FY24-25 Ventura Port District 5-Year Objectives update.

Report by Brian D. Pendleton, General Manager.

Public Comment: None. Closed at 9:03PM.

Commissioner Comments: For future accomplishment reports, remove milestone column and bold font for completed tasks. For future quarterly reports, staff could come back to the Commission for approval to remove a strategy if it is not working.

ACTION: Commissioner Howell moved to receive and file the FY23-24 Ventura Port District 5-Year Objectives annual accomplishments and FY24-25 Ventura Port District 5-Year Objectives quarterly update.

Vice-Chair Gardina seconded. The vote was unanimous.

5) Election of a Ventura Local Agency Formation Commissioner Representing Special Districts

Recommended Action: Voice Vote.

That the Board of Port Commissioners elect a candidate to fill the four-year term of the Special District Regular Member for the Ventura LAFCo Commission.

Report by Brian D. Pendleton, General Manager.

Public Comment: Candidate Mohammed Hasan spoke as to why he should be considered for the Special District Regular Member. Candidate Stephen Huber provided written comment that was distributed to the Commissioners and posted on the website. Closed at 9:12PM.

ACTION: Commissioner Rainey moved to elect Commissioner Chris Stephens to fill the four-year term of the Special District Regular Member for the Ventura LAFCo Commission.

Vice-Chair Gardina seconded. The vote was unanimous.

ADJOURNMENT: The meeting was adjourned at 9:14PM.

RECONVENED TO CLOSED SESSION AT 9:18PM.

CLOSED SESSION WAS ADJOURNED AT 9:38PM.

RECONVENED TO OPEN SESSION AT 9:40PM.

CLOSED SESSION REPORT: Mr. Bunn stated that the Board reconvened in closed session and continued discussing item 4 on the closed session agenda. Staff was given instructions on how to proceed as appropriate and no action was taken that is reportable under The Brown Act.

ADJOURNMENT: The meeting was adjourned at 9:41PM.

The next regular meeting is Wednesday, December 18, 2024.

Anthony Rainey, Secretary



**BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024**

**DEPARTMENTAL STAFF REPORTS
NOVEMBER 2024
&
GUIDING PRINCIPLES
FIVE-YEAR OBJECTIVES INDEX**

GUIDING PRINCIPLES	
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.

5-YEAR OBJECTIVES		STRATEGY	
D)	Ensure dredging occurs annually at the federal Harbor entrance and as needed in the inner Harbor.	1)	Support and advocate for congressional funding to the Army Corps of Engineers in support of the Harbor's annual dredging program
		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
		3)	Ventura Port District Dredging
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, programs
		3)	Public and Civic Engagement Planning
		4)	Updates to District policies to reflect improved transparency and DEI
F)	Support current and future commercial fishing and sustainable aquaculture industries. Maintain and improve working waterfront facilities and infrastructure.	1)	Engage with commercial fishing and sustainable aquaculture interests in Ventura Harbor
		2)	Continue improvements of District's Working Waterfront infrastructure
		3)	Continue to pursue opportunities for diversifying commercial fishing and sustainable aquaculture
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
		2)	Evaluate opportunities for Parcel Development
		3)	Implement sustainability technologies at the Harbor
		4)	VenturaWaterPure
N)	Maintain and grow Channel Islands National Park Service (NPS) presence and customer visitation to the Harbor.	1)	Work with NPS and harbor visitors regarding enhancement of visitor experience.
		2)	Coordinate with NPS Superintendent to evaluate long-term goals and improvement needs for the Channel Islands National Park Visitor Center
		3)	Coordinate with National & California State Parks, and City to develop destination-based ecotourism offerings
P)	Implement parking management, traffic circulation, and multi-modal transportation strategies.	1)	Work with City to improve access between the City and Harbor
		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
		3)	Pursue and implement parking management solutions to increase vehicle circulation
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
		2)	Seek additional grant funding for improving/replacing District capital assets.
		3)	Leasing/Property Management
		4)	Update of Financial Management System
		5)	Financial Reporting
V)	Maintain and improve Harbor Village facilities, infrastructure, and amenities.	1)	Ongoing investment in Harbor Village Infrastructure
		2)	Develop and implement an Annual Visitation Plan for Ventura Harbor Village.

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Todd Mitchell, Deputy General Manager
Joe A. Gonzalez, Capital Projects Manager
SUBJECT: November 2024 Capital Projects Report

1567 SPINNAKER DR. SUITE 101, FACADE RENOVATION

Status: Construction Nearly Complete

Budget: On Budget

Staff is waiting on the contractor to address some punch list items related to the building doors and anticipates presenting a Notice of Completion to the Board for its consideration of this project in January.

LAUNCH RAMP WASHDOWN STATION AND FLOATING DOCK REPLACEMENT PROJECTS

Status: Ongoing – Construction Commencing January

Budget: Grant Funded

DBW has approved the District’s final designs for both the Launch Ramp Washdown Station and the Floating Dock Replacement and has issued formal approval. The District’s contractors are preparing to commence work once the City of Ventura has issued building permits.

A pre-construction meeting for the washdown stations occurred Monday, November 18th. All parties involved with this project met on site and determined that construction would start the beginning of January 2025.

INSTALLATION OF ELECTRICAL VEHICLE CHARGING UNITS

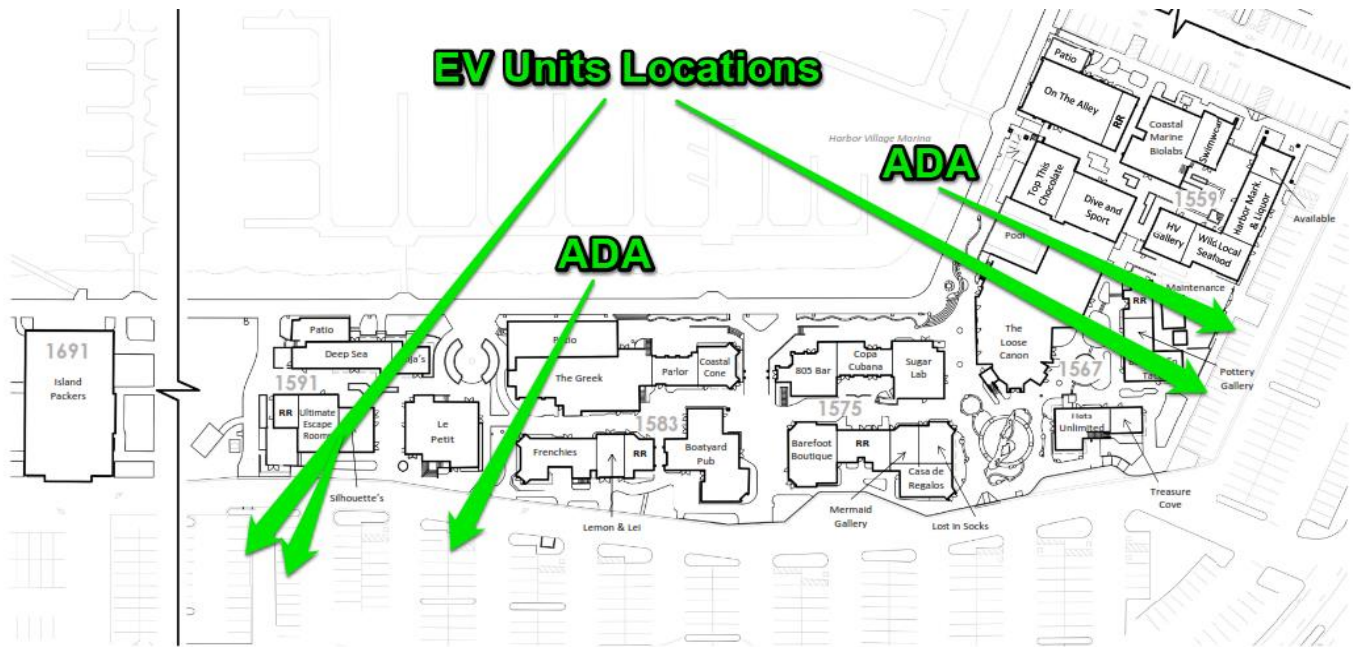
Status: Construction Ongoing

Budget: Grant Funded

The District is working with Edison to complete the installation of 21 charging units at two different locations (1567 and 1591 Spinnaker) within the Ventura Harbor Village parking lot. This project is largely funded by Edison with additional reimbursement coming from the Center for Sustainable Energy (CALeVIP).

While Edison broke ground at both sites in September, their contractor has been notified by Edison that several electrical materials have arrived from back order and are scheduled to start the installation at 1591 in December. Staff have been working with Edison and contractors to minimize the impact of the fencing on both locations. All fencing has finally been removed.





PARCEL 19A NEW DRY BOAT STORAGE & PARKING LOT IMPROVEMENTS PROJECT

Status: Entitlements Obtained – Submitted to Building and Safety

Budget: On Budget

The City of Ventura has approved “Parcel 19A” as a hybrid dry boat storage and overflow parking that will accommodate vehicles with boat-trailers. The parcel was used by the District for dry boat storage during the VenturaWaterPure project.

Some improvements have been completed by Blois at the conclusion of the VenturaWaterPure project and the next phases of work include adding electrical service for the gates, new light fixtures, and updates to landscaping along Harbor Blvd. These plans have been drafted and sent to the City’s Building and Safety Department for approval.

1575 SPINNAKER DR. FACADE RENOVATION

Status: Entitlements Obtained – Construction Plans in Preparation

Budget: On Budget

The City’s Design Review Committee (DRC) reviewed the District’s submission during a public hearing on August 21st. The architect updated the design per the requirements of the DRC and resubmitted to the City. The City approved this item at a Director’s Hearing on October 14th.



With approval, staff continues to work with architectural firm Rasmussen & Associates on plans for submittal to City Building and Safety, which is anticipated by early January 2025.



In the interim, staff started interior demolition work mid-November, removing dilapidated restaurant fixtures and equipment as well as some non-loadbearing walls. Staff is working closely with the contractor to minimize the demolition noise.

SCHOONER/HARBOR MONUMENT SIGN

Status: Entitlements Obtained – Submitted to Building and Safety

Budget: On Budget

District staff have worked with architectural firm Coastal Architects to update the District’s Master Sign Program to add and include a new monument sign at the corner of Schooner Dr. and Harbor Blvd. The program has been approved by the City’s DRC and received final planning approval at a Director’s Hearing on October 14th. The District’s architect has submitted construction plans to City Building and Safety for approval. Construction of this project is in the FY24-25 budget.



VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
SUBJECT: November 2024 Dredging Report

OUTER HARBOR DREDGING (FEDERAL NAVIGATION CHANNEL)

Political Advocacy for Federal Dredging

The ongoing permitting issue between the Corps and the Los Angeles Regional Water Quality Control Board (pertaining to a Clean Water Act permit) was finally resolved for dredging of Channel Islands Harbor and will shortly be resolved for Ventura Harbor. The contract for dredging Channel Islands Harbor was awarded on December 4. There will still be a delay in commencing dredging at Channel Islands Harbor which will almost certainly impact Ventura Harbor dredging.

CMANC, Ventura Port District, Ventura County (Channel Islands Harbor), Port Hueneme (the city), and the Port of Hueneme (the port) continue to push for timely performance through political channels, including: US Congress, US Senate, California State Assembly, and California State Senate (see attached letter from Colonel Baker to Congresswoman Julia Brownley).

The ongoing relationship building of the Ventura Port District with our elected officials and their staff is critical in ensuring their cooperation on these matters.

2025 Dredging Funding

On Monday, March 11th, the President's FY25 budget proposal to Congress was released and included \$8.796M for Ventura Harbor maintenance dredging. This figure appears to fully support the budget recommendations of the LA District of the Corps to complete the next procurement cycle (Q4 of this year) and to perform dredging in early 2025. The outcome of election is not expected to affect performance of dredging in 2025. Given the historic bipartisan nature of Corps' Civil Works projects, funding in 2026 is not likely to be in jeopardy, but staff will need to be proactive to ensure Ventura Harbor remains a funding priority for the Corps.

Detached Breakwater Repair

The detached breakwater protecting the Ventura Harbor entrance was damaged during storm events in December 2023 through January 2024 with armor rock being displaced. The breakwater is still fully functional, but the displaced armor rock makes the structure more vulnerable to faster deterioration. Corps staff did a visual inspection in March and returned on July 29 for a more comprehensive inspection. The findings of their report show that there are portions of the breakwater with a "D" rating (where A is the best and F is the worst). District staff will meet with our Congressional representative during our next CMANC DC visit (mid-February) to lobby to have the Corps receive funding to perform a "Plans & Specifications" study to evaluate the estimated cost of repairs and prepare specifications for construction. Breakwater repairs generally take more than 5 years to be funded and subsequently executed by the Corps.

INNER HARBOR DREDGING

Inner harbor dredging was successfully completed in March 2024 and the inner harbor channels are in very good condition for navigation.

ATTACHMENT:

Attachment 1 – Carpi & Clay Federal Report

Attachment 2 - Letter from Colonel Baker to Congresswoman Julia Brownley

Federal Update

December 2, 2024

2024 Presidential Election & Transition

On November 6th, former President Donald Trump (R) won election to a nonconsecutive second term as president. This is the second time a President has been elected to nonconsecutive terms after Grover Cleveland served as the 22nd and 24th President. Trump defeated Vice President Kamala Harris (D) by an Electoral College vote of 312-226. President-elect Trump immediately began naming nominees for his Cabinet and other White House positions. The charts below outline Trump's selected Cabinet and administration nominees for his second term. Cabinet level positions require confirmation by the Senate.

TRUMP CABINET (*indicates no Senate confirmation required)	Name	Current/Former Position
Vice President*	JD Vance	Junior senator from Ohio
Secretary of State	Marco Rubio	Senior senator from Florida
Secretary of the Treasury	Scott Bessent	Founder of Key Square Group
Secretary of Defense	Pete Hegseth	FOX News Host and Army Veteran
Attorney General	Pam Bondi	Former Attorney General of Florida
Secretary of the Interior	Doug Burgum	Governor of North Dakota
Secretary of Agriculture	Brooke Rollins	Former Director of the Domestic Policy Council
Secretary of Commerce	Howard Lutnick	Chairman & CEO of Cantor Fitzgerald
Secretary of Labor	Lori Chavez-DeRemer	Representative from Oregon (lost reelection in 2024)
Secretary of Health and Human Services	Robert F. Kennedy Jr.	Presidential candidate in the 2024 cycle
Secretary of Housing and Urban Development	Scott Turner	Former Texas State Representative and NFL Player
Secretary of Transportation	Sean Duffy	Former representative from Wisconsin
Secretary of Energy	Chris Wright	CEO of Liberty Energy

ATTACHMENT 1

Secretary of Education	Linda McMahon	Former Small Business Administrator
Secretary of Veterans Affairs	Doug Collins	Former representative from Georgia
Secretary of Homeland Security	Kristi Noem	Governor of South Dakota
NON-SECRETARY NOMINEES (not in the line of succession)		
Administrator of the Environmental Protection Agency	Lee Zeldin	Former representative from New York
Ambassador to the UN	Elise Stefanik	Representative from New York
Chair of the Council of Economic Advisers	TBA	
Director of National Intelligence	Tulsi Gabbard	Former representative from Hawaii
Director of the Central Intelligence Agency	John Ratcliffe	Former Director of National Intelligence
Director of the Office of Management and Budget	Russell Vought	Former Director of the Office of Management and Budget
Director of the Office of Science and Technology Policy	TBA	
Director of the Office of Science and Technology Policy	TBA	
US Trade Representative	TBA	
White House Chief of Staff*	Susie Wiles	Co-chair of the Trump 2024 campaign

President-elect Trump made the following non-Cabinet nominations:

TRUMP ADMIN	Appointee	Current/Former position
Administrator of the Centers for Medicare and Medicaid Services	Mehmet Oz	Doctor, reality TV host, and 2022 Pennsylvania Republican nominee for Senate
Border Czar*	Tom Homan	Former acting director of U.S. Immigration and Customs Enforcement
Chair of the FCC	Brendan Carr	FCC Commissioner (term expires 2029)
Department of Government Efficiency (new office)*	Elon Musk & Vivek Ramaswamy	Businessmen/entrepreneurs
Deputy Attorney General	Todd Blanche	Former prosecutor for the Southern District of New York & Trump personal lawyer
National Security Advisor*	Mike Waltz	Representative from Florida

White House Communications Director*	Steven Cheung	Spokesman for the Trump 2024 Campaign
White House Counsel*	Bill McGinley	Former White House Cabinet Secretary
White House Deputy Chief of Staff for Policy & Homeland Security Advisor*	Stephen Miller	Former Senior Advisor to the President
White House Deputy Chief of Staff*	Dan Scavino	Former Deputy Chief of Staff
White House Press Secretary*	Karoline Leavitt	Press Secretary for the Trump 2024 Campaign

119th Congress Election Results

The Republican Party will control the House and Senate in the 119th Congress. In the Senate, Republicans have a 53-47 majority. In the House, Republicans maintain a 219-214 majority with one uncalled race remaining: California's 13th Congressional District where incumbent John Duarte (R) is slightly behind his democratic challenger Adam Gray.

118th Congress Lame Duck Session

Earlier this month, the House and Senate returned to Washington, D.C., for the first time since the end of September. During their two weeks in Washington before heading home for the Thanksgiving break, Members were focused on their respective leadership elections for the upcoming 119th Congress. Additionally, newly elected Members were in Washington for New Member Orientation. Following the Thanksgiving recess, Members will be faced with a list of timely priorities that will need to be addressed during the lame duck session including the following:

- A path forward for the Fiscal Year (FY) 2025 appropriations bills as the current Continuing Resolution expires on December 20th
- A disaster relief supplemental appropriations package
- National Defense Authorization Act
- Water Resources Development Act of 2024
- Farm Bill Extension

Congressional Leadership Elections

On November 13th, House and Senate Republicans held Leadership Elections for the 119th Congress. In the Senate, Senator John Thune (R-SD) was elected over Senator John Cornyn (R-TX) by a vote of 29-24 to succeed Minority Leader Mitch McConnell (R-KY), who is stepping down from leadership as Majority Leader. Senator John Barrasso (R-WY) was elected as Majority Whip. In the House, Speaker Mike Johnson (R-LA) and Majority Leader Steve Scalise (R-LA) won reelection to their respective leadership roles on the House side. Speaker Johnson will need to win a majority vote on the Floor of the House in January to formally be elected Speaker again. The Speaker's vote is expected to occur on January 3rd.

On November 18th, House Democrats held elections in which Minority Leader Hakeem Jeffries (D-NY) won reelection to lead the House Democratic Caucus and Minority Whip Katherine Clark (D-MA) also won an uncontested reelection. Senate Democrats have yet to hold leadership elections, but it is expected that current Majority Leader Chuck Schumer (D-NY) and Majority Whip Dick Durbin (D-IL) will be reelected to lead Senate Democrats in the next Congress as Minority Leader and Minority Whip, respectively.

President Biden Submits \$100 Billion Disaster Relief Package to Congress

President Biden sent Congress an [emergency funding request](#) for roughly \$100 billion to help with recovery after natural disasters, including the recent hurricanes Helene and Milton in the Southeast, battered communities nationwide, and depleted key programs. The request includes:

- \$40 billion for the Federal Emergency Management Agency’s (FEMA) Disaster Relief Fund
- \$12 billion for the Department of Housing and Urban Development’s (HUD) Community Development Fund
- \$24 billion for Department of Agriculture (USDA) programs
- \$8 billion through the Department of Transportation (DOT)
- \$3 billion for State and Tribal Assistance Grants for water infrastructure

A request from the President is often the starting point for disaster supplemental packages. The final package will be up to Congress.

CONGRESSIONAL ACTIVITY

Senate Appropriations Committee Holds Hearing on Disaster Relief. The Senate Appropriations Committee held a hearing titled ‘A Review of Disaster Funding Needs’. Secretary Buttigieg was one of several witnesses that testified and he described DOT’s efforts to respond to many recent natural disasters and severe weather events, as well as the collapse of the Frances Scott Key Bridge in the Port of Baltimore, highlighted the importance of financing resilient infrastructure through such efforts as the FHWA’s PROTECT Grant program and noted the urgent need for supplemental funding to replenish FHWA’s Emergency Relief Program. Secretary Buttigieg’s prepared testimony is [HERE](#) and the hearing can be viewed [HERE](#).

California Democrats Urge CARB to Reconsider In-Use Locomotive Regulation. California Democratic Representatives John Garamendi, Salud Carbajal, Lou Correa, and Jim Costa sent a [letter](#) to the California Air Resources Board (CARB) urging the agency to reconsider its current In-Use Locomotive Regulation pending before EPA. The regulation would prohibit operating locomotives in California that are 23 years or older unless the locomotive is zero emission. The lawmakers highlight unintended operational consequences for short-line railroads that could result in shippers seeking other means of transportation that may increase greenhouse gas and air pollution.

Senators Introduce Bipartisan Atmospheric River Forecasting Bill. Senators Alex Padilla (D-CA) and Lisa Murkowski (R-AK) introduced the *Improving Atmospheric River Forecasts Act* ([S. 5361](#)). The legislation would direct the National Oceanic and Atmospheric Administration (NOAA) to establish a forecast improvement program for predicting atmospheric timing and location through the National Weather Service. A companion bill ([H.R. 3966](#)) was introduced in the House by California Representatives Mike Garcia (R) and Jay Obernolte (R) in 2023. The Senate legislation was referred to the Committee on Commerce, Science, and Transportation for consideration.

Representatives Urge Congressional Leaders to Pass Landslide Preparedness Bill. A group of House Democrats sent a [letter](#) to House and Senate leadership requesting final passage of the *National Landslide Preparedness Act Reauthorization Act* ([H.R. 7003](#)) before the end of the 118th Congress. The bill would reauthorize programs and funding to prevent landslide risks that expired in September. The bill passed the Committee on Natural Resources in April and is awaiting consideration by the full House.

Representatives Urge NIST to Develop Standards for Lifeline Infrastructure. A group of Representatives led by Kevin Mullin (D-CA) sent a [letter](#) to the National Institute of Standards and Technology (NIST) requesting that the agency develop standards for resilient lifeline infrastructure in the wake of natural hazards and disasters. The letter urges NIST to develop standards allowing federal, state, and local emergency responders to better coordinate and plan for lifeline service loss.

FEDERAL FUNDING OPPORTUNITIES

FEMA Releases \$291 Million Assistance to Firefighters NOFO. FEMA released a \$291 million [NOFO](#) through the Assistance to Firefighters Grant program. The program provides funding to support training personnel to recognized standards, equipping firefighters with compliant personal protective equipment, retrofitting facilities, acquiring emergency response vehicles, promoting workforce development, and supporting community resilience. Applications are due by December 20th.

NOAA Accepting Community-Led Heat Monitoring Campaign Applications. NOAA is [accepting applications](#) for the Center for Collaborative Heat Monitoring program. The program funds support for the development of community-based heat data collection campaigns and provides communities with technical assistance to develop those plans. Applications are due by January 17th.

GRANT AWARD ANNOUNCEMENTS

DOE Announces \$20 Million in Grants for SAF. The Department of Energy (DOE) [announced](#) \$20.2 million in funding to 10 university and industry projects to advance mixed algae development for low-carbon biofuels and bioproducts. These research projects will help improve carbon dioxide conversion to algae and enable greater volumes of sustainable aviation fuel (SAF).

DOT Announces SS4A Grant Awards. DOT [announced](#) \$172 million to 257 projects through the Safe Streets and Roads for All (SS4A) grant program. The program helps to fund projects in two areas: (1) Planning and Demonstration Grants that help communities develop road safety action plans and inform improvements along corridors with safety issues. They also provide funding to implement “quick-build” and other temporary strategies to test out safety features such as separated bicycle lanes or curb extensions at intersections and (2) Implementation Grants that provide funding for communities to implement strategies and projects that will significantly reduce or eliminate transportation-related fatalities and serious injuries.

MARAD Announces \$580 Million in PIDP Awards. The Maritime Administration (MARAD) [announced](#) \$580 million in Port Infrastructure Improvement Program (PIDP) awards for 31 projects in 15 states. Projects funded will support supply chain reliability, workforce development, freight efficiency, lower shipping costs, reduce emissions, and improve port reliability, safety, and resiliency.

FEDERAL AGENCY REGULATORY ACTIONS

BOEM Releases PEIS for Five California Offshore Wind Lease Areas. The Bureau of Ocean Energy Management (BOEM) released the [California Draft Programmatic Environmental Impact Statement](#) (PEIS) that covers five offshore wind lease areas off the central and northern California coasts. BOEM estimates that fully developing the lease areas has the potential to produce 4.6 gigawatts of offshore wind energy. Comments on the draft PEIS are due by February 12th.

FHWA Publishes CMAQ Interim Guidance. FHWA published the Congestion Mitigation and Air Quality (CMAQ) Program [Interim Guidance](#). The Interim Guidance provides information and guidance on eligibility, transfer, and other CMAQ Program requirements under the BIL, enacted as the Infrastructure Investment and Jobs Act. The CMAQ Program requirements in BIL took effect on October 1st, 2021, and apply to all funding obligated on or after that date, whether carryover or new. Because the CMAQ Program requirements in the BIL are in effect and the Interim Guidance contains information needed to plan CMAQ-funded projects and use CMAQ funds, the Interim Guidance is effective on the date of publication of this notice in the Federal Register. The Interim Guidance replaces the November 12th, 2013, Interim CMAQ Program Guidance under MAP-21 and the July 2014 Revised Interim Guidance on CMAQ Operating Assistance under MAP-21. The Interim Guidance is effective on November 6th and comments are due by January 6th.

IRS Releases Final Direct Pay Regulations for Clean Energy Tax Credits. The Internal Revenue Service (IRS) released the [final regulations](#) for direct pay clean energy tax incentives included in the Inflation Reduction Act. These regulations allow eligible entities to access the full values of clean energy incentives by providing clarity and flexibility for direct pay-eligible entities, including co-owned projects. The regulations are effective January 19th.

FEDERAL AGENCY ANNOUNCEMENTS AND PERSONNEL CHANGES

DOT and NOAA Sign MOU on Climate Smart Transportation. DOT and the National Oceanic and Atmospheric Administration (NOAA) signed a [Memorandum of Understanding](#) (MOU) to collaborate on providing climate and environmental information, tools, and technical assistance to the transportation sector, aiming to enhance climate resilience and reduce greenhouse gas emissions in transportation infrastructure planning and operations.

EPA Releases National Plastic Pollution Prevention Strategy. EPA released the “[National Strategy to Prevent Plastic Pollution](#),” detailing steps for government agencies, businesses, non-profits, and communities to reduce plastic pollution. The report includes advice on reducing the production and consumption of single-use plastic products, studying the environmental and health impacts of single-use plastics, and collaboration between producers and consumers.

EPA Releases Interim Cumulative Impacts Framework. EPA released a draft of the [Interim Framework for Advancing Consideration of Cumulative Impacts](#) for agency programs and regional offices to consider the overall impacts of EPA’s work. Cumulative impacts are defined by the totality of exposures to chemical and non-chemical stressors, such as air and water pollution, and their effect on human health, including cultural, subsistence practices, socioeconomics, and other health considerations. Comments on the draft are due by February 19th.

##



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS LOS ANGELES DISTRICT
915 WILSHIRE BOULEVARD SUITE 1109
LOS ANGELES CA 90017-3409

November 5, 2024

The Honorable Julia Brownley
United States House of Representatives
2262 Rayburn House Office Building
Washington, DC 20515

Dear Representative Brownley:

This is in response to your letter to Assistant Secretary of the Army for Civil Works, Mr. Connor, Lieutenant General Graham, Secretary Garcia, and Chairman Esquivel, dated October 7, 2024, concerning the U.S. Corps of Engineers' Channel Islands Harbor maintenance dredging project (Project). Your letter expressed concern with the time it is taking to resolve Clean Water Act section 401 water quality certification issues, causing delays for dredging projects along the coast.

On October 8, 2024, the Corps participated in a meeting with the United States Environmental Protection Agency, California State Water Resources Control Board, and the Los Angeles Regional Water Quality Control Board to find a path forward on the Clean Water Act section 401 water quality certification issues.

Based on discussion during this meeting, on October 11, 2024, the Los Angeles Regional Water Quality Control Board provided the Corps with a draft amendment to the Clean Water Act section 401 water quality certification for this Project that sufficiently addressed the Corps' concerns. While the Corps is still waiting for the final section 401 water quality certification with the agreed upon language, the Corps was able to advertise the contract for the Project on October 18, 2024.

Thank you for your interest in our program. If you have any questions, please reach out to my Navigation and Coastal Branch Chief, Mr. Charles Dwyer, via phone 213-452-3385 or via email at Charles.S.Dwyer@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "AJB".

Andrew J. Baker
Colonel, U.S. Army
Commanding

**VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT**

Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Todd Mitchell, Deputy General Manager
Sergio Gonzalez, Facilities Manager
SUBJECT: November 2024 Facilities Report

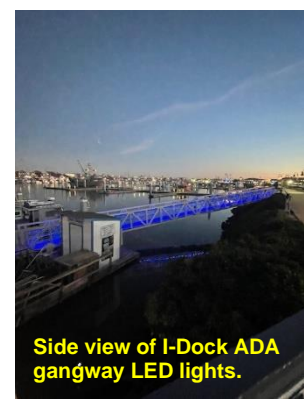
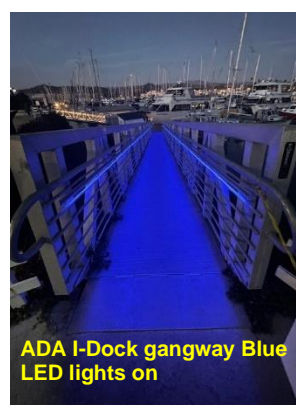
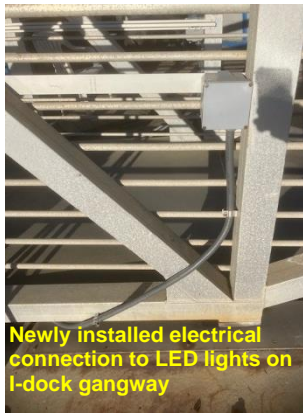
MAINTENANCE ACTIVITIES

VHV MARINA I-DOCK GANGWAY LIGHTING UPGRADE

Status: Completed

Budget: Budgeted (Marina)

The Maintenance Department led by Maintenance Tech-2 Luis Quezada, has completed the upgrading of all the VHV marina dock gangways lighting. All dock gangways have been outfitted with marine grade LED strip lighting mounted on installed gangway manufacturer mounting rails. Island Packers I-Dock pedestrian and ADA (blue light) were the last gangway completed.



VHV 1567 SUITE #105 FAILED CAST IRON DRAIN LINE

Status: Completed

Budget: Budgeted (Contingency)

VHV 1567 building had a ceiling cast iron drain line fail directly above #105 Ventura Pottery Guild causing a leak into the suite. The Maintenance team responded, contained, and isolated the leak. A water damage service company was brought in to provide rapid water extraction and restoration. A contractor was sourced to replace 20 feet of cast iron pipe with ABS pipe, replace damaged dry wall, patch and paint.

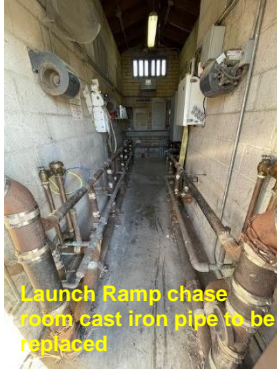


VPD LAUNCH RAMP RESTROOM RESTORATION PROJECT

Status: Ongoing

Budget: Budgeted (Building Maintenance)

The Launch Ramp restrooms restoration project was initiated in November. The first phase, which was the replacement of all the internal chase room plumbing from cast iron to ABS, was completed with a few cooper water line repairs. The next phase, which will be the renovation of the internal restroom stalls and exterior of the building, will continue in December.



Launch Ramp chase room cast iron pipe to be replaced



Replaced plumbing pipe with ABS



Compromised section of cast iron pipe



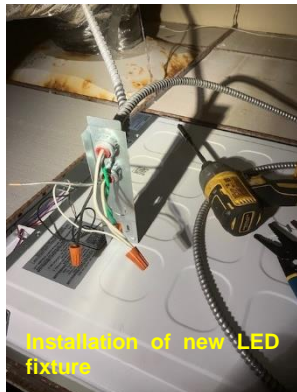
Compromised section replaced with ABS pipe

VHV 1691 NPS BUILDING LIGHTING REPLACEMENT

Status: Completed

Budget: Budgeted (Building Maintenance)

Two failed fluorescent ceiling light fixtures were replaced inside the VHV 1691 NPS Rangers office with new efficient LED fixtures.



Installation of new LED fixture



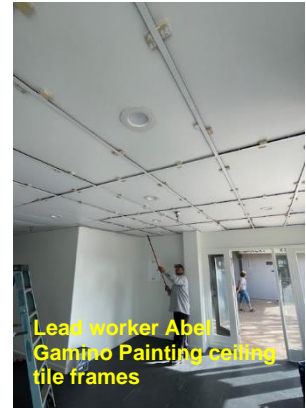
Two new installed LED fixtures

VHV 1591 #117 & #207 TENANT IMPROVEMENTS

Status: Completed

Budget: Budgeted (Capital Improvements)

Facilities assisted the Capital Projects Manager and Leasing Team in completing the tenant improvements at VHV 1591 suites 117B and 207 before the end of November. The Maintenance team completed 117B by painting the ceiling t-rail tile frames and replacing the fire sprinkler heads sconces. Suite 206 was completed by replacing all outdated inefficient fluorescent light bulbs with new efficient LED bulbs, replacing a hallway door to the restroom, and touching up wall paint. Both suites were detailed and cleaned prior to presenting to new tenants.



FACILITIES:

Staff continue to perform everyday maintenance and on the spot repairs throughout Ventura Harbor Village, other District properties, equipment, vehicles, and vessels. Also assist other Departments on special projects.

VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 18, 2024

To: Board of Port Commissioners
From: Brian D. Pendleton, General Manager
John Higgins, Harbormaster
SUBJECT: 2024 November Harbor Patrol Report

PUBLIC SAFETY OVERVIEW:

Harbor Patrol leadership and staff remain focused on training our new Marine Safety Officers (MSOs). As noted in previous reports, our staff members are excelling with hands-on, in-house training. The MSOs have all demonstrated competency in deckhand skills. We are now introducing them to basic vessel operations in controlled environments, with a full-time Harbor Patrol Officer able to take control of the vessel if needed. Most of this training focuses on the fundamentals of vessel operation, including close-quarters maneuvering, docking, backing, approaching targets, and walking the boat. Walking the boat is an advanced maneuver that uses both engines and the helm to move the vessel sideways with minimal forward or reverse movement. The group is learning at their own pace but has shown strong progress.



The waterways have remained busy with the commercial squid fishery landing record tonnage. Harbor Patrol continues to work with the Marina Manager, Dockmasters, and Commercial Fishermen to ensure they respect the rules and are good neighbors to the larger harbor's tenants and visitors. Harbor Patrol also continues to monitor human paddle craft, small vessel, and larger vessel traffic patterns, but no significant issues have been noted.

On land, Harbor Patrol has responded to several vagrant-related calls and issues. Because Harbor Patrol staff is not trained or equipped to deal with some of these more violent subjects, they will request the public to summon the Ventura Police Department and observe and report when appropriate. The Port District, along with the Harbormaster, has increased security at the Village for the holidays to create a visible reminder to the public. An additional shift from noon to 8PM daily was added for December. The visible security provided by Medallion Security Services has been effective in deterring, identifying, and removing both vagrants and individuals experiencing mental health issues from the main public areas. This shift will be for December and complements the regularly scheduled weekend noon to 8PM and nightly 10PM to 6AM presence. These other shifts have also been effective in maintaining high visibility and noting, reporting, and mitigating issues. The company also provides the Harbormaster with a daily log of notes and specific reports on issues found.

HARBOR WATCH 5 PATROL/RESCUE BOAT:

As a follow-up to the recent Port District meeting, we are unable to provide unique names to our equipment since we are part of a larger countywide dispatch system. This system requires asset names to be consistent with the agency and common naming conventions. The "Harbor Patrol" name has been used for many years, but as both Channel Islands and Ventura Harbors have become busier on land and water, there have been several instances of confusion between the two. Adopting "Harbor Watch" for our vessels will reduce confusion while remaining within the required parameters. For example, we would use "Harbor Watch Boat 5."

EQUIPMENT AND MAINTENANCE:

Harbor Patrol has continued training on the new boat while equipping it from scratch. We have made good progress and are nearing readiness for official service. The final items are larger projects like the emergency radio installation and radar upgrade. In the meantime, we are using

handheld radios and the existing radar, which is functional but outdated and unsupported due to its age. It will be upgraded to match the equipment on our other boats. Having the same electronics across all our boats is critical in ensuring our staff can perform their duties efficiently. It also simplifies maintenance by having uniform equipment.

HARBOR PATROL RECRUITMENT:

The Harbormaster and Port District staff are preparing for a January 2025 Harbor Patrol Officer I/II recruitment. With three open positions, we aim to hire the most qualified and experienced candidates. We are hopeful that our efforts to prepare our Marine Safety Officers will make them competitive for these positions. The process will include applications, a pass/fail 500-meter ocean swim in 10 minutes or less, and oral interviews.

During the hiring process, we will consider bringing in new employees at the higher Harbor Patrol Officer II level if they have relevant experience. This typically applies to individuals who are already trained and coming from another agency. These candidates will have the experience to operate vessels and work with part-time staff immediately, relieving us of the lengthy training process that usually occurs.

SAVE BOAT DISPOSALS:

The Harbormaster has continued to work effectively in removing boats under the state's SAVE Grant program. A vendor recently removed two vessels from Ventura Harbor and two from Channel Islands Harbor. He also collaborated with the City of Oxnard to remove an abandoned boat at a private residence in Mandalay Bay. The picture shows the vessel, which was towed by an unknown person in the middle of the night and left at a resident's dock. The homeowner initially tried to work with the City of Oxnard Code Enforcement, but because they are not familiar with the waterways, they advised the homeowner it was a civil issue. After months of being unable to resolve the issue, the homeowner reached out to Tow Boat US, who informed them of the grant and facilitated contact with the Harbormaster. The Harbormaster was able to complete the process and fund the removal and destruction of the vessel. He also worked with Code Enforcement to educate them on the available grant and the processes to follow for future occurrences.



HARBOR ENTRANCE AND SOUNDINGS:

There have been no significant changes in the depths within the harbor entrance or sand trap. We are still seeing depths up to 45 feet in the sand trap and maintaining our normal working depth in all areas of the harbor entrance.

911 CALLS DISPATCHED BY VENTURA COUNTY FIRE (NOV 1ST – DECEMBER 1ST):

Incident	Case Numbers	Units	Priority	Problem	Agency	Address	City	Response Date
24-0093738		HARB1, MED475, SQ2	M7	SICK PERSON NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	11/2/2024 9:05:29 PM
24-0093929		B1, EMS63, HARB1, HARB2, HARB3, ME2, ME3, MED496, MT5, SQ102, SQ2	F3	TC (HEAVY RESCUE)	Ventura County Fire Department	Spinnaker Dr / Angler Ct	Ventura	11/3/2024 2:10:27 PM
24-0094632		HARB1, MED475, SQ2	M7	HEMORRHAGE/LACERATIONS NO CODE	Ventura County Fire Department	1691 Spinnaker Dr	Ventura	11/5/2024 8:04:26 PM
24-0096489		HARB1, HARB2, ME3, MED475, SQ102	F4	TC	Ventura County Fire Department	1363 Spinnaker Dr	Ventura	11/10/2024 4:12:34 PM
24-0096740		HARB1, HARB2, ME2, MED496, SQ2	M7	FALL NO CODE	Ventura County Fire Department	1215 Anchors Way	Ventura	11/11/2024 1:00:06 PM
24-0096990		HARB1, HARB2, ME2	F7	FIRE ALARM	Ventura County Fire Department	1449 Spinnaker Dr	Ventura	11/12/2024 8:54:37 AM
24-0097590		B1, HARB1, HARB2, IV3, ME2, ME5, MT5, SQ2	F5	VEHICLE FIRE (LARGE)	Ventura County Fire Department	1400 Spinnaker Dr	Ventura	11/14/2024 5:57:53 AM
24-0097688		B66, E66, HARB1, HARB2, HARB3, MED496, SQ66	M3	CARDIAC/RESP ARREST/DEATH HIGH	Ventura County Fire Department	1867 Spinnaker Dr	Ventura	11/14/2024 10:02:47 AM
24-0098206		HARB1, HARB2, MED475, SQ2	M5	TC (INVOLVING PED)	Ventura County Fire Department	1080 Navigator Dr	Ventura	11/15/2024 9:04:52 PM
24-0099248		HARB1, ME2	F7	FIRE ALARM	Ventura County Fire Department	1228 Anchors Way	Ventura	11/19/2024 9:31:21 AM
24-0100017		HARB1, HARB2, MED471, SQ2	M3	CHEST PAIN NON TRAUMA HIGH	Ventura County Fire Department	34°14'39.36"N / 119°15'42.97"W	Ventura	11/21/2024 3:21:44 PM
24-0100308		HARB1, ME2	F7	FIRE ALARM	Ventura County Fire Department	1050 Schooner Dr	Ventura	11/22/2024 12:52:04 PM
24-0100758		HARB1, HARB2, ME2, MED475, SQ2	M5	SICK PERSON	Ventura County Fire Department	1583 Spinnaker Dr	Ventura	11/23/2024 6:52:26 PM
24-0102602		B4, CHAP26, EMS46, HARB1, HARB2, ME2, MED474, SQ2	M5	GUNSHOT NON EMD	Ventura County Fire Department	1591 Spinnaker Dr	Ventura	11/30/2024 10:00:52 AM
24-0102626		HARB1, ME5	F7	FIRE ALARM	Ventura County Fire Department	1034 Portside Dr	Ventura	11/30/2024 11:09:55 AM
24-0102787		HARB1, MED473, SQ2	M5	UNKNOWN PROBLEM NON EMD	Ventura County Fire Department	1196 Navigator Dr	Ventura	11/30/2024 10:01:18 PM

TO: Board of Port Commissioners
 FROM: Todd Mitchell, Deputy General Manager
 Dave Werneburg, Marina Manager / Commercial Fisheries
 SUBJECT: November 2024 Marina Report

MARINA DEPARTMENT ACTIVITIES

Ventura Harbor Village Marina

Total Slip Count	103	100%
Slips Assigned	102	99%
Slips Occupied	106	103%
Slips Available	0	0%

Port District Dry Storage

Total Spaces	88	100%
Active Contracts	71	81%
Available	17	19%

COMMERCIAL FISHING

California Market Squid Harvest – Ventura Harbor

2024-25 Squid Season opened April 1, 2024

California Market Squid Statistics		
State-wide Seasonal Squid Limit:	118,000 tons	236,000,000 lbs.
Ventura November 2024 Landings	7,969 tons	15,936,216 lbs.
Ventura Season-to-date:	11,301 tons	22,598,841 lbs.

Near the end of October, squid season kicked into high gear and exploded in November. Estimated season to date numbers for are 11,301 tons November 2024 (vs. 3,187 in November 2023) or 22,598,841 pounds (vs. 6,374,238 pounds).

While the industry is still a long way from hitting the state-wide quota, this season is shaping up to be very robust. The same is holding true for Hueneme and San Pedro landings. Fisheries are currently paying \$1,200 per ton. Several of our larger seiner tenants have 200-ton permits.

There are a capacity limits for each of the fisheries in terms of processing, packaging and freezer storage. For example, Del Mar Seafoods has throttled back on their fleet only allowing each vessel to land no more than 50 tons per day. Silver Bay and DeLuca Fish had not yet limited landings.

On peak days, the District can have upwards of 100 semi-trucks in and out of our facility. Some are delivering transportation totes and others delivering finely shaved ice, to preserve the squid. Departing trucks are transporting product to their respective processing centers. It’s a delicate ballet of 18-wheelers. Del Mar has processing capacity in Oxnard and Watsonville; Silver Bay transports their catch to Long Beach, and DeLuca Fish transports their catch to San Pedro.

Biologists from Fish and Wildlife are on-stie to monitor offloading 2-3 times a week, if not daily. They routinely take random samples assessing quality and health of catches. Market squid have a short life span, 6-9 months; they die shortly after they reproduce so the industry targets spawning squid. Even without fishing, the entire population replaces itself annually. Harvesting squid is considered highly sustainable and healthy for the species, per the Marine Stewardship Council certification issued in 2023.

<https://www.msc.org/en-us/media-center/news-media/news/california-market-squid-achieves-marine-stewardship-council-certification-for-sustainable-fishing>

NOVEMBER MARKETING REPORT - *Visitor Experience*

November 2024 report showcases samples & highlights of the Ventura Harbor Visitor Attraction Plan.

EVENT PROMOTION - *Bowl of Thanks*

November 9 & 10 was an unforgettable weekend of local **art, flavors, and live music** at the **Bowl of Thanks & Ventura Pottery Market**. Promoted by the **Ventura County Potters' Guild and Marketing Dept.**, local potters, unique ceramic art, and a taste experience to support Food Share brought together hundreds of attendees. Visitors explored **artisan pottery, while enjoying live music performances** in various courtyard spaces throughout the Village.



By the numbers:

Instagram Plays	Instagram Engagements	Bowls Sold	Taste Passports	Food Share Money Raised
38k+	2k+	650+	450+	\$16,000+

ENTERTAINMENT & *Music*

November **live music** in the Village included:

- **Nov. 9** | Dos Cats
- **Nov. 9** | Colin Kyffin
- **Nov. 9** | Katie Leigh (Acoustic Courtyard)
- **Nov. 10** | Morrison Drive
- **Nov. 10** | Vanise Terry
- **Nov. 10** | Jared Nels (Acoustic Courtyard)
- **Nov. 29** | Tyler Blair (Acoustic Courtyard)
- **Nov. 30** | Surfer Joe



HOLIDAY PROMOTION - *Shop Small Saturday*

Ventura Harbor Village celebrated **Shop Small Saturday** on **November 30**. KHAY 100.7 FM hosted a **live remote broadcast** with giveaways, families enjoyed **face painting, tropical birds, and festive village decor**. The **Surfer Joe Band** brought lively tunes, and visitors joined in on activities like the finding the **Holiday Harbor Seal**, with chances to win exciting prizes like gift cards, wine, and other boutique gifts.



REVENUE - *Wedding, Film, and Venue Rentals*

The total revenue from weddings, vendors, and outside events who utilized Ventura Harbor as their venue continues to meet fiscal goals for the year. The Harbor welcomed **three weddings, one film, one beach day, one private event, and the annual Ventura Body Surfing Classic**.

Revenue
Nov. 2024
= **\$3.2k**



NOVEMBER MARKETING REPORT - Content Development

November 2024 report showcases samples & highlights of the Ventura Harbor Visitor Attraction Plan.

SOCIAL MEDIA - Cross Network Performance Metrics*

76k
Total Audience

508k
Impressions

7k
Engagements

3k
Post Clicks



VISUALS - Sampling of Content

Paid social ads reached over 82k accounts in November, with **Bowl of Thanks** and **The Loose Cannon** introductory ads performing the strongest!



COPYWRITE - Enewsletters / Blogs

November e-blasts featured themes such as **Bowl of Thanks, Veteran's Day Weekend, Holiday Prep, Village Recommendations, Small business Saturday**, plus a call to past boaters to sign up for Parade of Lights and an internal tenant updates.

7
E-Newsletters

18k
Subscribers

34k
Opens

1k
Link Clicks



REELS - Short Video Compilations

Sr. Marketing & Event Coordinator produced 5 original reels on: **Squid offloading, Fall Sunsets, Clam Chowder, Shop Small Saturday, and Parade of Lights**. Plus, collaborated on two viral reels with **LyssEats 805** featuring **Baja Bay Surf & Taco** and the **Bowl of Thanks Event**. In addition, there were two collaborative reels with local UGC creators, and one reel in conjunction with the new **Holly Jolly** market to attract local merchants for the

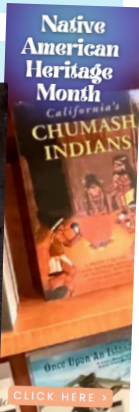
10
Reels

164k
Plays



ADVERTISING - Print, Digital, Radio

November featured a mix of **digital banners & e-blasts** w/ publishing partners focusing on **Shopping Small & Local for the Holidays**, including a **radio campaign with KHAY**. Plus, online **cross promotions** of Village business events like the **Bowl of Thanks** + various activities & sales.



NOVEMBER MARKETING REPORT - Outreach & Stewardship

November 2024 report showcases samples & highlights of the Ventura Harbor Visitor Attraction Plan.

OUTREACH & COVERAGE - PR

Exciting editorial coverage in the coveted event section as **Ventura Harbor Parade of Lights** was selected as a "5 Worth The Drive" in the **Winter Westways Magazine** issue! On November 3, the **Los Angeles Times**, cover story travel section entitled "Gift Guide" with the inclusion of Ventura Harbor, Island Packers, and the Channel Islands and again in the **Los Angeles Times** for "39 of the Top Picks for Dazzling Holiday Lights!". **805 Magazine** selected Ventura Harbor Parade of Lights as a featured photo and event in the recent issue and Bowl of Thanks received multiple editorial pieces including **PBSSoCal**, **KEYT Key News**, **Ventura Breeze**, and several additional publications.



Los Angeles Times

Need a dose of sparkles and joy? 39 dazzling holiday light displays that make SoCal shine

SANTA BARBARA Star Party
FREE! NOVEMBER 6, DECEMBER 14, JANUARY 11 A clear, cloudless night can reveal countless galactic wonders. On the second Saturday of each month, the Palmer Observatory at the Santa Barbara Museum of Natural History opens its doors to the public to use its state-of-the-art telescope and learn about the night sky.

OAK GLEN Apple Butter Festival
FREE! NOVEMBER 29-DECEMBER 1 Apple butter, which originated in 16th-century Europe, is made by cooking apples for many hours, distilling the fruit into a concentrated spread. Los Rios Rancho near Yucaipa celebrates this tradition each Thanksgiving weekend with live music, pumpkin painting, kids' crafts, cider tasting, carriage tours, and of course, apple butter making and sampling.

VENTURA Ventura Harbor Parade of Lights
FREE! DECEMBER 13-14 This boat parade is so nice, they do it twice. Festivities on both days start at 4 p.m. and include carnival rides and games for kids, live music performances, and a snow machine churning out the perfect holiday backdrop. After dark, decked-out boats take a few laps before a festive fireworks show. Harbor Village.

PALM SPRINGS Snowtopia
DECEMBER 20-22 Play in 60 tons of real snow on the tarmac behind the Palm Springs Air Museum. Firepits, craft making, a bounce house, games, holiday shopping, and photo ops with Mr. and Mrs. Claus round out this winter wonderland in the desert. Tickets, \$12 per person (\$55 for a family of six).

Ventura Pottery Market & Bowl of thanks

SAVE THE DATE

3rd annual
Ventura Pottery Market & Bowl of Thanks

• The Ventura Harbor Village
 1583 Spinnaker Dr,
 Ventura, California 93001

Saturday, November 9, 10:00 AM - November 10

• Free

Ventura County Potters' Guild ceramic artist are donating bowls. When you purchase a bowl (\$25) participating Village restaurants are donating Free food samples. All from the event will go to Food Share, a dedicated group against hunger.

NEWS CHANNEL
12 3 11

TELEVISION COSTA CENTER

PBS SoCal

TOURISM - Seasons greetings holiday decor

Village holiday décor was successfully installed. Managed by the marketing team, this project aimed to **enhance Ventura Harbor Village's appeal as a premier destination for tourism and local visitation** during the holiday season.



CULTURAL HIGHLIGHT -

Native American Heritage Month

Native American Heritage Month at Ventura Harbor Village honored the cultural contributions of the Chumash Tribe, the original stewards of the Channel Islands, and the surrounding coastline through a blog. Visitors were encouraged to explore the **Channel Islands National Park Visitor Center** and **Island Packers** gift shop, which offers information and gifts on Chumash history, including their sustainable practices and seafaring traditions.



VENTURA PORT DISTRICT
DEPARTMENTAL STAFF REPORT

Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Todd Mitchell, Deputy General Manager
Jessica Snipas, Business Operations Analyst II
SUBJECT: November 2024 Property and Leasing Report

LEASING HIGHLIGHTS

- 1) Tenant Engagement
 - Staff continue to coordinate with its architects, the City, JPIA, and multiple tenants regarding their planning, building, and safety permits.
 - Staff continue to negotiate with one tenant regarding their lease.
 - Insurance and business license audit are still active.
- 2) Leasing Advertising, Showings, and Executions
 - Four showings of the available and vacant suites.
 - Attended the Ventura Chamber of Commerce Connection Breakfast.
 - Staff had a meeting with an accounting and property management software company.

CURRENT VACANCY REPORT

- 1) 1559 Spinnaker Drive #101 (Office suite)
 - The prior tenant's lease underwent early termination due to the suite experiencing a flood. The suite requires planning/permitting by the City and construction before it will be ready for lease. Marketing efforts are underway.
- 2) 1559 Spinnaker Drive #205A (Office suite)
 - Suite #205A was divided into two suites due to demand for smaller suites, hence 886 square feet changed to 438 sf for suite #205 and 448 sf for suite #205A. This is one of the seven (formerly six) newly constructed suites. Marketing efforts began while the suite was under construction.
- 3) 1575 Spinnaker Drive #101/102/103/105A & B (Restaurant suite)
 - Leases underwent early termination. Staff prepared a marketing package for the spaces after consultation with architects and restaurant consultant, and marketing efforts continue.
- 4) 1591 Spinnaker Drive #113 (Retail suite)
 - Previous tenant closed business. Marketing efforts began prior to the previous tenant move-out.

CURRENT AVAILABILITY REPORT

- 1) 1559 Spinnaker Drive #109 (Retail suite)
 - The tenant's lease expired on 10/31/24 and the Board approved a month-to-month lease until April 2025.
- 2) 1575 Spinnaker Drive #204C (Office suite)
 - The tenant is in a month-to-month status because the renovation of the downstairs restaurants is expected to require installation of new ventilation that will pass through a portion of the suite. The staff's architect has advised this change may reduce square footage. Therefore, the tenant and District have agreed to keep this unit on a month-to-month basis until the designs for the restaurant's new ventilation system are approved and the reductions to the available space in the suite are known.
- 3) 1583 Spinnaker Drive #104A (Retail suite)
 - Tenant is in a month-to-month agreement. Staff continue to advertise the space.
- 4) 1583 Spinnaker Drive #105 (Retail suite)
 - Tenant and staff are negotiating the terms for a new lease.

CATEGORY	TOTAL Square Footage	Harbor Vacancy Sq Ft	Harbor Vacancy %	Harbor Available Sq Ft	Harbor Available %	City * Vacancy %	City * Available %
Office	38,580	2,265	6%	275	1%	20%	23%
Retail	20,260	801	4%	1,881	9%	20%	25%
Restaurant	33,622	3,720	11%	0	0%	0%	No Data

> **Harbor Vacancy** --- The suite is unoccupied, **and** it does not have a lease.

Office: 1559 #101
1559 #205A
Retail: 1591 #113
Restaurant: 1575 #101/102/103/105 A & B

> **Harbor Available** --- (1) MTM leases with existing Tenant in process to renew lease; **or**
(2) MTM lease that the suite is available to be leased.

Office: 1575 #204C
Retail: 1559 #109
1583 #104A
1583 #105
Restaurant: N/A

* **City:** Based on comparable square footage within Ventura 93001 area as reported by CoStar Group.

(Note that total square footage values have been updated as of the April 2023 reporting period to reflect recategorization of some units and the addition of the GSA lease for National Park Service offices which were not previously included).

Data Source Update: Staff returned to extracting data from the CoStar Group. CoStar has offered significant discount pricing and has agreed to work with staff to update its database on Village comparable.

SALES REPORTS

The attached summary of sales for three Harbor Village business categories: restaurants, retail, and charters. The report compares the monthly sales for 2024 and 2023. They also include year-to-date comparisons.

The year-to-date overall sales for all Harbor Village Tenants through the month of October are up 1.02 from the same time last year.

VEHICLE TRAFFIC COUNTS

The Beonic traffic counter cameras continue to experience data outages and staff will no longer be reporting on their data.

When implemented, the Parking Management Plan will require different cameras that will be capable of counting vehicles in the same manner as the Beonic cameras have done.

ATTACHMENTS:

- Attachment 1 – October 2024 Sales Report
- Attachment 2 – LoopNet November Listing Activity Report for Total Views

ATTACHMENT 1

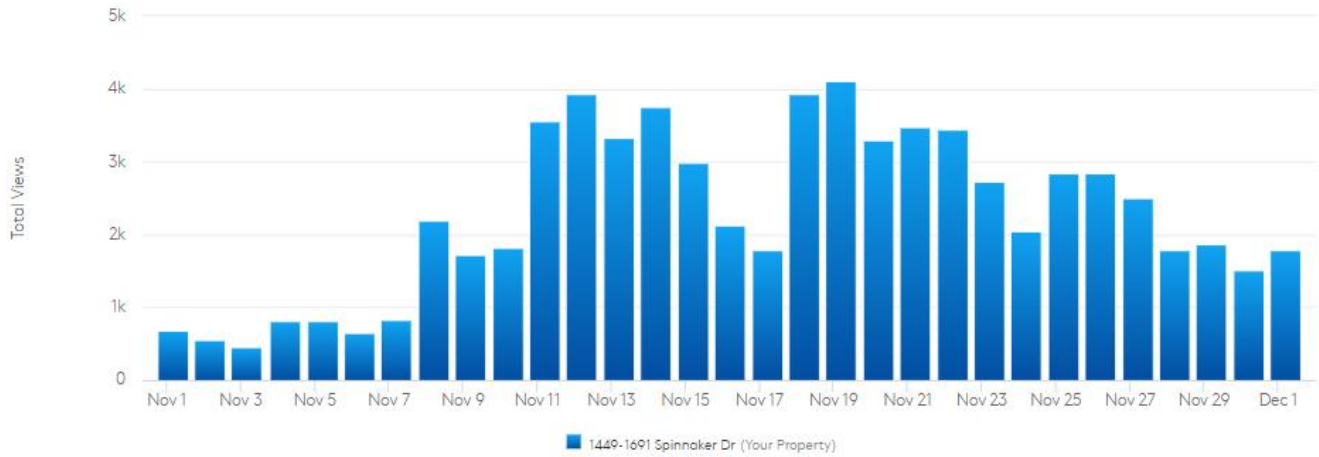
**Ventura Harbor Village
Tenant Sales Summary**

Month of October	<u>October-2024</u>	<u>October-2023</u>	<u>% Change</u>
Restaurants	\$ 1,745,203	\$ 1,780,825	-2.00%
Retail	\$ 386,499	\$ 424,318	-8.91%
Charters	\$ 742,674	\$ 649,371	14.37%
Total	\$ 2,874,376	\$ 2,854,514	0.70%

Year-to-date through October

	<u>Jan - Oct 2024</u>	<u>Jan - Oct 2023</u>	<u>% Change</u>
Restaurants	\$ 19,474,487	\$ 19,745,730	-1.37%
Retail	\$ 4,810,579	\$ 4,561,527	5.46%
Charters	\$ 7,098,207	\$ 6,758,755	5.02%
Total	\$ 31,383,273	\$ 31,066,012	1.02%

Attachment 2 – LoopNet November Listing Activity Report for Total Views



Summary of everyone that has seen your property.

68,360
 👁 Total Views

21,956
 👤 Unique Prospects

25s
 ⌚ Average Time on Page

438
 📄 Detail Page Views

3.0
 👤 Frequency

2h 38m 18s
 ⌚ Total Time on Page



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM A
APPROVAL OF OUT-OF-TOWN
TRAVEL REQUESTS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM A
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchel, Deputy General Manager
SUBJECT: Approval of Out-of-Town Travel Requests

RECOMMENDATION:

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

- a) Brian D. Pendleton, General Manager to attend Congressional meetings and CMANC Conference from February 9-13, 2025 in Washington DC.
- b) Todd Mitchell, Deputy General Manager to attend Congressional meetings and CMANC Conference from February 9-13, 2024 in Washington DC.
- c) Jessica Snipas, Business Operations Analyst II to attend the CJPIA Supervisor Academy from January 13-16, 2025 in San Diego, CA.

SUMMARY:

Employees and Commissioners are encouraged to attend conferences, meetings, seminars, and other activities that provide an opportunity to be informed concerning matters of interest to the District and their position. The General Manager is recommending staff participate in the events listed herein.

GUIDING PRINCIPLES:

- 1) Maintain a safe, navigable, and resilient harbor.
- 6) Provide exceptional public service and organizational transparency.

5-YEAR OBJECTIVE:

- 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.

BACKGROUND:

CMANC WASHINGTON DC

The General Manager and Deputy General Manager will travel to Washington DC to participate in meetings with Members of Congress, federal Senators, their staff on February 10th, and to participate in the CMANC Meeting from February 11 to February 12 (return to Ventura on February 13).

The benefit to the District for this travel is to meet with representatives of all three branches of federal government to educate them of the value of the system of ports and harbors in California to the Nation and to advocate for full funding for dredging Ventura Harbor's entrance channel in Federal Fiscal Year 2026 and beyond (2025 dredging is budgeted and will be solicited by the Corps of Engineers by mid-December).

The CMANC conference will also enable collaboration with other California Ports and Harbors and participation in discussions with the U.S. Army Corps of Engineers about the navigation goals for California and develop the implementation strategy for those goals, including Ventura Harbor.

It is also an opportunity for in-person strategy meetings with our consultant Carpi & Clay and for them to arrange one-on-one meetings with our elected representatives on the upcoming need for breakwater repairs and advocating for Corps funding for that work.

CJPIA SUPERVISOR ACADEMY

Advancing the concepts taken from the Supervisor Essentials Skills Training Program, the Supervisor Academy provides managers and supervisors with the skills and understanding required for managing employees at various stages of their careers. Attendees will explore these various stages in the “employee lifecycle,” including the beginning: recruiting, selection, and onboarding; mid-career management, including professional development, training, and employee management; and end-of-cycle topics like exit interviews and succession planning. The conference is January 14th – 16th and requires traveling to the location on January 13th.

FISCAL IMPACTS:

Travel costs related to these activities are included in the FY24-25 budget.

<u>CMANC WASHINGTON DC</u>	PENDLETON	MITCHELL
Registration	\$500.00	\$500.00
Flight	\$600.00	\$600.00
Lodging	\$827.63	\$827.63
Meals	\$450.00	\$450.00
Mileage	\$100.00	\$100.00
Miscellaneous (Transit/Parking)	\$300.00	\$300.00
TOTAL	\$2,777.63	\$2,777.63

**CJPIA SUPERVISOR
ACADEMY**

SNIPAS

Registration	\$0.00
Lodging	\$0.00
Meals	\$135.00
Mileage	\$207.70
Miscellaneous (Transit/Parking)	\$200.00
TOTAL	\$545.70

ATTACHMENTS:

None.



**VENTURA
PORT DISTRICT**
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**BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024**

CONSENT AGENDA ITEM B

**APPROVAL OF A NEW OFFICE LEASE
AGREEMENT WITH DANIELLE MARIE
SANCHEZ DBA DANIELLE MARIE
SANCHEZ**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM B
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
Jessica Snipas, Business Operations Analyst II
SUBJECT: Approval of a New Office Lease Agreement with Danielle Marie Sanchez dba
Danielle Marie Sanchez

RECOMMENDATION:

That the Board of Port Commissioners approve a new Office Lease Agreement between the Ventura Port District dba “Ventura Harbor Village” and Danielle Marie Sanchez dba “Danielle Marie Sanchez”, for the premises located at 1559 Spinnaker Drive, Suite #205A, Ventura, California 93001, consisting of approximately 448 square feet.

SUMMARY:

Danielle Marie Sanchez is seeking an office lease located at 1559 Spinnaker Drive, Suite #205A. The proposed lease is a new three-year office lease with one two-year option. If the Board approves the new office lease, it will begin on January 1, 2025.

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.
- 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:

- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
- 3) Leasing/Property Management

BACKGROUND:

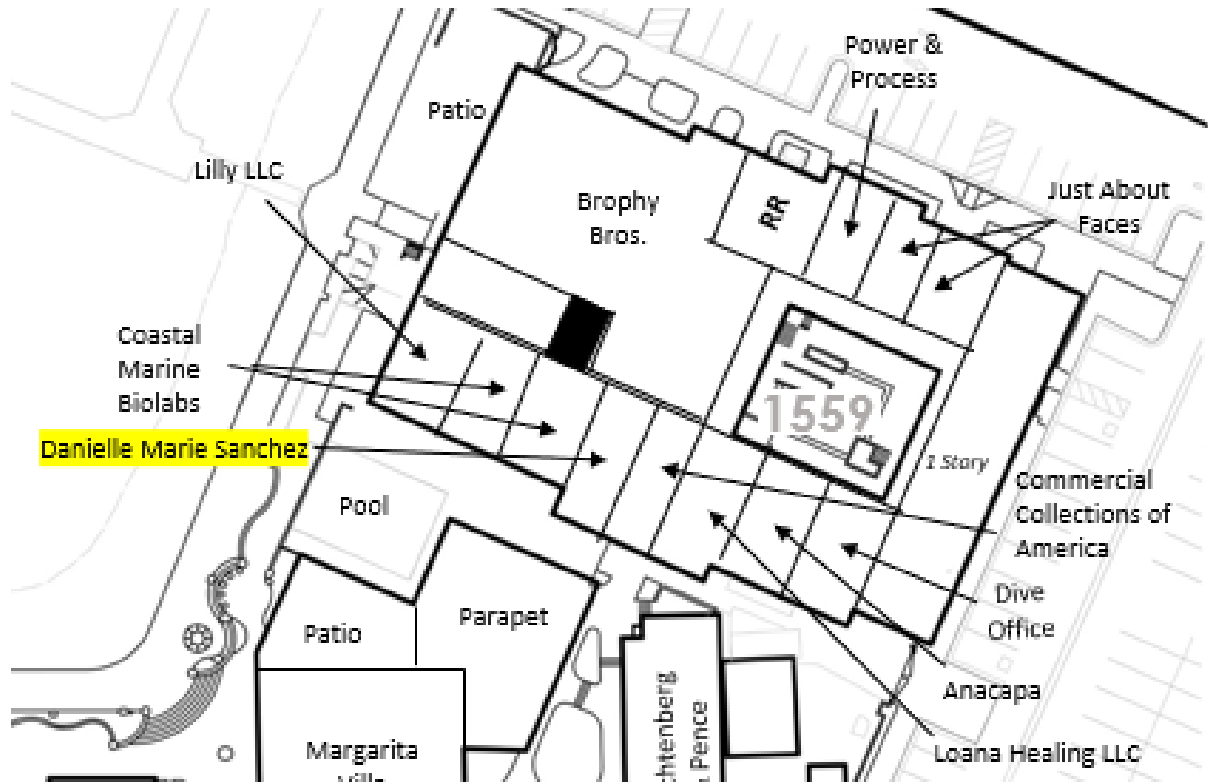
Danielle Marie Sanchez is a financial advisor who focuses on comprehensive financial planning, investment strategies, risk management, and debt management. She has completed the application process, underwent a credit check, and the reserve requirement has been verified by our legal counsel.

Staff are recommending a new office lease having annual rent increases.

FISCAL IMPACT:

This office lease reflects the market rate at Harbor Village and has annual step increases during the base period with Consumer Price Index increases during the option periods. There are no District or tenant improvement requirements for this lease.

ATTACHMENTS:
Attachment 1 – Location Map





VENTURA
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BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM C
APPROVAL OF AMENDMENT NO. 1 TO
THE RESTAURANT LEASE
AGREEMENT WITH THE BOATYARD,
INC. DBA BOATYARD PUB

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
Jessica Snipas, Business Operations Analyst II
SUBJECT: Approval of Amendment No. 1 to the Restaurant Lease Agreement with The Boatyard, Inc. dba Boatyard Pub

RECOMMENDATION:

That the Board of Port Commissioners approve Amendment No. 1 to the Restaurant Lease Agreement dated August 1, 2023 (the "Lease") between the Ventura Port District and The Boatyard, Inc. dba Boatyard Pub for the premises located at 1583 Spinnaker Drive, Suite #109 ("Premises"), consisting of approximately 2,675 square feet.

SUMMARY:

Staff are recommending a first amendment to the Lease to modify Exhibit "C" – Provisions Relating to Construction of Tenant's Improvements.

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.
- 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:

- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
 - 3) Leasing/Property Management

BACKGROUND:

The existing "Description of Landlord's Work" includes a reimbursement for tenant's construction activities including a contribution towards doorways and patio improvements. However, a reimbursement of public funds to the tenant for construction trade labor requires the use of union workers or paying workers prevailing wage, which has additional costs to the tenant for the entire project.

Staff have discussed this with the tenant and their architect, and it has been requested that the District instead procure the doors and windows directly from the manufacturer and have them delivered at the District's cost. The tenant will separately and independently retain a contractor to perform the installation of the fixtures alongside other improvements planned by the Tenant.

The proposed lease amendment addresses this change to the lease.

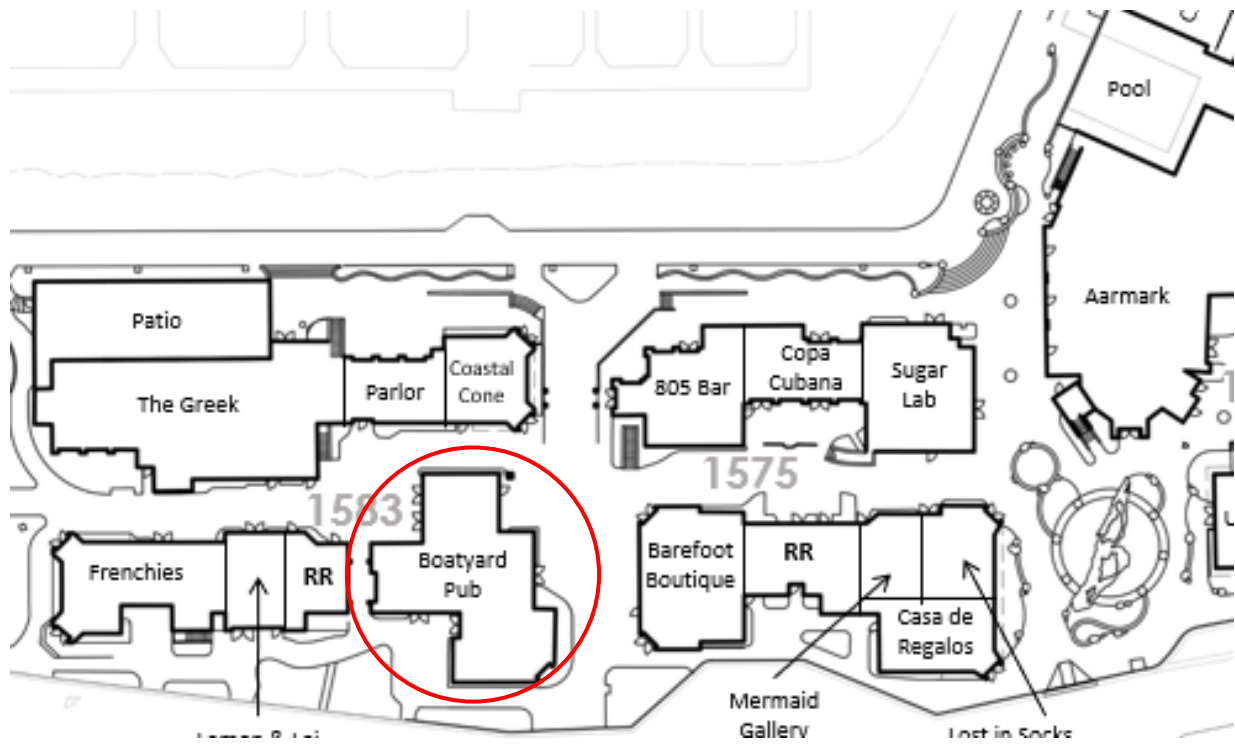
FISCAL IMPACT:

The original "Description of Landlord's Work" included \$65,000 in reimbursements to the tenant. The final quote for the doors and windows is \$72,000.00 including shipping and taxes.

ATTACHMENTS:

Attachment 1 - Location Map

Attachment 1 - Location Map





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BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM D
APPROVAL OF AMENDMENT NO. 3 TO
A SERVICE AGREEMENT WITH
MEDALLION PROTECTIVE SERVICES
FOR VENTURA HARBOR VILLAGE AND
MARINA

VENTURA PORT DISTRICT
BOARD COMMUNICATION

CONSENT AGENDA ITEM D
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
John Higgins, Harbormaster
Dave Werneburg, Marina Manager
SUBJECT: Approval of Amendment No. 3 to a Service Agreement with Medallion Protective Services for Ventura Harbor Village and Marina

RECOMMENDATION:

That the Board of Port Commissioners approve Amendment No. 3 to a Service Agreement with Medallion Protective Services to increase the compensation from \$250,000 to \$330,000 and to extend the term of the contract until June 30, 2025, for security services in Ventura Harbor Village and around the Marina.

SUMMARY:

The District currently contracts an outside service company to provide security services for Ventura Harbor Village with extra coverage for special events.

Medallion Protective Services (Medallion) won a competitive bid for security services in FY23-24 and that contract has been extended by an amendment approved by the Board in July 17, 2024. Medallion has provided high-quality service and has been responsive to changes required to meet additional demands for the holiday seasons and special events. Due to the high standard of performance and because the District has not yet adopted an updated Procurement Policy, Staff is recommending further extending the contract to June 30, 2025, via amendment. The contract amendment will not change the amount budgeted for security services in FY24-25.

GUIDING PRINCIPLE:

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.

BACKGROUND:

The District published a request for proposals for the Ventura Harbor Village and Marina security services on May 26, 2023. A public bid opening was held on June 8, 2023, per District policy. The District received and reviewed two bids for the services requested. The District awarded the contract to Medallion Protective Services on June 21, 2023, for the period of July 1, 2023, to June 30, 2024. On March 6, 2024, the contract value was increased to compensate for extra coverage that had been required.

Due to the rejection of all bids for security services for the FY24-25 Fiscal Year at the June 19, 2024 meeting and the intention to revise the procurement policy prior to rebidding this service contract, the Board previously authorized the amendment of the existing contract to provide sufficient security services to extend through December 31, 2024.

Since the District has not yet adopted the revised procurement policy, staff is recommending a third amendment to the existing contract to provide sufficient security services extending through June 30, 2025. Over the coming months (and after the Board adopts an updated Procurement

Policy), the District will solicit a new contract for security services for FY25-26 commencing July 1, 2025.

FISCAL IMPACT:

The FY24-25 Budget includes \$160,000 for Security Services through the current fiscal year. This budget item will cover the services through June 30, 2025 and this amendment does not change the amount budgeted.

ATTACHMENTS:

None.



VENTURA
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BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM E

AUTHORIZE A LETTER OF SUPPORT
FOR NOAA'S ESTABLISHMENT OF
SHELLFISH AND SEAWEED
AQUACULTURE OPPORTUNITY AREAS
NEAR VENTURA HARBOR

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM E
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Authorize a Letter of Support for NOAA's Establishment of Shellfish and Seaweed Aquaculture Opportunity Areas Near Ventura Harbor

RECOMMENDATION:

That the Board of Port Commissioners authorize the General Manager to submit a public comment letter to the National Oceanic and Atmospheric Administration (NOAA) in support of establishment of shellfish and seaweed Aquaculture Opportunity Areas (AOA) near Ventura Harbor.

SUMMARY:

On November 12, 2024, NOAA released a draft Programmatic Environmental Impact Statement (PEIS), evaluating the environmental impacts for AOAs proposed to be located in federal waters off the coast of Ventura and/or Santa Monica. The AOA does not propose to permit any aquaculture farms or operations; rather, it is intended to provide a programmatic evaluation of environmental impacts associated with seaweed, shellfish, and finfish aquaculture that can be utilized by aquaculture project applicants to evaluate some, but likely not all, environmental impacts associated with a specific project.

There is a total of eight potential AOAs identified in the PEIS that are generally within the Santa Barbara Channel. Conceivably all eight areas could be utilized by aquaculture companies based within or using Ventura Harbor. Two of the eight AOAs, Alternative Sites N2-D and N2-E are located closest to Ventura Harbor and are generally near the area previously considered by the Port District during its Ventura Shellfish Enterprise (VSE) project. The closest site, N2-E, is located approximately 10 km offshore. Two other potential AOAs have been identified off the coast of Santa Monica. The PEIS generally considers a Santa Barbara Channel Alternative, a Santa Monica Channel Alternative, and a combination of both. For each alternative, the PEIS evaluates one option that would only consider shellfish and seaweed cultivation, and a second option that would also evaluate finfish cultivation.

BACKGROUND:

The Port District previously submitted a comment letter on July 22, 2022, in response to NOAA's Notice of Intent to prepare the PEIS. Generally, the Port District supported the establishment of AOA locations in close proximity to the Port for the cultivation of seaweed and shellfish aquaculture. The letter highlighted the potential benefits to Ventura Harbor and the surrounding community, as well as the infrastructure and services available at Ventura Harbor to support establishment of an AOA and shellfish and seaweed projects. NOAA incorporated some, but not all, of the Port District's recommendations, including consideration of the economic benefits of shellfish and seaweed aquaculture and segregating an alternative that would only consider shellfish and seaweed aquaculture.

NOAA has initiated a 90-day public comment period, ending on February 20, 2025. It is seeking input on which, if any, AOAs should be established and comments concerning its analysis of environmental impacts and the alternatives considered in the PEIS. Active engagement in the PEIS is critical to supporting the establishment of AOA(s) near Ventura Harbor for shellfish and seaweed operations. The Port District can provide comments on logistical and economic feasibility, its support for shellfish and seaweed aquaculture, and its own evaluation of environmental impacts associated with such activities learned during the VSE project. After all comments are received, NOAA will prepare a final PEIS, where it is expected to select its

preferred AOAs and respond to public comments. At that time, companies interested in establishing aquaculture within the AOAs could utilize that analysis to further develop a project-specific analysis.

While environmental impacts are evaluated at a programmatic level, the PEIS provides an analysis that can be used by applicants to tier off of for project-specific analysis. However, upon an initial review, it appears that the PEIS could provide greater detail concerning potential species and gear to be cultivated to be of most utility to future aquaculture applicants that utilize the most common offshore aquaculture methods and cultivated species.

FISCAL IMPACT:

There are currently no fiscal impacts.

ATTACHMENTS:

None.



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BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM F
AUTHORIZE A LETTER OF SUPPORT
FOR THE OCEAN RAINFOREST
COMMERCIAL-SCALE KELP FACILITY
IN FEDERAL NAVIGABLE WATERS

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM F
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Authorize a Letter of Support for the Ocean Rainforest Commercial-Scale Kelp Facility in Federal Navigable Waters

RECOMMENDATION:

That the Board of Port Commissioners authorize the General Manager to submit a public comment letter to the Army Corps of Engineers (Corps) in support of the continued processing of the Ocean Rainforest, INC (Ocean Rainforest) application to conduct commercial scale cultivation of Giant kelp in federal waters proximate to Ventura Harbor.

SUMMARY:

Ocean Rainforest proposes to construct and operate a 2,000-acre commercial scale kelp (*Macrocystis pyrifera*) aquaculture facility in federal navigable waters of the Pacific Ocean approximately 6.3 nautical miles from the Ventura Harbor. The kelp would be grown and harvested offshore (e.g., on site) and transported to Ventura Harbor. The project vessels would offload the kelp at existing docks. Handling and distribution of the kelp would take place from existing landside facilities in Ventura Harbor.

The proposed project is located in the Pacific Ocean approximately 6.3 nautical miles from the Ventura Harbor (i.e., federal waters), west of the cities of Ventura and Oxnard, Ventura County, CA. Center [centroid] coordinates are: latitude 34.249, longitude -119.4085). Corner points (latitude/longitude) are:

34.236, -119.393
34.236, -119.424
34.262, -119.424
34.262, -119.393

The Corps has conducted a preliminary review of selected factors. The preliminary review found some impacts with respect to several of the selected factors. One selected factor, Essential Fish Habitat (EFH) may be adversely affected. The permit review process seeks to first avoid and then minimize adverse effects. A determination has not been made as to a requirement for a project-level environmental impact statement (EIS) for the proposed project. The Corps will make that determination after the receipt and review of public comments. Please see the Public Notice for more details.

GUIDING PRINCIPLES:

- 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-YEAR OBJECTIVES:

F) Support current and future commercial fishing and sustainable aquaculture industries. Maintain and improve working waterfront facilities and infrastructure.

- 1) Engage with commercial fishing and sustainable aquaculture interests in Ventura Harbor.
- 2) Continue improvements of District's working waterfront infrastructure.
- 3) Continue to pursue opportunities for diversifying commercial fishing and sustainable aquaculture.

BACKGROUND:

At the March 20, 2024, meeting, the Board supported the submission of an application by Ocean Rainforest to conduct commercial scale cultivation of Giant kelp in federal waters proximate to Ventura Harbor. The presentation can be found here: https://venturaharbor.com/wp-content/uploads/2024/05/Presentation-for-Ventura-Port-District_Harrison_20240320.pdf

Ocean Rainforest seeks to permit 2,000 acres of ocean space in federal waters in the Santa Barbara Channel to conduct commercial scale cultivation of Giant kelp (*Macrocystis pyrifera*), a species native to California, using a series of innovative structures designed to withstand offshore conditions. This project proposal builds off the work that Ocean Rainforest has been doing over the past several years conducting an 86-acre pilot-scale seaweed cultivation site, also in federal waters of the Santa Barbara Channel.

This project proposal aims to bring a variety of benefits to the region while minimizing any potential negative impacts. At full scale, Ocean Rainforest plans to harvest 6,000-11,000 wet tons of Giant kelp per year to be landed and processed in the Ventura Harbor. Cultivating kelp is widely recognized for its environmental benefits, such as improved water quality and biodiversity. Ocean Rainforest plans to process the kelp into a biostimulant product for agricultural use, which can reduce the amount of conventional fertilizer needed. Ocean Rainforest estimates a \$30-50 million dollar impact to Ventura County through this seaweed cultivation, harvesting, processing, and sales.

Ocean Rainforest is a subsidiary of the parent company – Ocean Rainforest, Sp/F – with over ten years of experience in offshore cultivation of kelp and other seaweed species. Since 2018, Ocean Rainforest has worked within the funding framework of Advanced Research Projects Agency - Energy (ARPA-E) MARINER program through the U.S. Department of Energy to demonstrate the economic and social opportunities of offshore Giant Kelp cultivation in the U.S. Having installed 86-acre demonstration project five miles off the Santa Barbara coast in April/May 2023, Ocean Rainforest has now applied to the US Army Corps of Engineers for a commercial-scale permit in federal waters off the coast of Ventura.

FISCAL IMPACT:

There are currently no fiscal impacts.

ATTACHMENTS:

Attachment 1 – Public Notice



**US Army Corps
of Engineers®**
Los Angeles District

PUBLIC NOTICE

APPLICATION FOR PERMIT Ocean Rainforest Commercial-Scale Kelp Aquaculture Project

Public Notice/Application No.: SPL-2022-00738-LPF

Project: Ocean Rainforest Commercial-Scale Kelp Aquaculture Project

Comment Period: December 9, 2024 through January 8, 2025

Project Manager: Theresa Stevens; (805) 585-2146; theresa.stevens@usace.army.mil

Applicant & Contact

Javier Infante
Ocean Rainforest, INC
6710 Navigator Way
Goleta, California 93117

Location

The proposed project is located in the Pacific Ocean approximately 6.3 nautical miles from the Ventura Harbor (i.e., federal waters), west of the cities of Ventura and Oxnard, Ventura County, CA. Center [centroid] coordinates are: latitude 34.249, longitude -119.4085). Corner points (latitude/longitude) are:

34.236, -119.393
34.236, -119.424
34.262, -119.424
34.262, -119.393

This location corresponds to the NOAA Fisheries Aquaculture Opportunity Area N2-D which is described and mapped in the Southern California Bight Aquaculture Atlas (Atlas) (Morris et al., 2021)¹ (Enclosure 1, map).

Activity

To construct and operate a 2,000-acre commercial scale kelp (*Macrocystis pyrifera*) aquaculture facility in federal navigable waters² of the Pacific Ocean approximately 6.3 nautical miles from the Ventura Harbor. The kelp would be grown and harvested offshore (e.g., on site) and transported to the Ventura Harbor. The project vessels would offload the

¹ Morris JA Jr, MacKay JK, Jossart JA, Wickliffe LC, Randall AL, Bath GE, Balling MB, Jensen BM, Riley KL, 2021. An Aquaculture Opportunity Area Atlas for the Southern California Bight. NOAA Technical Memorandum NOA NCCOS 298. 485p. DOI: 10.25923/tmx9-ex26

² 33 CFR 329.4

kelp at existing docks. Handling and distribution of the kelp would take place from existing landside facilities in Ventura Harbor. For more information see Additional Project Information section below.

Submittal of Public Comments

Interested parties are hereby notified an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). We invite you to review today's public notice and provide views on the proposed work. By providing substantive, site-specific comments to the Corps Regulatory Division, you provide information that supports the Corps' decision-making process. All comments received during the comment period become part of the record and will be considered in the decision. This permit will be issued, issued with special conditions, or denied under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403, 33 CFR 322).

Please do not mail hard copy documents, including comments to any Regulatory staff. Instead, your comments should be submitted electronically to: theresa.stevens@usace.army.mil. Should you have any questions or concerns about the Corps' proposed action or our comment period, you may contact Theresa Stevens directly at (805) 585-2146.

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. The Regulatory Program in the Los Angeles District is executed to protect aquatic resources by developing and implementing short- and long-term initiatives to improve regulatory products, processes, program transparency, and customer feedback considering current staffing levels and historical funding trends.

Corps permits are necessary for any work, including construction and dredging, in the Nation's navigable water and their tributary waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The permit review process serves to first avoid and then minimize adverse effects of projects on aquatic resources to the maximum practicable extent. Any remaining unavoidable adverse impacts to the aquatic environment are offset by compensatory mitigation requirements, which may include restoration, enhancement, establishment, and/or preservation of aquatic ecosystem system functions and

services.

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR Part 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A determination has not been made as to a requirement for a project-level environmental impact statement (EIS) for the proposed project. We will evaluate the need for an EIS after the public comment period and consideration of public comments.

Water Quality- The proposed activity is located in federal waters beyond the three nautical mile limit (seaward of the territorial seas as defined at 33 CFR 328.4), and beyond the geographic scope of the Corps Section 404 of the Clean Water Act jurisdiction. As a result, the applicant is not required to obtain Section 401 of the Clean Water Act water quality certification (WQC) from the California Regional Water Quality Control Board.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission the project is consistent with the State's Coastal Zone Management Plan. This

proposed project is located in federal waters outside of state waters; however, preliminary review indicates the project may affect coastal zone resources.

Cultural Resources- The latest version of the National Register of Historic Places (NRHP) has been consulted and this site is not listed. In addition, the applicant provided the results of a records search of the California Historical Resource Information System (CHRIS) and California State Lands Commission Shipwreck database (Dudek, December 2023). No previously recorded cultural resources of any kind (e.g., historic era structure, shipwreck, archeological site), have been identified within the proposed offshore project site or close proximity (0.5 to 1 mile radius). The Corps also accessed the NRHP via the Corps National Regulatory Viewer on October 15, 2024 and no historic properties have been identified in the proposed project area. The historic property nearest to Ventura Harbor is the Olivas Adobe, a historic period structure approximately 0.85 miles inland from Ventura Harbor. This review constitutes the extent of cultural resources investigations by the District Engineer, who is otherwise unaware of the presence of such resources.

Essential Fish Habitat (EFH)- The applicant prepared an Essential Fish Habitat Assessment (EFHA) and submitted it with the permit application. The Corps preliminary determination is the proposed project may affect but is not likely to adversely affect EFH. Pursuant to Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Corps will request of EFH consultation with the National Marine Fisheries Service (NMFS) for the proposed project under separate cover, concurrent with the Endangered Species Act (ESA) consultation and Fish and Wildlife Coordination Act (FWCA) process. Pursuant to MSA implementing regulations at 50 CFR 600.920(e)(3), I am providing, enclosing, or otherwise identifying the following information for the purpose of this public notice:

1. Description of the proposed project: see project details below, within this public notice.
2. On site inspection information: A preliminary siting study prepared for the applicant by NOAA NCCOS (August 2023) and information compiled by NOAA NCCOS during preparation of the Atlas, indicates there are no habitat areas of particular concern (HAPC) in the project area (e.g., eelgrass, seagrass, rocky reefs). The substrate consists of fine sand and mud.
3. Analysis of the potential adverse effects on EFH: At full build out, the proposed project would result in hundreds of anchors, submerged lines under tension, submerged floats used for tensioning, surface floats, and growing [backbone] lines. The majority of the kelp growing structure would be approximately 15-30 feet below the water surface; this depth has been shown to support optimal conditions for kelp growth. The benthic, submerged and surface structures and buoys have the potential to affect managed fisheries behaviors and use of the project area for life history functions (feeding, breeding, sheltering, migration). Managed fisheries species may also forage on the kelp or other marine organisms that are attracted to the kelp. Operation of the facility may deposit kelp onto the seabed or into the water column. The extent of such kelp debris and the potential for such debris to adversely affect the seabed is not well understood; however, wave action and ocean currents are expected to

move kelp debris off site. Kelp debris is expected to provide a food source for some marine species including those in intertidal and beach areas where kelp debris may be deposited by waves.

4. Proposed minimization, conservation, or mitigation measures: The applicant has committed to prepare and implement the following to minimize adverse effects on aquatic resources: a sediment quality monitoring plan, a spill prevention and response plan, aquaculture gear monitoring and escape plan, a decommissioning plan, a marine wildlife entanglement plan, predator control plan, marine wildlife observers, entanglement prevention, marine wildlife education, lighting plan, vessel management requirements. The applicant also proposes to outplant only hatchery-raised kelp spores.

5. Conclusions regarding effects of the proposed project on EFH: Based on the above, the Corps has determined the proposed project may adversely affect EFH and federally managed fisheries in the Coastal Pelagic, Pacific Groundfish, and Highly Migratory Species Fishery Management Plans.

Endangered Species- The applicant prepared a Biological Assessment (BA) and submitted it with the permit application. The Corps preliminary determination is the proposed project may affect but would not adversely affect federally listed endangered or threatened species, or designated critical habitat. There are several federally listed threatened or endangered species that could be affected by the proposed project including: large baleen and toothed whales and sea turtles. There is no evidence southern sea otter (*Enhydra lutris nereis*) occurs in the project area; therefore, the Corps has made a preliminary determination there would be no effect on southern sea otter. However, for federally listed species subject to the NMFS jurisdiction (all except southern sea otter), consultation under Section 7 of the ESA is required and will be completed under separate cover, concurrent with the EFH consultation and FWCA process.

Marine Mammals- The biological resources information submitted by the applicant included an assessment of potential effects on marine mammals. The Corps preliminary determination is the proposed project may affect but would not adversely affect marine mammals. The applicant has indicated there are several federally listed and non-listed marine mammals that could be affected by the proposed project including: large baleen and toothed whales, dolphins and porpoise, and pinnipeds. Therefore, pursuant to the requirements of the FWCA, coordination with NMFS is required and will be completed under separate cover, concurrent with the ESA and EFH consultation process.

Marine Birds- Preliminary determinations indicate the proposed project may affect marine bird species subject to protection under the Migratory Bird Treaty Act. Therefore, pursuant to the requirements of the FWCA, coordination with U.S. Fish and Wildlife Service will be completed under separate cover.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent (i.e., requires access or proximity to or siting within the special aquatic site to fulfill its basic purpose). Establishment of the basic project purpose is necessary only when the proposed activity would discharge dredged or fill material into a special aquatic site (e.g., wetlands, pool and riffle complex, mudflats, coral reefs). Because no discharges of dredged or fill material are proposed within special aquatic sites, identification of the basic project purpose is not necessary. For the purpose of disclosure, the basic project purpose for the proposed project is marine aquaculture, and the Corps has determined the proposed project is water dependent.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to establish a commercial-scale kelp aquaculture facility in federal waters.

Additional Project Information

Baseline information- On May 7, 2020, the White House issued an Executive Order (EO): *Promoting American Seafood Competitiveness and Economic Growth*. The EO required the Secretary of Commerce (DOC) to identify geographic areas suitable for commercial aquaculture in the Gulf of Mexico and Southern California, and complete a National Environmental Policy Act (NEPA) Programmatic Environmental Impact Statement (PEIS) to assess the impact of siting aquaculture facilities in each area. The DOC through NOAA Fisheries is preparing a PEIS for public review, and the Corps is a cooperating agency to this PEIS. In addition, NOAA's National Centers for Coastal Ocean Science (NCCOS) identified and evaluated several "aquaculture opportunity areas" (AOA) in response to the EO and published an Aquaculture Atlas for the Southern California Bight (Atlas) (Morris et al., 2021). The Atlas identified an area offshore of Ventura Harbor as AOA Option N2-D. The proposed project would build on work performed under Corps Permit No. SPL-2020-00585-LP which includes an 86-acre demonstration project approximately five miles offshore the Santa Barbara Coast in federal waters; this demonstration project is in the water and operational. Demonstration project installation began on April 4th, 2023, and was completed on May 4th, 2023. The Corps has received monitoring reports from the demonstration project weekly for the first four weeks and every two weeks thereafter since it was installed. No adverse events associated with the demonstration project have been reported (e.g., no marine species entanglement, no navigational safety issues, no gear loss).

Project description- Construct and operate a 2,000-acre commercial-scale kelp (*Macrocystis pyrifera*) aquaculture facility in federal navigable waters³ of the Pacific Ocean

³ 33 CFR 329.4

approximately 6.3 nautical miles from the Ventura Harbor. The kelp would be harvested offshore (on site) and transported to the Ventura Harbor. The project vessels would offload the kelp at existing docks. Handling and distribution of the kelp would take place from existing landside facilities in Ventura Harbor.

Specifically, the proposed project would include a series of Offshore Cultivation Units (OCUs) within a 2,000-acre site. The anticipated dimensions of each OCU would be approximately 2,000 by 600 feet. The surface expression of each OCU would be approximately 27 acres. Each OCU would include ropes, buoys, chains, and either plough or helical anchors to secure the structure to the seabed. Within each OCU, there would be 19 cultivation lines attached to six main “backbone lines.” The cultivation lines would be suspended horizontally under the water surface and are the substrate on which kelp sporophytes would grow vertically to the water surface. These cultivation lines would be arranged in a rectangle and set approximately 15-30 feet (5 to 10 meters) below the water surface. The backbone lines would be supported by large perimeter buoys and kept in place with 26 anchors per OCU. In total, there would be approximately 38,000 feet of cultivation line per OCU. The OCU would be held in place with mooring lines anchored to the seafloor using plough or helical anchors. If plough anchors would be used to secure the OCUs to the ocean floor, the depth of the substrate affected by these anchors is estimated to be 2.6 feet below the sea floor surface within a five-square-foot area for each plough anchor. If helical anchors are used, the depth of substrate affected by these anchors is estimated to be 8 feet below the sea floor surface within a one-square-foot for each helical anchor.

Proposed Mitigation– No compensatory mitigation has been proposed by the applicant. Mitigation may be required as a result of comments received in response to this public notice, the applicant’s response to those comments, and/or the need for the project to comply with Corps regulations or consultation outcomes. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

Avoidance: Navigable waters of the U.S. would not be avoided by the proposed project. Commercial fishing areas which may overlap with the proposed project site would not be avoided.

Minimization: The applicant has committed to prepare and implement the following to minimize adverse effects on aquatic resources: a sediment quality monitoring plan, a spill prevention and response plan, aquaculture gear monitoring and escape plan, a decommissioning [removal] plan, a marine wildlife entanglement plan, predator control plan, marine wildlife observers, entanglement prevention, marine wildlife education, lighting plan, vessel management requirements. The applicant also proposes to outplant only hatchery raised kelp. In addition, the applicant would coordinate with the Corps and NOAA to update the marine charts and issue Notice to Mariners to address navigation safety.

Compensation: No compensatory mitigation has been proposed by the applicant. Mitigation may be required as a result of comments received in response to this public notice,

the applicant's response to those comments, and/or the need for the project to comply with Corps regulations or consultation outcomes.

Proposed Special Conditions

The following is a preliminary list of special conditions required of projects located in navigable waters. Additional special conditions may be required as a result of comments received on this public notice, the outcome of required federal agency consultations, and federal/state/tribal coordination.

Section 10 Special Conditions (Work and Structures in Navigable Waters of the United States):

1. INTERFERENCE WITH NAVIGATION: The permitted activity shall not interfere with the right of the public to free navigation on all navigable waters of the United States as defined by 33 C.F.R. Part 329.
2. DISCHARGES: No discharges of dredge or fill material is authorized by this permit.
3. LIMITATIONS: No other modifications or work shall occur to the structure permitted herein.
4. CLEAN CONSTRUCTION PRACTICES: The Permittee shall discharge only clean construction materials suitable for use in the oceanic environment. The Permittee shall ensure no debris, soil, silt, sand, sawdust, rubbish, cement or concrete washings thereof, oil or petroleum products, hazardous/toxic/radioactive/munitions from construction or dredging or disposal shall be allowed to enter into or placed where it may be washed by rainfall or runoff into waters of the United States. Upon completion of the project authorized herein, any and all excess material or debris shall be completely removed from the work area and disposed of in an appropriate upland site.
5. OBSTRUCTIONS: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers Regulatory Division, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
6. U.S. COAST GUARD NOTIFICATION: To ensure navigational safety, the Permittee shall provide appropriate notifications to the U.S. Coast Guard as described below:

Local Notice to Mariners, 11th Coast Guard District
TEL: (510) 437-2980
Email: d11LNM@uscg.mil

Website: <https://www.pacificarea.uscg.mil/Our-Organization/District-11/Prevention-Division/LnmRequest/>

U.S. Coast Guard, District 11, LA-LB Sector
Captain of the Port (COTP)
Email: d11-SMB-SectorLALB-WWM@uscg.mil

A) The Permittee shall notify the U.S. Coast Guard, Commander, 11th Coast Guard District (dpw) and the U.S. Coast Guard, Sector LA-LB (COTP) (contact information shown above), not less than 14 calendar days prior to commencing work and as project information changes. The notification shall be provided by email with at least the following information, transmitted as an attached Word or PDF file:

- 1) Project description including the type of operation (i.e. dredging, diving, construction, etc.).
- 2) Location of operation, including Latitude / Longitude (NAD 83).
- 3) Work start and completion dates and the expected duration of operations. The U.S. Coast Guard needs to be notified if these dates change.
- 4) Vessels involved in the operation (name, size and type).
- 5) VHF-FM radio frequencies monitored by vessels on scene.
- 6) Point of contact and 24 -hour phone number.
- 7) Potential hazards to navigation.
- 8) Chart number for the area of operation.
- 9) Recommend the following language be used in the Local Notice to Mariners: "Mariners are urged to transit at their slowest safe speed to minimize wake, and proceed with caution after passing arrangements have been made."

B) The Permittee and its contractor(s) shall not remove, relocate, obstruct, willfully damage, make fast to, or interfere with any aids to navigation defined at 33 C.F.R. chapter I, subchapter C, part 66. Not less than 30 calendar days in advance of operating any equipment adjacent to any aids to navigation that require relocation or removal, the Permittee shall notify, in writing, the Eleventh U.S. Coast Guard District and the Corps Regulatory Division. The Permittee and its contractor(s) are prohibited from relocating or removing any aids to navigation until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard.

C) The Permittee is prohibited from establishing private aids to navigation in navigable waters of the United States until authorized to do so by the Corps Regulatory Division and the U.S. Coast Guard. Should the Permittee determine the work requires the temporary placement and use of private aids to navigation in navigable waters of the United States, the Permittee shall submit a request in writing to the Corps Regulatory Division and the U.S. Coast Guard.

D) The COTP may modify the deployment of marine construction equipment or mooring systems to safeguard navigation during project construction. The Permittee shall direct questions concerning lighting, equipment placement, and mooring to the appropriate COTP.

7. **COMMENCEMENT AND COMPLETION NOTIFICATION:** The Permittee shall notify the Corps Regulatory Division of the date of commencement of work in navigable waters of the United States (within 10 calendar days prior to the start of construction) and completion of the activity (within 10 calendar days following the end of construction) using the enclosed forms.

8. **POST-CONSTRUCTION AS-BUILT SURVEY(S):** Within 30 calendar days of completion of the project authorized by this permit, the Permittee shall conduct a post-project as-built survey indicating the location of all new structures and their features, or the modification of structures and their features, or post-dredge hydrographic surveys, within navigable waters. Within 45 calendar days of completion of the project, the Permittee shall forward a copy of the survey, as well as a copy of this permit, to the Corps Regulatory Division (via email at: splregventura@usace.army.mil), and to the National Oceanic and Atmospheric Administration, Marine Charting Division for updating nautical charts (via email at: ocs.ndb@noaa.gov) Post-project surveys/as-built plans should be provided electronically in two formats: .pts (xyz) and one of, .pdf or GIS. Include the following header metadata: project name, surveyor's name and company, area surveyed (acres), type of survey method, date of survey, geographic control points (for example: latitude/longitude, plane coordinates), geographic coordinate system (use NAD83), geographic projection, units (use US Survey Feet), and tide gage location. For all subsurface structures include elevation (z coordinate) datum indicated as a negative below MLLW.

For additional information please contact Theresa Stevens of my staff at (805) 585-2146 or via e-mail at theresa.stevens@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

Regulatory Program Goals:

- To provide strong protection of the nation's aquatic environment, including wetlands.
- To ensure the Corps provides the regulated public with fair and reasonable decisions.
- To enhance the efficiency of the Corps' administration of its regulatory program.



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS
WWW.SPL.USACE.ARMY.MIL/MISSIONS/REGULATORY

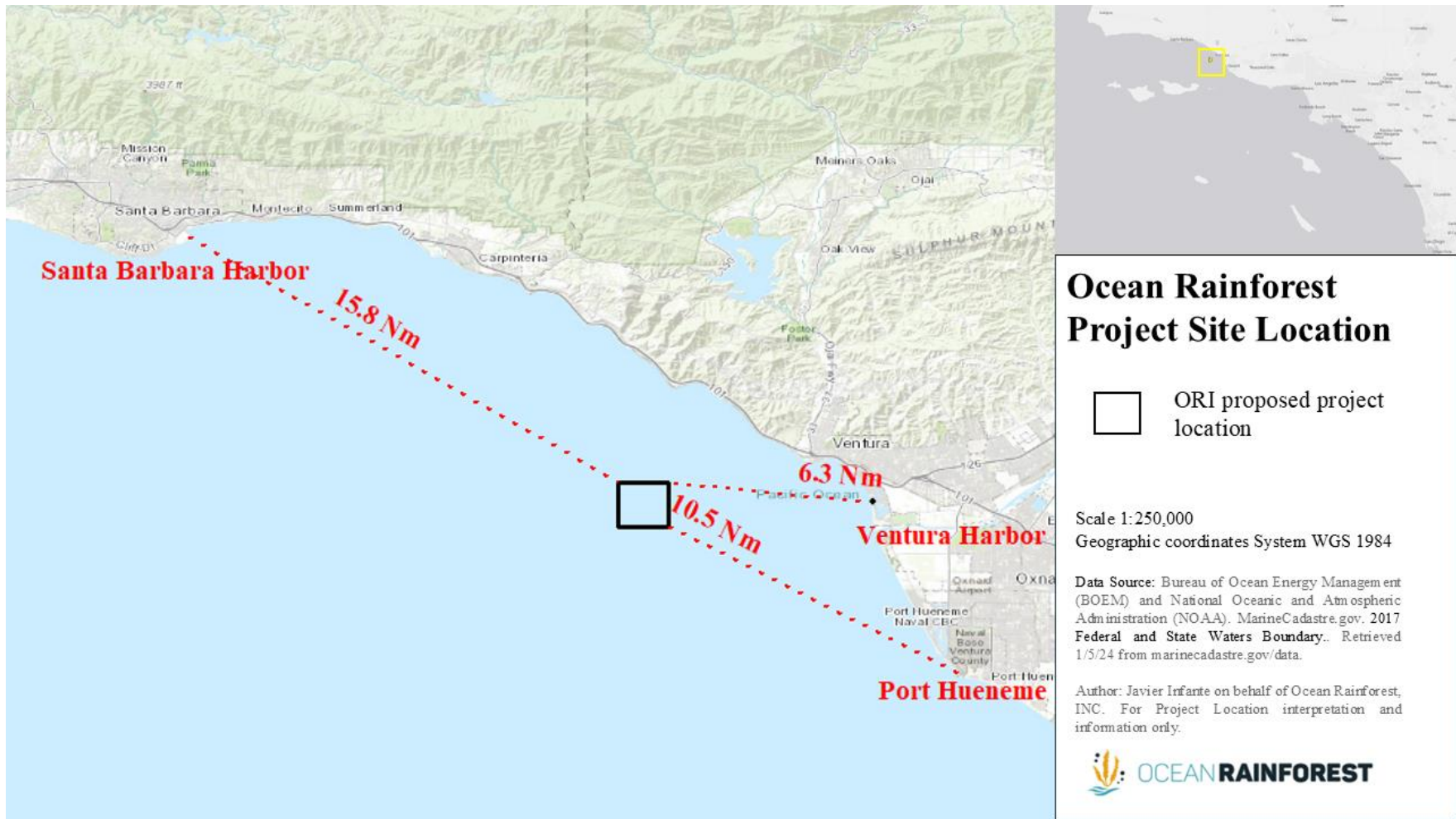


Figure 1 – Project Location

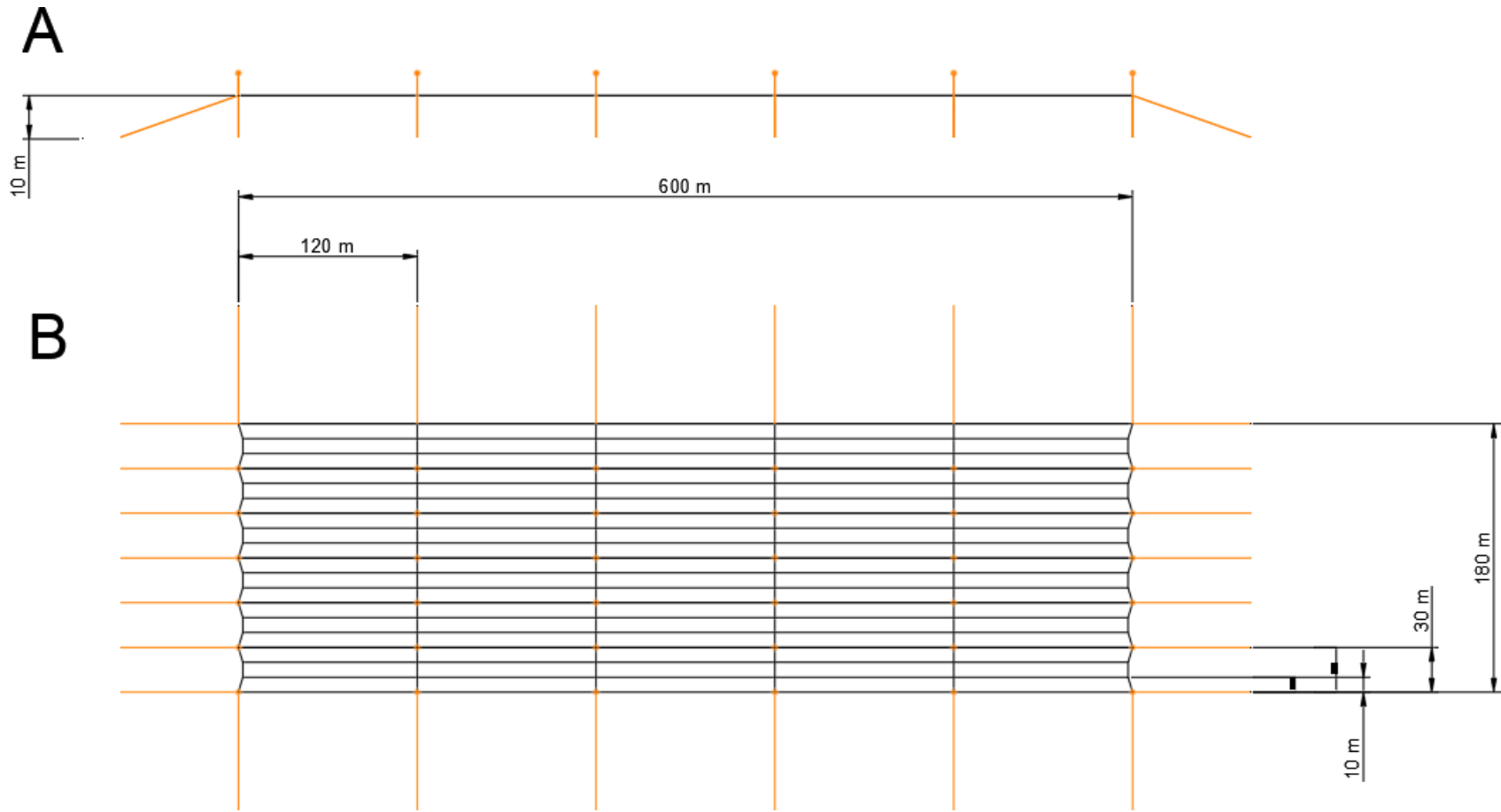


Figure 2 – Lateral (A) and Top (B) view sketch of the cultivation system.

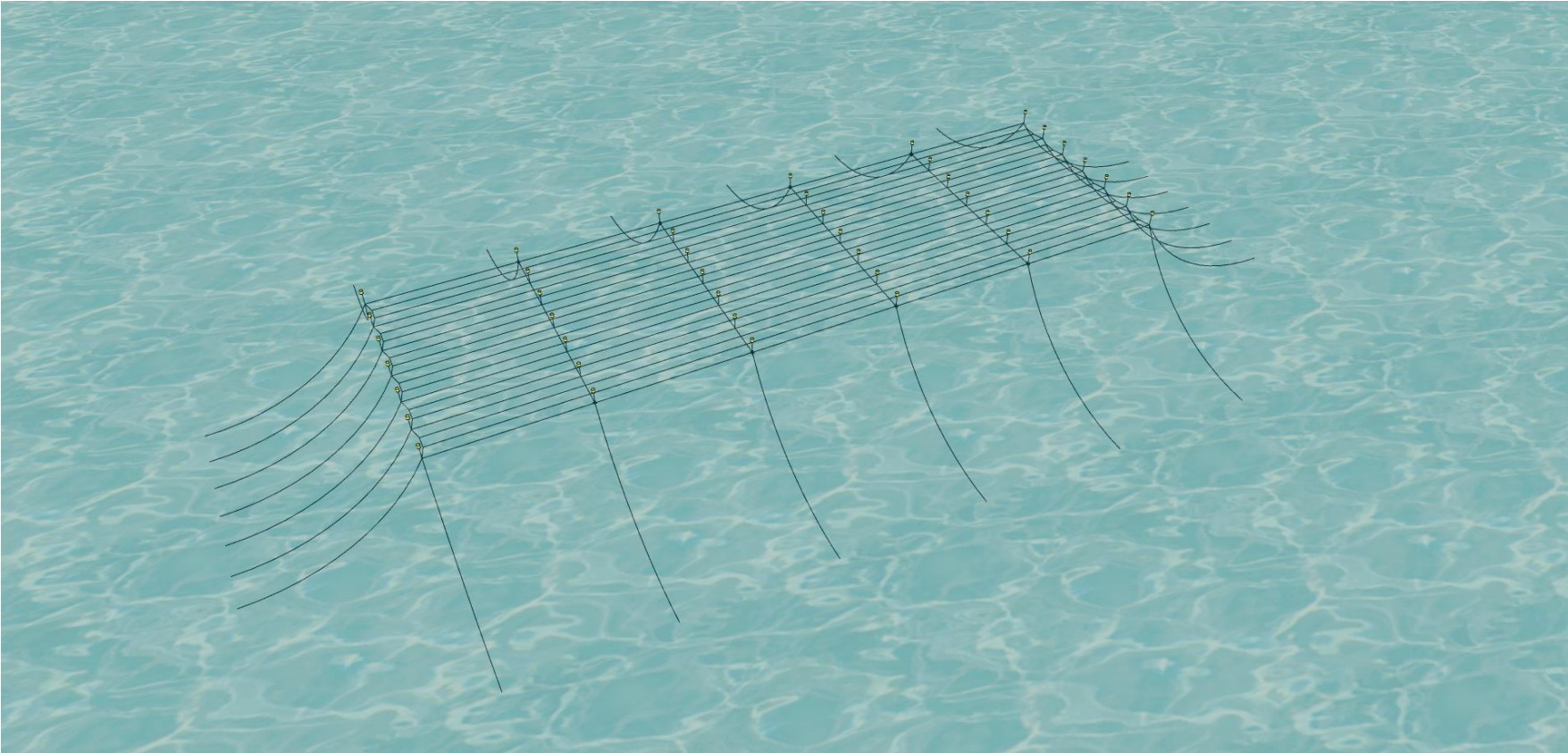


Figure 3a – 3D rendering of the cultivation system.

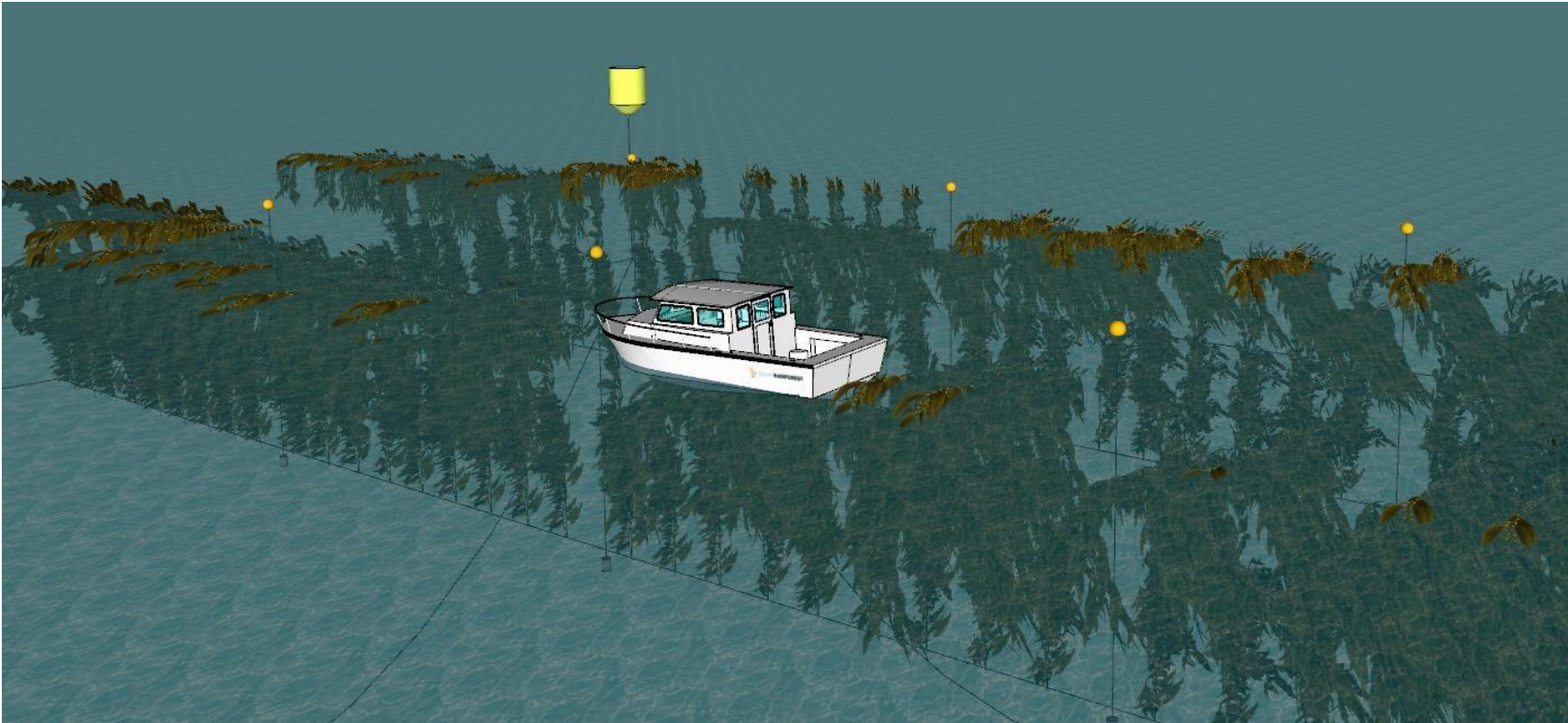


Figure 3b – 3D rendering of the cultivation system.

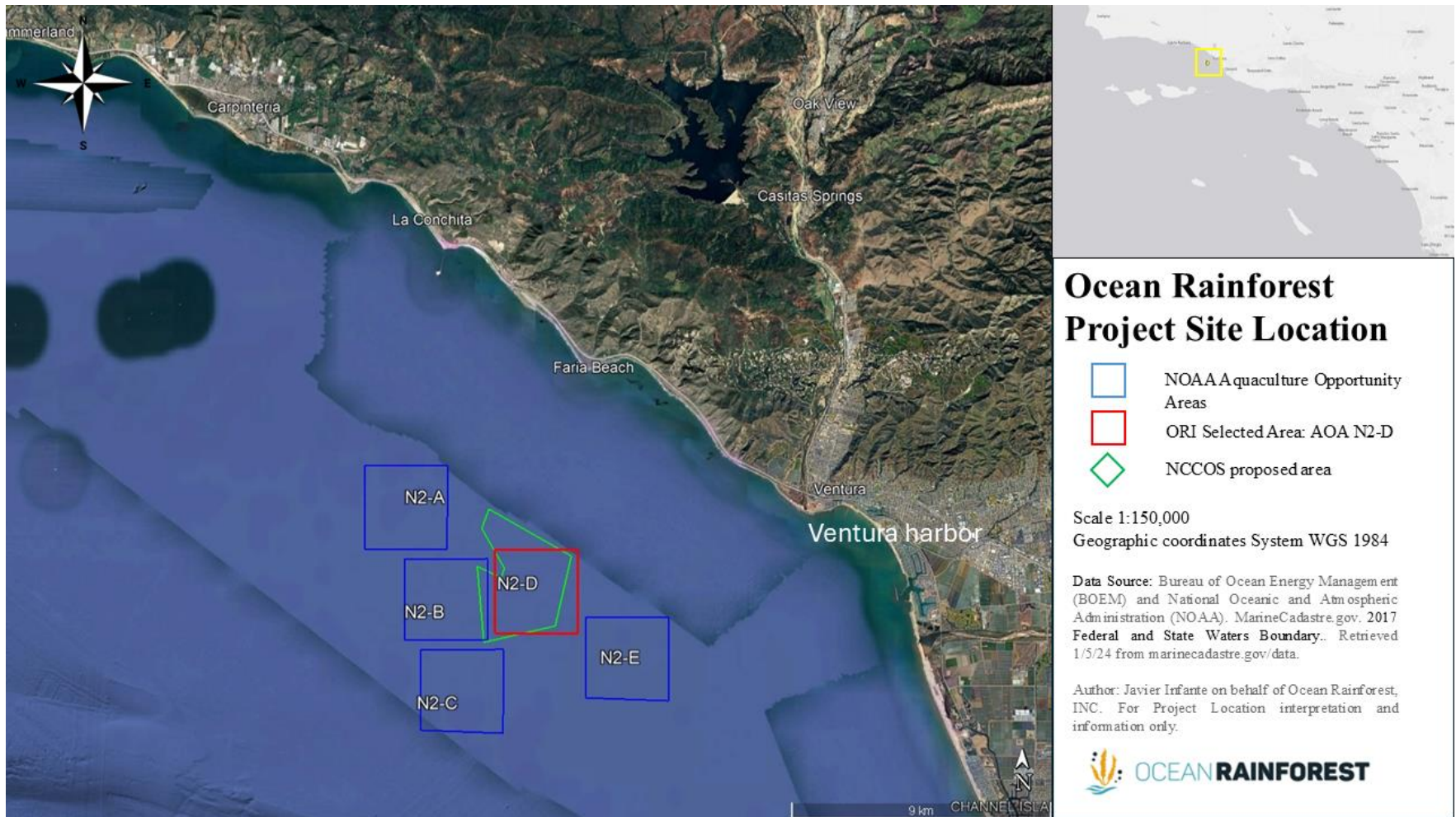


Figure 4 – Overview of the NOAA Aquaculture Opportunity Areas, including the Ocean Rainforest selected site N2-D, overlaid with the NCCOS proposed site.



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM G
APPROVAL OF UPDATES TO THE
VENTURA PORT DISTRICT PUBLIC
AND CIVIC ENGAGEMENT PLAN

VENTURA PORT DISTRICT
BOARD COMMUNICATION

CONSENT AGENDA ITEM G
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Jessica Rauch, Clerk of the Board
SUBJECT: Approval of Updates to the Ventura Port District Public and Civic Engagement Plan

RECOMMENDATION:

That the Board of Port Commissioners approve updates to the Ventura Port District Public and Civic Engagement Plan.

SUMMARY:

On July 7, 2021, the Board of Port Commissioners (Board) moved to approve the first ever Ventura Port District Public and Civic Engagement Plan (PCEP). On December 21, 2022 and December 6, 2023, staff brought forth additions to the plan, which the Board approved. This plan is a living document for review and update by staff and the Board on an annual basis.

GUIDING PRINCIPLES:

- 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.

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.
 - 3) Public and Civic Engagement Planning
 - 4) Updates to District policies to reflect improved transparency and DEI

BACKGROUND:

The following updates were made:

- V. COMMUNICATION & OUTREACH
 - Deleted sentence as no longer needed
 - Additional communication and outreach efforts added for “Parking Management Program Information”
 - Updated typographical and grammatical errors
- VI. COLLABORATION
 - Updated table with new titles and new staff support
- VII. TRANSPARENCY
 - Moved bullet for better flow
 - Added more items under 2) Website – Port Commission
- IX. GENERAL CONTACT INFORMATION
 - Updated title

A clean version of the Plan will be posted on the website: <https://venturaharbor.com/board-meeting-documents/> once approved by the board.

FISCAL IMPACT:

None.

ATTACHMENTS:

Attachment 1 – Public and Civic Engagement Plan – Redlined

**VENTURA PORT DISTRICT
PUBLIC AND CIVIC ENGAGEMENT PLAN**



**VENTURA
PORT DISTRICT**
Established 1952

**Prepared for the
Ventura Port District**

**Prepared by
Brian D. Pendleton, General Manager**

**APPROVED
JULY 7, 2021
UPDATED
DECEMBER 21, 2022
DECEMBER 6, 2023
DECEMBER 18, 2024**

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I. INTRODUCTION

The Ventura Port District (“District”) strives to provide engaged, accountable, and effective government. As part of this commitment, the District developed a Public and Civic Engagement Plan (P.C.E.P.) that was approved by the Board on July 7, 2021 and is consistent with the Guiding Principles and 5-Year Objectives adopted by the Board on April 6, 2022 which can be found on the Districts website: <https://venturaharbor.com/mission-vision/>.

II. PURPOSE

The District’s purpose for developing this P.C.E.P is to facilitate meaningful community involvement. This P.C.E.P will answer the following questions:

- Who are the District’s stakeholders?
- How does the District communicate and outreach to its stakeholders?
- Who does the District collaborate with?
- How does the District showcase their efforts in transparency?

The P.C.E.P is a living document that establishes the approach to civic and public engagement for proposed policies, programs and projects. The P.C.E.P. also establishes methods for public participation, two-way dialogue and communication and documentation of the same.

Further, the District, its Commissioners, and staff seek to formalize through this plan, on-going efforts to strengthen communication, collaboration, and transparency with stakeholders, business partners, and civic leaders.

III. WHAT IS CIVIC AND PUBLIC ENGAGEMENT

The term “Civic Engagement” refers to working to make a difference in the civic life of one’s community and developing the combination of knowledge, skills, values and motivation to make that difference. It means promoting the quality of life in a community, through both political and non-political processes. (Youth.gov).

The term “Public Engagement” is any process that involves the public in problem solving or decision-making and uses public input to make sustainable and enduring decisions. Public engagement includes all aspects of identifying problems and opportunities, developing alternatives, and making decisions.

Planning for public engagement is a crucial step in ensuring that engagement efforts are effective. The planning process helps local governments refine goals, identify the community’s needs, determine key audiences, and plan for success.

IV. STAKEHOLDERS

Stakeholders play an important role in any governmental organizations decision-making process. The term “stakeholder” refers to one who is involved in or affected by a course of action. (Merriam-Webster.com) This includes people who will benefit from the project or action, people who could be negatively impacted, and those who are simply interested.

Below is a list of stakeholder groups and categories with specific examples:

STAKEHOLDERS	WHO ARE THEY?	WHY INCLUDED?	WHAT DO THEY DO?
Ventura Port District Business Partners	Master Tenants Master Subtenants Village Tenants Charters Commercial Fishers District Employees	As business partners, good stewardship of the harbor benefits all as well as the public.	Create value for the public at large in turn generating income, revenue, and jobs.
Harbor & Neighboring Residents	Ventura Marina Mobile Home Park Portside Ventura Harbor Liveaboards The Keys	Members of the Harbor Community	Benefit from the natural assets and amenities of the Harbor. Contribute as members of the Harbor Community.
Visitors	Local Residents Out of City Out of State International	The public are the ultimate beneficiaries of the Port District’s assets, infrastructure, and amenities.	Value created by the offerings of the harbor stimulates patronage from the public. Those funds are reinvested for the benefit of the public at large.
Water Activity Groups	Outriggers Paddleboards Kayakers Sailors/boaters Commercial & recreational fishers Swimmers Surfers	Care about the condition and health of our water and waterways and benefit from the results of good stewardship.	Benefit from the infrastructure and natural assets of the Harbor. Bring visitors/business to the Harbor.
Civic Leaders	City of Ventura County of Ventura Ventura County Air Pollution Control District Ventura Local Agency Formation Commission Oxnard Harbor District (Port of Hueneme) State of California State Senate & Assembly US House of Representatives US Senate	Cooperative agencies are essential partners in the success of a Special District.	Many agencies have jurisdictional authority over the District. Many also have access to larger resource pools that can benefit the District and therefore its users and business partners.
Federal & State Agency’s	US Army Corps of Engineers (Corps) National Oceanic & Atmospheric Administration (NOAA) US Coast Guard (USCG)	Regulatory and responsible agencies are essential partners in	Many agencies have jurisdictional authority over the District. Many also have access to

ATTACHMENT 1

	<p>California Coastal Commission National Parks Service California State Parks California Department of Fish & Wildlife</p>	<p>the success of a Special District.</p>	<p>larger resource pools that can benefit the District and therefore its users and business partners.</p>
<p>Community Organizations & Non-Profits</p>	<p>Ventura Chamber of Commerce Ventura Visitors & Convention Bureau California Special Districts Association (CSDA) Ventura County Special Districts Association Economic Development Collaborative (EDC) Women's Economic Ventures (WEV) California Central Coast Tourism Cal Travel Association Los Angeles Convention & Visitors Bureau</p>	<p>As a destination for both locals and the traveling public, relationships with economic development partners are crucial to keeping Ventura Harbor competitive for visitation.</p>	<p>Assist in generating awareness and traffic to the harbor. Additional visitation generates revenue for reinvestment in harbor facilities, assets, and amenities.</p>
<p>Environmental & Environmental Justice Organizations</p>	<p>Environmental Defense Center Santa Barbara Channelkeeper Friends of the Earth Wishtoyo Chumash Foundation California Coastal Protection Network Ocean Conservation Research Northwest Atlantic Marine Alliance Oceanic Preservation Society Center for Biological Diversity Seven Circles Foundation Environmental Action Committee of West Marin Surfrider</p>	<p>Care about the condition and health of our coastal environment and benefit from the results of good stewardship.</p>	<p>Work to protect and enhance local environment.</p>

Identifying stakeholders allows for clear communications during periodic updates or policy, program, or project progress meetings. Knowing who stakeholders are and where they fit in the development and implementation phases of a policy, program or project is vital to understanding and effectively addressing their expectations or concerns.

This list is not meant to be all inclusive and will likely expand as new stakeholders are discovered.

V. COMMUNICATION & OUTREACH

Traditionally, communications and outreach refer to strategies used to educate, engage and involve specific stakeholder groups around an agenda or mission. Communication is the development and delivery of a compelling message to critical audiences and outreach is the means by which you reach and deliver your message to those critical audiences. (bscpcenter.org)

The following are the District's methods for how we communicate and outreach information to our stakeholders:

1) Board Meetings

- Board meetings provide stakeholders with the opportunity to know what business is being discussed and the opportunity to participate in that discussion. Board meetings are held in-person and via Zoom.
- Board meetings are held twice per month, once in November and December, and typically dark in August. Special meetings can be called by the Board on an as-needed basis.
- The District implemented a hybrid meeting format that allows for both in-person and remote observation to increase stakeholder engagement and participation. ~~As of January 1, 2023, the District will allow for remote participation for public communications.~~
- Maintain interest lists:
 - Agenda Packets
 - Special Projects and Programs
 - Harbor Village Tenants
 - Master Tenants
 - District Employees

2) Workshops

- Budget
- Guiding Principles and 5-Year Objectives Development Sessions
- Special Projects and Programs

3) Informational Notifications

- Emails from the General Manager
- Tenant Newsletters from Marketing

4) Content Development

a) Social Media

- Instagram
- Facebook
- X

b) E-Newsletters/Blogs

c) Short Video Compilations

- d) Paid Media
 - Digital
 - Print
 - e) Media
 - Press Releases
 - TV Coverage
 - Radio Ads
 - f) Tenant Recognition
 - VC Reporter “Best Of” Awards
 - District Tenant Recognition Celebration
- 5) Websites
- venturaharbor.com (Ventura Port District)
 - Compliance with Americans with Disabilities Act (ADA)
 - Content
 - a. VPD Mission
 - b. History
 - c. Organizational Structure
 - d. Commissioners with Contact Info.
 - e. GM & Managers with Contact Info.
 - f. Board Meeting Agendas, Minutes
 - g. Meeting Archives
 - h. Financial Reports
 - i. Administrative Policies
 - j. News & Events
 - Parking Management Program Information
 - venturaharborvillage.com (Ventura Harbor Village)
 - Compliance with Americans with Disabilities Act (ADA)
 - Content
 - a. Tenant Names, Contact Info.
 - b. Events
 - c. Visitor Information
 - Parking Management Program Information
- 6) Community Organization Membership, Participation and/or Presentations
- Annual Grand Jury Protocol Visit
 - Ventura Chamber of Commerce
 - Ventura Visitors and Convention Bureau
 - Rotary Club (and other service clubs)
 - Pierpont Community Council, The Keys Neighborhood
 - Ventura County and California Special Districts Associations (VCSDA and CSDA)
 - California Central Coast Tourism
 - Cal Travel Association
 - Los Angeles Convention & Visitors Bureau

7) Events, Meetings

- Village Tenant Recognition
- Master and Village Tenant Meetings
- Commercial Fishers Meetings
- Aquaculture Meetings
- Grand Jury Protocol Visits
- Monthly and Holiday Event Promotions for Visitors
- Employee Recognition Events

8) Diversity, Equity, Inclusion (DEI)

- District Career Opportunities
 - Employee opportunities posted in Spanish and published in Spanish publications.
- Tenant Cultural Recognition
- Lease Marketing
 - Advertising vacant spaces in LGBTQ/Spanish publications
- Celebration of annual multicultural events and dates of significance through marketing recognition and programming.

VI. COLLABORATION

The term “collaboration” refers to the act of working together, especially on a goal or shared project. (Dictionary.com) When used strategically, collaboration produces positive impacts, stakeholders committed to policy or program change and strengthened capacity of individuals and organizations to effectively work together.

COLLABORATORS	WHO ARE THEY?	HOW DO WE COLLABORATE?
Ventura Port District Business Partners	Master Tenants Master Subtenants Village Tenants Charters Commercial Fishers District Employees	Collaborative teamwork in promoting a positive experience in harbor visitation benefits all partners and returns investment into infrastructure and services for the visiting public.
City of Ventura	Residents Economic Development Committee City Police/Fire Departments City Manager’s Office Community Development Department Public Works Department Councilmember & Administrative Liaisons Ventura Water (VenturaWaterPure)	City Council appoints VPD Commissioners. Harbor Patrol and Fire Department MOU. Providing leadership through the appointment of the Board and governance through City codes and regulations.
County of Ventura	Environmental Health Division First District Supervisor’s Office Ventura County Air Pollution Control District Ventura Local Agency Formation Commission Oxnard Harbor District (Port of Hueneme) Office of Diversity, Equity & Inclusion	Providing a safe experience to visitors and business patrons is essential to public wellbeing and a positive experience. Commissioner on LAFCo Board.
Federal & State Agency’s	US Army Corps of Engineers (Corps) National Oceanic & Atmospheric Administration (NOAA) US Coast Gard (USCG) California Coastal Commission National Parks Service California State Parks California Department of Fish & Wildlife	Work together to support projects and receive project funding, in particular ensuring that the federal navigation channel remains open.
Ventura Chamber of Commerce	Voice of local businesses when advocating public policy changes that stimulate and sustain growth for business resulting in the creation and retention of jobs	Deputy General Manager on Board Executive Committee and is Chair of Economic Development Committee Harbor Businesses Members

ATTACHMENT 1

<p>Ventura Visitors and Convention Bureau</p>	<p>Promotes the City of Ventura by capturing its spirit and showcasing the city's best attributes every single day. Works to strengthen positive exposure and awareness of the City's as a convention and visitor destination in hopes of increasing local business revenue and stimulating economic growth and development for the community.</p>	<p>General Manager <u>is Board President and</u> on Executive Committee Board. Help promote our Harbor Businesses. Include marketing team in marketing events.</p>
<p>Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)</p>	<p>California Joint Powers Agency established in 1986 to address coastal erosion, beach nourishment and clean oceans within the Central California Coast from Point Conception to Point Mugu.</p>	<p>The agency promotes beneficial reuse of dredged material for beach nourishment – both of which provide great value to the District via maintaining the navigational channel as well as maintaining harbor beaches, protecting infrastructure, and providing ecological benefit through habitat preservation and restoration.</p>
<p>California Marine Affairs and Navigation Conference (CMANC)</p>	<p>Consortium of California harbors, ports and marine interest groups. Mission is to optimize California maritime benefits by providing advocacy for the maintenance and improvement of California harbors, ports and navigation projects. Works with the California legislature and congressional delegation to make sure California maritime interests are supported by federal and state government.</p>	<p><u>SBOM Deputy General Manager</u> on Board, Committee(s)</p>
<p>California Special Districts Association (CSDA)</p>	<p>501c(6) not-for profit association that was formed in 1969 to promote good governance and improved core local services through professional development, advocacy, and other services for all types of independent special districts.</p>	<p>Provides education and training, legislative advocacy, information for management and operational effectiveness. Letters supporting or opposing certain legislation</p>
<p>Ventura County Special Districts Association (VCSDA)</p>	<p>Since 1974, has been representing over 20 independently governed special districts located in Ventura County. VCSDA's purpose is to promote the efficient, economical and responsive public services offered by the independent special districts of Ventura County— independent special districts governed by a locally elected board of directors.</p>	<p>Chapter of CSDA <u>General Manager</u> member of Board</p>

ATTACHMENT 1

<p>Community Organizations & Non-Profits</p>	<p>Ventura County Lodging Association Ventura County Special Districts Association Economic Development Collaborative (EDC) Women's Economic Ventures (WEV) California Central Coast Tourism Cal Travel Association Los Angeles Convention & Visitors Bureau</p>	<p>Resources for our Harbor Business Partners for business banking, finance programs. As many harbor businesses are also small businesses, active collaboration with small business resource agencies provides increased access to financing, consulting, and other expert services of particular benefit to small business enterprises.</p>
<p>Environmental & Environmental Justice Organizations</p>	<p>Environmental Defense Center Santa Barbara Channelkeeper Friends of the Earth Wishtoyo Chumash Foundation California Coastal Protection Network Ocean Conservation Research Northwest Atlantic Marine Alliance Oceanic Preservation Society Center for Biological Diversity Seven Circles Foundation Environmental Action Committee of West Marin Surfrider</p>	<p>Participate in public policy, program, and project discussion.</p>

VII. TRANSPARENCY

Transparency is government's obligation to share information with stakeholders that is needed to make informed decisions and hold officials accountable for the conduct of the people's business.

Transparency exists largely on government websites. (American Legislative Exchange Council)

The term "Transparency" is characterized by visibility or accessibility of information especially concerning business practices. ([Merriam-Webster.com](https://www.merriam-webster.com/dictionary/transparency))

Listed below are ways the District is transparent:

1) District Transparency Certificate of Excellence

- Sponsored by Special District Leadership Foundation and California Special Districts Association
- Purpose is to promote transparency in the operations and governance of special districts to the public/constituents and provide special districts with an opportunity to showcase their efforts in transparency.
- Certificate duration 3 years
 - Awarded January 5, 2022
- ~~Purpose is to promote transparency in the operations and governance of special districts to the public/constituents and provide special districts with an opportunity to showcase their efforts in transparency.~~

2) Website (venturaharbor.com)

- Transparency Reports
 - Financial Statements and Budgets (3 years)
 - Compensation Transparency
 - Administrative Policies
- Enterprise System Catalog (SB272)
 - Requires special districts and other local agencies to create a catalog of their enterprise systems and make it publicly available at their office and online.
 - Defined as software applications or computer systems that collect, store, exchange, and analyze information that the agency uses.
- Port Commission
 - Commissioners ~~and~~ contact information
 - Agendas
 - Staff Reports
 - Minutes
 - Audio recordings of meetings
 - Meeting archives
 - Ethics training completion certificates

- Board Protocols and Policies Manual and other Board policies
- ADA Compliant
- Compliment/Complaint Form

3) Public Records Act

In the interest of openness and transparency and in keeping with the public's right of access to all public records in the District's custody and control, and subject to certain exemptions as provided by law, the Ventura Port District adopted Resolution No. 3468 updating policies and procedures to ensure compliance with the Public Records Act.

4) Board Meetings

A formal meeting with a presentation and dedicated time for public comment. This is a legislated requirement for municipal decisions, where public notice of the hearing must be given, and all stated opinions are recorded.

VIII. CONCLUSION

The Board approved this Plan on July 7, 2021. The P.C.E.P is a living document for periodic review and update. Staff will continue to review this plan and endeavor to bring to the Board annually for review.

IX. GENERAL CONTACT INFORMATION

The following Ventura Port District personnel will serve as primary contacts for the P.C.E.P.:

- Brian D. Pendleton, General Manager
bpendleton@venturaharbor.com
- Jessica Rauch, Clerk of the Board
jrauch@venturaharbor.com
- John Higgins, Harbormaster
jhiggins@venturaharbor.com
- Todd Mitchell, ~~Sr. Business Operations Manager~~ Deputy General Manager
tmitchell@venturaharbor.com
- Jennifer Talt-Lundin, Marketing Manager
jtaltlundin@venturaharbor.com

Ventura Port District
1603 Anchors Way
Ventura, CA 93001
(805) 642-8538
venturaharbor.com



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM H

ADOPTION OF RESOLUTION No. 3514
APPROVING THE SEIU-LOCAL 721
MOU REPRESENTING FULL-TIME AND
PART-TIME HARBOR PATROL
OFFICERS

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
Oliver Yee, Partner, Liebert Cassidy Whitmore
SUBJECT: Adoption of Resolution No. 3514 Approving the SEIU-Local 721 MOU
Representing Full-Time and Part-Time Harbor Patrol Officers

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3514 approving the Memorandum of Understanding Collective Bargaining Agreement between the Ventura Port District and the Service Employees International Union, SEIU-Local 721, representing all regular full-time and part-time employees classified as the Harbor Patrol.

SUMMARY:

The current Memorandum of Understanding (MOU) between the Ventura Port District and Service Employees International Union (SEIU), Local 721 for Full-time Harbor Patrol Officers will expire on December 31, 2024. Over the past few months, the District's Deputy General Manager and Oliver Yee of Liebert Cassidy Whitmore met and conferred with representatives of SEIU and Bargaining Committee Members (Harbor Patrol Officers Winter and Alford) concerning wages, and other terms and conditions of employment in the negotiation of a successor MOU for both the Full-time and Part-time Harbor Patrol Officers. The parties reached a tentative agreement on terms of the successor MOU, and the represented employees of SEIU voted and ratified such terms. Subject to approval by the Board of Port Commissioners, the MOU shall become effective January 1, 2025 through December 31, 2027.

GUIDING PRINCIPLES:

- 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.

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.

BACKGROUND:

SEIU represents the full-time and part-time Harbor Patrol Officers of the Ventura Port District (the Harbormaster, Harbor Patrol Supervisors, and Marine Safety Officers are not represented). Chief Negotiator Aram Agdaian contacted the Ventura Port District staff on June 28, 2024, for an initial information request to begin the process of negotiating a new MOU between the employees represented by Bargaining Committee Members (Harbor Patrol Officers Garret Winter and Mason Alford) and Aram Agdaian of SEIU and the District (which is represented by Oliver Yee of Liebert Cassidy Whitmore (LCW)). Negotiations began between the parties on October 28, 2024, and a tentative agreement was reached between the parties on December 9th. After the tentative agreement was reached, a draft revision of the MOU was circulated to the SEIU represented members of the unit. The members ratified the terms of the new MOU, which is now subject to approval by the Board of Port Commissioners.

A detailed review of the fiscal and non-fiscal terms of the MOU are included in the Resolution (Attachment 1).

FISCAL IMPACT:

Salary Range

Upon approval by the District, the top and bottom of the salary range of the Full and Part-Time Harbor Patrol Officers positions shall be adjusted three times, as described in the Resolution (Attachment 1).

Wages

The Full and Part-Time Harbor Patrol wages described above shall become effective with the first full pay period after January 1, 2025, pay period, those costs will require an adjustment as part of the District's Mid-Year Budget Process. Future costs will be factored into the FY2025-26 and subsequent budgets for Harbor Patrol. There shall be no retroactivity to wages and there is no signing bonus, as there is no gap between the MOU agreements.

ATTACHMENTS:

Attachment 1 – Resolution No. 3514 with MOU as Exhibit A



RESOLUTION NO. 3514

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT APPROVING THE MEMORANDUM OF UNDERSTANDING
WITH SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU), LOCAL 721,
REPRESENTING ALL REGULAR FULL-TIME AND PART-TIME
HARBOR PATROL OFFICERS**

WHEREAS, the Memorandum of Understanding between SEIU, Local 721, and Ventura Port District will expire on December 31, 2024.

WHEREAS, in compliance with the requirements of the Meyers-Milias Brown Act, the Ventura Port District and SEIU Local 721 met and conferred in good faith concerning wages, hours and other terms and conditions of employment substantially described herein and in the form of Exhibit A.

WHEREAS, there will be salary adjustments and salary increases as follows:

Full-time Harbor Patrol Officers:

- Effective the first full pay period following ratification of the MOU, the Harbor Patrol Officer I salary range shall be \$31.50/hour – \$41.50/hour; and the Harbor Patrol Officer II salary range shall be \$34.50/hour – \$49.75/hour. Effective the first full pay period following ratification of the MOU, employees with 30 or more months of District experience as of the date of MOU ratification who are below the mid-point of the aforementioned new salary range shall be placed at the mid-point of the salary range.
- Effective the first full pay period following January 1, 2025, and after the above salary range and adjustments are in effect, employees receive a salary increase of 3.0%. Effective the first full pay period following January 1, 2026, employees receive a salary increase of 3.5%. Effective the first full pay period following January 1, 2027, employees receive a salary increase of 3.5%.
- Effective the first full pay period following January 1, 2026, the salary range for the Harbor Patrol Officer I shall be \$32.60/hour – \$42.95/hour; and Harbor Patrol Officer II salary range shall be \$35.71/hour – \$51.49/hour.

ATTACHMENT 1

- Effective the first full pay period following January 1, 2027, the salary range for the Harbor Patrol Officer I shall be \$33.74/hour – \$44.46/hour; and Harbor Patrol Officer II salary range shall be \$36.96/hour – \$53.29/hour.

Part-Time Harbor Patrol Officers:

- Effective the first full pay period following ratification of the MOU, the Part-Time Harbor Patrol Officer salary range shall be \$22.51/hour – \$30.64/hour. Effective the first full pay period following January 1, 2025, and after the above salary range and adjustments are in effect, employees receive a salary increase of 3.0%. Effective the first full pay period following January 1, 2026, employees receive a salary increase of 3.5%. Effective the first full pay period following January 1, 2027, employees receive a salary increase of 3.5%.
- Effective the first full pay period following January 1, 2026, the salary range for the Part-Time Harbor Patrol Officer shall be \$23.29/hour – \$31.71/hour.

WHEREAS, effective the first pay period following ratification of the MOU, during the term of the MOU, There shall be a 5.0% shift differential pay for time worked during the hours of 12:00 am and 6:00 am, for both full-time Harbor Patrol Officer I and II.

WHEREAS, effective the first pay period following ratification of the MOU, during the term of the MOU, Harbor Patrol Officers I and II who are scheduled and work hours in an assigned shift in “Lead” capacity shall receive an additional five (5%) percent over their base salary for those hours worked in Lead capacity. The five (5%) percent shall not be applied to vacation, sick leave, compensatory time, or other paid leaves. “Lead” capacity occurs during the hours worked during a shift when the Harbor Patrol Officer I or II is working alone with a Marine Safety Officer and a Senior Harbor Patrol Officer or Harbor Master is not working during those same hours on the same shift.

WHEREAS, there will be voluntary payroll deductions, with a dedicated payroll code, for the SEIU Local 721 Benefits Trust (Benefits Trust), for the payment of supplemental benefits which may be offered to Union members. The amount collected on behalf of the Benefits Trust will be forwarded monthly to the Union’s administrator of the Benefits Trust.

WHEREAS, SEIU Local 721 and the District shall establish a Labor/Management Committee, whose purpose shall be to identify processes that will lead to improved service delivery, efficiency, and staff training or career development needs. The Committee shall have no authority over matters within the scope of representation or matters subject to the grievance procedure. The parties agree to schedule and hold as practical a regular quarterly labor-management meeting at a time and day mutually agreeable to both parties. The parties will endeavor to provide proposed agenda items at least seven (7) calendar days in advance of the meetings.

The parties shall each appoint two (2) members to the committee – two designated employees from the bargaining unit; and two non-represented supervisor/manager or above designees by the District. The parties may by mutual agreement invite other employees who have specific knowledge of issues discussed by the Committee to present information or to participate in the Committee’s discussions. The Union shall provide written notification to the District members of the Committee at least seven (7) calendar days in advance of the meeting of an SEIU Local 721 representative attending the meeting. The District reserves the right to have its legal counsel or similar representative present at such meeting.

ATTACHMENT 1

NOW, THEREFORE, BE IT RESOLVED, the Board of Port Commissioners of the Ventura Port District hereby approves the Memorandum of Understanding between the Ventura Port District and the Service Employees International Union (SEIU), Local 721, for and on behalf of the Full-Time and Part-Time Harbor Patrol Officers Unit, effective January 1, 2025, attached as Exhibit A to this Resolution; and

BE IT FURTHER RESOLVED, that the General Manager and staff are hereby authorized and directed to take such actions as may be reasonably necessary to implement and abide by the Memorandum of Understanding as described in Exhibit A.

PASSED, APPROVED and ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District this 18th day of December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Michael Blumenberg, Chair

ATTEST:

Anthony Rainey, Secretary

EXHIBIT A

**MEMORANDUM
OF
UNDERSTANDING**

**Ventura Port District
And the
Service Employees International Union (SEIU), Local 721**

FULL-TIME AND PART-TIME HARBOR PATROL OFFICERS

EFFECTIVE January 1, 2025

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**MEMORANDUM OF UNDERSTANDING BETWEEN
THE VENTURA PORT DISTRICT AND THE SERVICE
EMPLOYEES INTERNATIONAL UNION, SEIU-LOCAL 721
FULL-TIME AND PART-TIME HARBOR PATROL OFFICERS**

PREAMBLE

This Memorandum of Understanding is between the Ventura Port District (hereinafter "District") and the duly authorized representatives of the Service Employees International Union, Local 721 (hereinafter "the Union"). Its purpose is to promote harmonious relations between the District, the Union, and the unit employees by setting forth the understanding of the parties reached as a result of meeting and conferring in good faith regarding the wages, hours and certain other terms and conditions of employment of Harbor Patrol Officers.

ARTICLE 1: RATIFICATION

It is agreed that this Memorandum of Understanding is of no force and effect until ratified by the Union members and approved and implemented by the Ventura Port District Board of Port Commissioners.

ARTICLE 2: FORMAL RECOGNITION

SEIU Local 721 is hereby designated as the recognized employee organization for those regular full-time employees occupying the job classification of Harbor Patrol Officer I and Harbor Patrol Officer II and part-time employees occupying the job classification of Part-time Harbor Patrol Officer in the District Classification Plan.

ARTICLE 3: RIGHTS

- A. The Union recognizes that the District has and will continue to retain, whether exercised or not, the unilateral and exclusive right to operate, administer and manage District services and work force performing those services in all respects.
- B. The District General Manager and appropriate Supervisor have and will continue to retain exclusive decision-making authority over matters within their jurisdiction that are not lawfully and expressly modified by specific provisions of this Memorandum.

The exclusive rights of the District shall include, but not be limited to:

- the right to determine the organization of the District government and the purpose and mission its constituent departments
- to set standards of services to be offered to the public, and, through its management officials, to exercise control and discretion over its organization and operations

- to establish, modify, and implement administrative regulations and employment rules and regulations consistent with law and the specific provisions of this Memorandum
- to direct its employees
- to take disciplinary action consistent with legal requirements
- to relieve its employees from duty because of lack of work or for other legitimate reasons in accordance with applicable District procedures
- to determine whether goods or services shall be made, purchased or contracted for
- to determine the methods, means, and personnel by which the District's services are to be provided, including the right to schedule and assign work and overtime and to otherwise act in the interest of efficient service to the community.
- Nothing in this provision shall be deemed to supersede Federal and State Laws.

ARTICLE 4: HUMAN RESOURCES MANUAL

It is understood and agreed that the Ventura Port District maintains a Human Resources Manual and Optional Benefit Plan that applies to all employees of the District. The Operations Department Manual shall be in full force and effect for members of the unit unless specific topics in this Memorandum of Understanding override comparable portions of those documents.

If a provision in the Human Resources Manual, the Optional Benefit Plan and the Operations Department Manual conflicts with any provision of an applicable collective bargaining agreement entered into by the District and a recognized employee organization, to the extent of such conflict, the provisions of the SEIU Local 721 collective bargaining agreement (MOU) shall be deemed controlling.

The District shall provide SEIU Local 721 with advanced reasonable notice, but in no case less than (30) thirty days, of any proposed changes in policy that could affect wages, hours and other terms and conditions of employment with the intent that the District would meet and confer in good faith.

ARTICLE 5: WAGES

Full-Time Employees:

- Effective the first full pay period following ratification of the MOU, the Harbor Patrol Officer I salary range shall be \$31.50/hour – \$41.50/hour; and the Harbor Patrol Officer II salary range shall be \$34.50/hour – \$49.75/hour. Effective the first full pay period following ratification of the MOU, employees with 30 or more months of District

experience as of the date of MOU ratification who are below the midpoint of the aforementioned new salary range shall be placed at the mid-point of the salary range.

- Effective the first full pay period following January 1, 2025, and after the above salary range and adjustments are in effect, employees receive a salary increase of 3.0%. Effective the first full pay period following January 1, 2026, employees receive a salary increase of 3.5%. Effective the first full pay period following January 1, 2027, employees receive a salary increase of 3.5%.
- Effective the first full pay period following January 1, 2026, the salary range for the Harbor Patrol Officer I shall be \$32.60/hour – \$42.95/hour; and Harbor Patrol Officer II salary range shall be \$35.71/hour – \$51.49/hour.
- Effective the first full pay period following January 1, 2027, the salary range for the Harbor Patrol Officer I shall be \$33.74/hour – \$44.46/hour; and Harbor Patrol Officer II salary range shall be \$36.96/hour – \$53.29/hour.

Part-Time Employees:

- Effective the first full pay period following ratification of the MOU, the Part-Time Harbor Patrol Officer salary range shall be \$22.51/hour – \$30.64/hour. Effective the first full pay period following January 1, 2025, and after the above salary range and adjustments are in effect, employees receive a salary increase of 3.0%. Effective the first full pay period following January 1, 2026, employees receive a salary increase of 3.5%. Effective the first full pay period following January 1, 2027, employees receive a salary increase of 3.5%.
- Effective the first full pay period following January 1, 2026, the salary range for the Part-Time Harbor Patrol Officer shall be \$23.29/hour – \$31.71/hour.
- Effective the first full pay period following January 1, 2027, the salary range for the Part-Time Harbor Patrol Officer shall be \$24.11/hour – \$32.82/hour.

Other Items:

- Effective upon ratification of the 2018 MOU, the full-time Harbor Patrol I and II positions, were subject to a 7% increase for year 1 of a new three-year contract. Effective on a new pay period, 3% was applied to the employee's share of CALPERS retirement obligation. There was no retroactivity to wages or the CALPERS retirement benefit. Additionally, the full amount of the employee's contribution towards PERS Safety Retirement shall be the employee's obligation.
- There shall be a 5.0% shift differential pay for time worked during the hours of 12:00 am to 3:00 am, and 3:00 am to 6:00 am, for both full-time Harbor Patrol Officer I and II.

- Annual Performance Evaluations will continue for the term of the contract. Adjustments within the District approved salary range will be based on individual merit. Merit encompasses an employee's knowledge, experience, ability, and performance among other factors. A merit increase is considered as being earned by an employee. A merit increase is advancement to a higher rate in the employee's salary range. A merit increase is based on performance and must be accompanied by a current employee evaluation prepared and signed by the employee's supervisor and signed and approved by the General Manager or his/her designee. The employee shall acknowledge receipt of such evaluation.
- A full-time Harbor Patrol Officer I who obtains and maintains a United States Coast Guard License will receive a 2% increase in base pay. Upon promotion to Harbor Patrol Officer II, the employee shall receive a minimum of a 5% increase in pay.
- During the term of this agreement, Harbor Patrol Officers I and II who are scheduled and work hours in an assigned shift in "Lead" capacity shall receive an additional five (5%) percent over their base salary for those hours worked in Lead capacity. The five (5%) percent shall not be applied to vacation, sick leave, compensatory time, or other paid leaves. "Lead" capacity occurs during the hours worked during a shift when the Harbor Patrol Officer I or II is working alone with a Marine Safety Officer and a Senior Harbor Patrol Officer or Harbor Master is not working during those same hours on the same shift.

ARTICLE 6: HOLIDAYS

Any full-time non-exempt employee who is off on a holiday for any reason, except for industrial related injury or disability, shall receive either one day of Holiday Pay or one day of compensatory time as appropriate.

Employees on Long Term Disability or extended Worker's Comp (over 90 days) shall not be eligible for Holiday Benefits and no compensatory time shall accrue.

Any full-time non-exempt employee who works a holiday as part of his or her normal workweek shall receive 1.5 times his or her hourly wage for each hour worked plus one day of compensatory time.

Any hours a full-time non-exempt employee works on a Holiday over his or her normal workday shall be paid at double-time.

Any full-time non-exempt employee who works a holiday in addition to his or her normal workweek shall receive double-time for hours worked plus one day of compensatory time.

Any hours worked beyond the full-time employee's normal workday shall also be paid at double-time.

ARTICLE 7: UNIFORM ALLOWANCE

Upon being employed as a Full-time Harbor Patrol Officer, the District shall issue the employee a uniform consisting of: 4 shirts, 4 long pants, 2 pairs of shorts, 1 jacket, 1 pair of shoes, 1 Velcro utility belt, 1 pair of handcuffs, 1 pepper spray holder and can of pepper spray, foul weather gear and a wetsuit. The Port District will replace these items on an "as needed" basis. A Full-time Harbor Patrol Officer will receive \$50.00 (fifty dollars) per quarter to purchase items related to employment as a Harbor Patrol Officer.

ARTICLE 8: HEALTH INSURANCE AND OTHER EMPLOYEE BENEFITS

The Port District contribution to Medical and Dental Insurance Plans and Optional Benefit Plan for full-time employees will be equal to the contribution given to other full-time non-represented District employees.

ARTICLE 9: RETIREMENT

The District shall provide for employee retirement benefits to eligible employees through participation in the California Public Employee's Retirement System (CalPERS) as follows:

- 1.) Local Safety 2% at 55 Retirement Program per Section 21369
- 2.) Level IV 1959 Survivor Benefit per Section 21574
- 3.) Credit for unused sick leave per Section 20965.
- 4.) One-Year Final Compensation per Section 20042
- 5.) Improved Non-Industrial Disability Allowance per Section 21427
- 6.) Effective August 29, 2018, the Harbor Patrol Officers will be responsible for the full amount to CalPERS Safety Retirement.

New employees hired to the Unit on or after January 1, 2013, will be subject to the provisions of "The Pension Reform Act of 2013", including any subsequent legislation or court rulings.

ARTICLE 10: TRADING SHIFTS

Section 7(p)(3) of the Fair Labors and Standards Act provides that two individuals employed in any occupation by the same public agency may agree, solely at their option and with the approval of the public agency, to substitute for one another during scheduled work hours. In such case, neither employee is entitled to overtime compensation. The full-time employees of the Harbor Patrol Officer classification within the Ventura Port District may utilize Substitutions or "trade time" in scheduling work hours under the following guidelines and conditions.

1. Prior written approval must be obtained from the Harbormaster

2. The employee requesting the trade is responsible for submitting a written request containing the specific dates, times, and the names of the Officers involved. The written request must be signed, in agreement, by all involved Officers. Approval will only be considered for specific dates; i.e. no open ended trades.
3. The employee requesting the trade is solely responsible for reimbursing the District in any event that overtime pay is required to provide staffing for an approved trade shift.
4. Trade days are to be indicated on the time cards as; TNV for trade day worked and T/O for trade day off. A notation in the comments section of the time card is required.
5. All matters of holiday pay or any variation of pay are the responsibility of the Officers involved.

ARTICLE 11: VACATION REQUESTS AND PAYOUT

Vacation Requests:

The District recognizes the value of employees taking time off away from the job. Employees wishing to take time off will submit their requests via the Sling scheduling application or similar product. The electronic scheduling application will accept the request and time stamp the time it was received.

To ensure fairness to all employees, request process has been broken down into three different categories.

- **Annual Requests:** All vacation and comp time off requests shall be submitted to the Harbormaster on or before January 15th of each calendar year. Vacation requests will be assigned/approved by the end of business day (5:00 PM) on January 31st using seniority as the criteria for assigning days off.
- **Throughout the year but more than 30 days:** Vacation and comp time off requested after this initial period shall be considered on a first come first serve basis and processing time could be up to 72 hours.
- **Vacation requests less than 30 days from scheduled shifts:** Vacation and comp time off requests made less than 30 days before the scheduled shift cannot be guaranteed but will be considered and may be approved or denied within 72 hours.

In some instances, when an employee's plans have changed, a request to cancel the time off may be appropriate. Cancellations will be considered by the Harbormaster using these two categories:

- **Cancellation more than 21 Days:** The Harbormaster will cancel the vacation request
- **Cancellations 20 days or less:** The Harbormaster will consider the cancellation. A request to cancel the shift may be denied if the person who took the shift would be unfairly affected. If the affected employee agrees to the change in their schedule, then the cancellation will be approved.

The Union and its employees recognize that these requests may unduly disrupt the operations of the Harbor Patrol. Therefore, only one full-time Harbor Patrol Officer will normally be scheduled off-duty on any specific day to accommodate requests for vacation or comp-time off.

Vacation Leave Payout:

Any vacation leave payout requires that the employee have taken at least 80 hours of vacation or compensatory time off (or combination of vacation and CTO) in the past calendar year prior to being eligible for vacation leave payout.

ARTICLE 12: STAFFING

To the extent possible, the Harbor Patrol shall be scheduled to be staffed in the following manner:

There shall be at least two people scheduled on duty seven days a week from 0600-0200 hours.

Non-Summer Weekends - There shall be at least three people scheduled to work on every non-summer weekend between 1000-1800 hours.

Summer Weekends - There shall be at least four people scheduled to work on every summer weekend between 1000-1800 hours.

For the purpose of this Article, summer shall be defined as the time beginning with the Memorial Day Weekend and ending one week after Labor Day.

If only one person is on duty on any given day because of a last minute schedule change, such as a person calling out sick, a Part-time Harbor Patrol Officer shall be called to cover as soon as possible. If no Part-time Harbor Patrol Officers can be located, Full-time Harbor Patrol Officers are to be contacted using the Overtime Assignment Rotation procedure in Article 15.

Supplemental Staffing -The Harbormaster will determine if any additional staffing is needed.

Mandates:

If a shift is not filled, due to illness or personal emergencies, the Harbormaster, in order to maintain proper staffing levels, shall mandate an employee to work. The Harbormaster may also mandate staffing levels, due to inclement weather, natural disasters, mutual aid emergency responses and other harbor emergencies as described in Article 16. After exhausting the process described in Article 16, the Department, in order to maintain proper staffing levels, shall mandate an employee to work using a list of available employees not currently on vacation, comp time, sick time, or industrial leave.

Mandating Process:

- Mandates will be assigned to on-duty personnel the day before the unassigned shift.
- For last minute sick calls the off-going shift may be required to work overtime until the shift is filled or the Harbormaster or his/her designee determines that it is safe to work with less than the minimum staffing.
- For late night sick calls the off-going shift before leaving will exhaust Article 15, notify the Harbormaster, and leave a note explaining the situation to the assigned morning Harbor Patrol Employee.

If an employee is mandated to work, they shall rotate to the back of the future available list unless the mandate was due to emergency operations. Examples include but are not limited to inclement weather, natural disasters, mutual aid emergency responses, and harbor emergencies.

Employees will not be mandated more than once or until after the list of available employees has been exhausted.

ARTICLE 13: Workday

The regular workday and shift time for Full-time Harbor Patrol Officers shall be 12 hours and 15 minutes. The 15 additional minutes corresponds to the time to perform all shift preparation activities, including but not limited to briefing time between the incoming and outgoing shift. The 15 additional minutes would occur at the end of the shift and correspond to the final 15 minutes of the shift e.g. end workday at 3:15 pm for a shift that begins at 3:00 am. But the shift preparation activities shall be performed upon starting their scheduled shift and not before the scheduled starting time.

The above 15 extra minutes of shift preparation activities time shall be compensated at straight time only (i.e. not overtime). The District designates a 14-day FLSA work period pursuant to Section 207(k) of the FLSA, which authorizes a partial overtime exemption for public safety employees. The overtime threshold pursuant to the MOU shall be 81 hours and 45 minutes per 14-day work period in order to accommodate for the one hour and 45 minutes of shift

preparation activities (i.e. 15 additional minutes per scheduled shift over the seven scheduled shifts in each 14-day work period).

Employees must accurately report all time worked on their time sheet.

ARTICLE 14: ON CALL PAY – NOT MANDATORY PARTICIPATION

Each night when the office is unstaffed from 2:00 a.m. to 6:00 a.m., the Harbormaster will assign both a Primary Harbor Patrol and Secondary Harbor Patrol full-time employee to be on call.

On-Call Roles

- Primary On-Call Employee will be responsible for answering the On-Call phone. He/She will be responsible for assessing the situation and be required to notify the second On-Call Employee of the need to respond back to work
- Second On-Call Employee will be responsible for answering the after-hours call from the Primary On-Call Employee and respond back to work.

Primary and Secondary Harbor Patrol employees will receive .25 hours of pay for each hour served as an On-Call Officer.

The Primary and Secondary On-Call positions will be assigned on a rotation basis, following a schedule developed by the Harbormaster or his/her designee. When the same two persons are On-Call, the last person who was the Primary will rotate to the Secondary On-Call Employee.

To serve as an On Call Officer, an officer must meet the following criteria:

- Be available by telephone to respond between 2:00 a.m. and 6:00 a.m.
- Not consume any alcohol after 10:00 p.m.
- Have no alcohol in his or her system at 2:00 a.m.
- Must live within a twenty (20) minute response time to the District office.

ARTICLE 15: CALL BACK — RETURN TO DUTY PAY

Full-time employees who are called in to return for duty and report to work for two (2) hours or less, including those released from duty without having to work shall receive an amount equal to three (3) hours of pay at straight time computed at the regular hourly rate. Any such employee who works more than two (2) hours shall receive appropriate overtime compensation for all time worked. The District reserves to right to work the employee up to two hours for emergency — related duties.

Such return to duty compensation shall be subject to overtime pay provided this time exceeds the employee's normal 40-hour work week. In the event that any return to duty time is in excess of twelve (12) hours, the employee shall be paid at double time.

An employee who receives a call to return to duty, but ends up not having to actually go out, shall receive an amount equal to one (1) hour of pay at straight time computed at the regular hourly rate.

ARTICLE 16: OVERTIME ASSIGNMENT ROTATION BASED

To the extent possible, Part-time Harbor Patrol Officers will be utilized to fill slots in the schedule created by Vacation, Comp Time, Sick and other leaves taken by Full-time Harbor Patrol Officers. If a Full-time Harbor Patrol Officer must be used to fill a shift, the Officers I will be called according to his or her position on an Overtime Call (OT) List.

The initial list will be established by seniority and then adjusted as follows:

1. To work an (OT) shift, the (HPO) must get off-duty at least 10-hours before the start of the (OT) shift AND there must be at least 10-hours before the start of the (HPO's) next shift.
2. The first call will be made to the (HPO) on top of the list that meets the above criteria
3. If he or she turns down the shift or does not respond within thirty (30) minutes, the next (HPO) on the list who meets the criteria will be called, and so on until the shift is filled.

The names on the Overtime Call List will rotate as follows:

When an (HPO) accepts an offer for (OT), he or she will be moved to the bottom of the list.

ARTICLE 17: TIME OFF COUNTS AS TIME PAID

For the purposes of determining overtime, time taken off for Vacation or Comp Time, or Sick Time shall count as time worked. Any overtime accrued under these circumstances will be paid at the end of the Pay Period.

ARTICLE 18: OFFICIAL APPEARANCE

If while otherwise off-duty, an employee is required to attend court or other official matter related to his or her employment as a Harbor Patrol Officer, s/he shall receive a minimum of three hours of pay. If circumstances permit, any appearance shall receive pre-approval from the Harbormaster or his/her designee. Travel Time will only be paid if it exceeds the 3-hour minimum and meets any of the following circumstances:

- Travel over 45 miles during the employee's normal working hours whether it is the employee's work day or not;
- The employee is on a special one-day assignment in another city;
- The travel began while the employee was on duty during a scheduled shift;
- The employee performs work related to his or her job while traveling.

ARTICLE 19: ACCRUALS WHILE ON INDUSTRIAL DISABILITY LEAVE

A Harbor Patrol Officer on temporary 4850 Industrial Disability Leave shall accrue the same sick leave credit and vacation credit s/he would have normally accrued had s/he not been placed on such leave.

ARTICLE 20: FITNESS/WELLNESS PROGRAM

Fitness/Wellness Cost Reimbursement – Effective the first full month following ratification of the MOU and not earlier, the District shall provide to eligible full-time employees a fitness/wellness cost reimbursement for the employee’s gym and/or aquatics membership of up to \$300 per calendar year. To be eligible to receive the cost reimbursement, employees must submit a completed request for cost reimbursement form with supporting receipts/documentation, and receive approval on the request from the District. The District shall have sole discretion in the approval of all requests. Employees will endeavor to submit a single completed request for cost reimbursement that covers each calendar year.

Fitness Activities Time – Subject to supervisor approval, full-time employees may spend up to one hour at any time during each shift on fitness activities such as cardiovascular and strength training to be conducted on District premises or at a location in close proximity to the District premises, within the harbor, that is approved by the supervisor. Such fitness activities time shall not interfere with services, operations or other job responsibilities; and employees must be available to cease fitness activities and immediately perform job duties upon supervisor request.

ARTICLE 21: UNION ACCESS

A. Designation of Stewards

1. The Union may designate a maximum of 2 trained stewards. At the invitation of the represented employee, the steward may represent employees in grievances or disciplinary appeals, as outlined in the District’s Human Resources Manual. The steward shall serve as a communication link between the Union and management, and otherwise represent the interests of the Union. The name of such steward once designated by the Union, shall be submitted, at least annually, or as vacancies occur, to the General Manager for appropriate distribution.

2. The stewards, to the extent such cannot be done on non-duty time, may use a reasonable amount of on-duty time for the purposes of processing grievances or appeals of represented employees. Such use of on-duty time shall be subject to advance approval by the Harbormaster or General Manager and it shall not interfere with the normal operations or with established safety or job requirements.
3. Stewards will not be paid for conducting their Union duties during nonduty time.
4. Harbor Patrol Officer requests for hours off shall be presented to management in advance of the requested time off. Such requests shall not unreasonably interfere with the normal operations of the District, and such requests must have management's prior written notice.

B. Reasonable Access

1. Reasonable access to employees work locations shall be granted to officers of SEIU Local 721 and their officially designated representatives for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation, provided the District is given reasonable advanced notice and provided such access to work locations does not interfere with the normal operations of the District.
2. Such officers or representatives shall not enter any work location without the knowledge of the Harbormaster or General Manager. Access shall be restricted so as not to interfere with the normal operations of the Department or with established safety or security requirements.
3. Solicitation of membership and activities concerned with the internal management of the Union, such as holding membership meetings, campaigning for office, conducting elections or distributing literature or other general information, shall not be conducted during working hours nor shall District equipment be used, unless otherwise authorized by the General Manager and does not interfere with the normal operations of the District.

ARTICLE 22: POTENTIAL SUCCESSOR AGENCY

In the event the District sells, transfers, reorganizes or assigns the property or operation of the Harbor Patrol services to another entity, be it a public or private agency, the District will use its best efforts to seek the transfer and acceptance by the successor agency or entity of existing regular Harbor Patrol Officers and their compensation schedule and benefits.

ARTICLE 23: UNION DUES DEDUCTION AND NEW EMPLOYEE ORIENTATION

A. Union Dues Deduction

The District will honor employee authorizations for dues deduction as required by provisions of the Government Code. The authorizations will be maintained by the Union.

The District shall provide the following information to the Union: each employee's first name, middle initial, last name; employee identification number; employee hire date; employee job classification; employment status (ex: active, on leave of absence, etc.); work status (ex: full time, part time, hourly, seasonal, etc.); and annual base salary amount. The District shall provide the Union with any changes to the information. This information shall be sent in Excel format to dues@seiu721.org.

The Union shall provide the District with an "authorized deduction report" which includes bargaining unit members who have authorized the deduction of Union dues, COPE and other deductions and the deduction amounts. The Union shall provide the District with any changes to the information in this report.

The District shall make the dues and other applicable deductions from the employees' paychecks and remit such itemized deductions to the Union via Electronic Funds Transfer (EFT) within five business days of each payday. The District shall also provide the breakdown of each amount remitted (i.e. Dues, COPE, Supplementary Benefits, etc.) in Excel format to dues@seiu721.org within upon the Union's request.

B. *Committee on Political Education (COPE)*

Employees may make voluntary contributions to the Union's registered political action committees. The District shall make the deduction of the voluntary contributions in the same manner as the dues deduction process.

The Union will notify the District with a list of employees and the appropriate deduction amount on the "authorized deduction report" of the employees who have signed an authorization for the COPE deduction; and will notify the District of any changes to the list.

Employees may discontinue voluntary political deductions by providing notice of cancellation to the Union and the Union shall transmit such notice of cancellation to the Districts by the next full pay period cycle.

C. *Indemnification*

The Union agrees to indemnify and hold the District harmless from any liabilities of any nature which may arise as a result of the application of provisions of this Article.

D. *New Employee Orientation*

The District shall provide the Union with written notice of District-wide and Department-level new employee orientations [no matter how few participants, and whether in-person or online] at least 10 business days prior to the employee orientation event. Representatives of the Union

shall be permitted to make a presentation of up to 30 minutes, and present written materials, during a portion of the orientation. Should a new hire not be present during the Union's presentation at the employee orientation event, and later choose to meet with the Union for the Union's presentation, the District will allow a future date and time for the new hire to meet with a Union steward or Union representative for the Union's presentation. No representative of management shall be present during the Union's presentation. Release time shall be granted for stewards to participate in the new employee orientations. "New hires" shall be defined to include any employee new to the bargaining unit, including but not limited through accretion or promotion/demotion.

The District shall include in their new hire packet and distribute at the new employee orientations: the current Union membership and COPE forms, a copy of the Memorandum of Understanding (MOU) and the contact information of the Union representative.

The District shall deduct from 26 paychecks of unit employees the regular [periodic] Union membership dues as certified by an authorized official of the Union, pursuant to the District's deduction authorization form duly completed and signed by the employee, and transmit such deductions monthly to the Union. Such deduction shall be made only when the Union member's earnings for a pay period are sufficient after other legally required deductions are made.

It is agreed that the District assumes no liability on account of any actions taken pursuant to this section.

E. Union Benefits Trust

The District agrees to allow voluntary payroll deductions, with a dedicated payroll code, for the SEIU Local 721 Benefits Trust (Benefits Trust), for the payment of supplemental benefits which may be offered to Union members. The amount collected on behalf of the Benefits Trust will be forwarded monthly to the Union's administrator of the Benefits Trust.

ARTICLE 24: LABOR MANAGEMENT COMMITTEE

1. The SEIU Local 721 and the District shall establish a Labor/Management Committee, whose purpose shall be to identify processes that will lead to improved service delivery, efficiency, and staff training or career development needs. The Committee shall have no authority over matters within the scope of representation or matters subject to the grievance procedure.

The parties agree to schedule and hold as practical a regular quarterly labor-management meeting at a time and day mutually agreeable to both parties. The parties will endeavor to provide proposed agenda items at least seven (7) calendar days in advance of the meetings.

2. The parties shall each appoint two (2) members to the committee – two designated employees from the bargaining unit; and two non-represented supervisor/manager or

above designees by the District. The parties may by mutual agreement invite other employees who have specific knowledge of issues discussed by the Committee to present information or to participate in the Committee’s discussions. The Union shall provide written notification to the District members of the Committee at least seven (7) calendar days in advance of the meeting of an SEIU Local 721 representative attending the meeting. The District reserves the right to have its legal counsel or similar representative present at such meeting.

ARTICLE 25: ADDITIONAL TERMS FOR PART-TIME HARBOR PATROL OFFICERS

Additional terms and conditions of employment for Part-time Harbor Patrol Officers are contained in Appendix A attached herewith and are incorporated herein.

ARTICLE 26: CONCLUSIVENESS

Within this Memorandum of Understanding, the District has met its obligations to meet and confer in good faith as provided by law for the term hereof. However, any changes proposed by the District in the Personnel Rules and Regulations that fall with the scope of meeting and conferring pursuant to the Meyers-Milias-Brown Act (MMB) and this Memorandum of Understanding that affect employees represented by the Union will be submitted to the Union 30 days in advance of such proposed action, except in case of emergency as provided by the Meyers-Milias-Brown Act, for the purpose of meeting and conferring regarding such proposed changes.

ARTICLE 27: TERM

This Memorandum of Understanding shall be and remain in full force for a three-year period from January 1, 2025 through December 31, 2027.

FOR THE EMPLOYER:
Ventura Port District

Brian Pendleton, General Manager

Date: _____

FOR THE UNION:
**Service Employees International Union
(SEIU), Local 721**

DocuSigned by:
Aram Agdaian

Aram Agdaian, Chief Negotiator

Date: 12/11/2024

Garret Winter, Bargaining Committee Member

Signed by:
Garret Winter

5367564B11AF4AB...

Signed by:
MA

A750CC5389534CB
Mason Alford, Bargaining Committee Member
12/11/2024

Date: _____

Appendix A

Memorandum of Understanding Between Ventura Port District And the Service Employees International Union (SEIU), Local 721 January 1, 2022 – December 31, 2024

ADDITIONAL TERMS FOR PART-TIME HARBOR PATROL OFFICERS

1 – QUALIFICATIONS

Part-Time Harbor Patrol Officer—All Part-time Harbor Patrol Officers be registered with the County of Ventura as an EMT and shall complete a course in PC 832 within 12 months of employment.

2 – ELIGIBLE FOR TRAINING

The District shall provide a Part-time Harbor Patrol Officer who worked a minimum of 240 hours in the previous fiscal year with a maximum of 10% of the hours worked in the previous year as “Training Time” not to exceed 64 hours of training. Training fees and salary will be paid by the District, but not accommodations, while attending these courses, which may include, but not be limited to:

- medical
- marine rescue
- water rescue
- diving
- science of weather/fire/hydrodynamics etc.
- law enforcement
- hazard materials
- tactical communications
- navigation

The District will pay the subscription fee to EMS.COM or a similar company that provides certificated on-line EMT training providing an officer obtains a minimum of 12 on-line units per fiscal year. The District will only pay the salary of the Part-time Harbor Patrol Officer if he is on duty while taking the course.

Training hours for the above courses will NOT count toward meeting the Minimum Hours Worked requirements of Article 10.

3 – EQUIPMENT

Pursuant to the Union’s request, the District agrees to meet and discuss with the Union on whether there is a continued need for an allocation of \$3,000 per fiscal year of the Operations Department “Operating Supplies” budget for the purchase of Water Rescue and Fire Response Gear for the Part-time Harbor Patrol Officer as provided for under the 2014-2016 Part-time Harbor Patrol Officer Memorandum of Understanding. The Part-time Harbor Patrol Officer will retain equipment issued if they have met the minimum hours worked requirement (180 hours) for two consecutive years.

4 – MINIMUM HOURS WORKED

Part-time Officers must work a minimum of 120 hours in a fiscal year to retain their competency in the position. A Part Time Officer will earn service time to be applied to “Time Worked” at double-hours for working a Port District holiday in addition to receiving pay at time and a half for the holiday.

The Port District will provide the Senior Harbor Patrol Officer and each Part-time Harbor Patrol Officer with a monthly report of the hours the individual Officer has worked since the start of each fiscal year. This report will be delivered by email and a hard copy will be placed in each Part-time Harbor Patrol Officer's work mail box.

5 – FILLING SHIFTS

When contacting Part-time Harbor Patrol Officers to fill shifts in cases of Vacation, Comp Time, or Sick Leave Requests, the following procedures will be followed:

1. List of Hours Worked

- a. On a bi-weekly basis, the Accounting Department will provide a list of Part-Time Harbor Patrol Officers and the number of hours worked year to date in the current fiscal year;
- b. This list will be posted by the work schedule so it is visible and accessible to all Officers;
- c. All Officers (SHPO or FTHPO) will refer to this list when attempting to fill shifts;

2. Vacation or Comp Time Requests

- a. The Senior Harbor Patrol Officer will contact PTHPOs in the order of "fewest hours worked" to "most hours worked" to attempt to fill a shift;
- b. If the SHPO leaves a message, the Senior Harbor Patrol Officer will determine the appropriate amount of time to wait for a response from the Part-time Harbor Patrol Officer before calling the next PTHPO on the list.

3. "Sick Leave" shifts will be filled by:

Either the SHPO or a Full-time Harbor Patrol Officer who is attempting to fill the shift will send a mass text message to all Part-time Harbor Patrol Officers advising them of the date and shift that is available;

- a. A PTHPO will have twenty minutes to advise the District that he or she will fill the shift;
- b. The Officer will fill the shift with the PTHPO who has the fewest number of hours worked that responded within the 20-minute time frame
- c. If the 20-minute time expires the SHPO or FTHPO may fill the shift with an PTHPO that responds and may also begin contacting Full-time Harbor Patrol Officers to fill this shift. The shift will be filled by the first Part-time or Full-time Officer that commits to cover the shift.

6 – OVERTIME PAY FOR HOLIDAYS

Any Part-time Officer who works one of the ten designated Port District Holidays shall receive pay at 1.5 times his or her regular pay for hours worked. If this time is in excess of a 40-hour workweek, pay shall be at two times the hourly rate.

APPENDIX B

The following link is to the District's Human Resources Manual and all Represented Employee Documents published on the District's website:

<https://venturaharbor.com/financial-reports/>

DISTRICT AUDITS, BUDGETS & MID-YEAR BUDGETS

- Ventura Port District Audit 2021 | [Download File](#)
- Ventura Port District Audit 2022 | [Download File](#)
- Ventura Port District Audit 2023 | [Download File](#)
- Ventura Port District FY 22-23 Budget | [Download File](#)
- Ventura Port District FY 23-24 Budget | [Download File](#)
- Ventura Port District FY 24-25 Budget | [Download File](#)
- Ventura Port District FY 21-22 Mid-Year Budget | [Download File](#)
- Ventura Port District FY 22-23 Mid-Year Budget | [Download File](#)
- Ventura Port District FY 23-24 Mid-Year Budget | [Download File](#)

EMPLOYEE COMPENSATION TRANSPARENCY

- [Human Resources Manual updated June 19, 2024 | Download File](#)
- Employee Expense Reimbursement Policy updated May 17, 2023 | [Download File](#)
- Ventura Port District Transparency of Compensation as of March 1, 2023 | [Download File](#)
- Employee Annual Reimbursement Report – FY23-24 | [Download File](#)
- Salary Schedule for Non-Represented Employees of the District for FY24-25 | [Download File](#)
- Salary Schedule for Non-Represented Harbor Patrol Employees for FY24-25 | [Download File](#)
- Employee Assistance Program Benefit Summary | [Download File](#)

DISTRICT FINANCIAL TRANSPARENCY & POLICIES

- State Controller's Reports
 - [District's reported Board Member and Staff Compensation](#)
 - [District's reported Financial Transaction Report](#)
- Ventura Port District Reserve Policy dated August 28, 2013 & reviewed December 21, 2022 | [Download File](#)
- Ventura Port District Investment Policy reviewed December 6, 2023 | [Download File](#)
- Surplus Property Policy dated January 3, 2018 | [Download File](#)

REPRESENTED EMPLOYEE DOCUMENTS

- [Employer-Employee Relations Policy updated February 1, 2023 | Download File](#)
- [Full-Time Harbor Patrol Memorandum of Understanding | Download File](#)
- [Courtesy Dockmaster Memorandum of Understanding | Download File](#)

Within the Human Resources Manual, employees can find current policy information on employee benefits, including: holidays, health insurance, vacation and sick leave:

VII. Benefits:

- VII-A Insurance
- VII-D Holidays
- VII-E Vacation
- VII-G Sick Leave



VENTURA
PORT DISTRICT
Established 1952

**BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024**

CONSENT AGENDA ITEM I

**ADOPTION OF RESOLUTION No. 3515
APPROVING THE UPDATED RESERVE
POLICY AND RESCINDING
RESOLUTION No. 3225**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM I
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Gloria Adkins, Accounting Manager
Pablo De Leon, Lagerlof LLP
SUBJECT: Adoption of Resolution No. 3515 Approving the Updated Reserve Policy and Rescinding Resolution No. 3225

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3515 approving the updated Ventura Port District Reserve Policy and rescinding Resolution No. 3225, dated August 28, 2013.

SUMMARY:

The last review of the Reserve Policy was brought before the Board on December 6, 2023. Legal Counsel and staff have reviewed the policy and determined that minor changes are recommended to correct typographical and grammatical errors and to bring the policy current (prior effective resolution dated 2013).

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.
- 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.
 - 4) Update to District policies to reflect improved transparency and DEI.
- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
 - 5) Financial reporting

BACKGROUND:

The prudent management of the District requires that reserve funds be established and maintained to fund scheduled and unscheduled expenses. It is good practice to review the Reserve Policy annually.

Currently the District has two reserve funds that are mandated: the Dredging Reserve and the Fisheries Complex Reserve. The Dredging Reserve is mandated by a lawsuit judgment and the Fisheries Complex Reserve is mandated by the language in a tenant lease.

FISCAL IMPACT:

None.

ATTACHMENTS:

- Attachment 1 – Resolution No. 3225 – Redlined
- Attachment 2 – Resolution No. 3514



RESOLUTION NO. ~~3225~~ 3515

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING A RESERVE POLICY**

WHEREAS, the Ventura Port District ("District") manages and operates a commercial and recreational boat harbor in the City of San Buenaventura, for the benefit of the city residents and the public generally; ~~and.~~

WHEREAS, the District maintains funds in unrestricted and restricted accounts for such purposes as capital improvements, debt service and emergency and disaster response; ~~and.~~

WHEREAS, the prudent management of the District requires that reserve funds be established and maintained to fund scheduled and unscheduled expenses, and to identify the amount of funds specifically dedicated for each purpose and to provide periodic review of the reserve funding levels to ensure such levels are and will be adequate to meet the projected needs of the District; ~~and.~~

WHEREAS, the Board of Port Commissioners has previously determined that it is in the best interest of the District to establish dedicated and restricted reserve funds for various purposes and to implement a formal policy regarding the level of funding and use of such reserve fund; ~~and.~~

WHEREAS, the Board of Port Commissioners adopted Resolution No.3190 on June 27, 2012, establishing the Ventura Port District Reserve Policy; ~~and.~~

WHEREAS, the Board of Port Commissioners has determined that it is in the best interest of the District to revise the District's Reserve Policy in the following manner: (i) all unexpended Unrestricted Reserve funds in excess of the minimum reserve amount will be transferred to the Capital Improvement Reserve Fund; and (ii) to allow for the balance of the Capital Improvement Reserve Fund to appreciate. ~~if necessary.~~

NOW THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District ~~THE BOARD OF PORT COMMISSIONERS OF VENTURA PORT DISTRICT IS HEREBY RESOLVED, that~~ hereby rescinds Resolution No. 3225, which was previously passed, approved and adopted by the Board on August 28, 2013, and adopts the District's Reserve Policy adopted by ~~in its place the Ventura Port District Reserve Policy attached hereto as Exhibit A. Resolution No. 3190 on June 27 2012 be deleted in its entirety and replaced as follows:~~

ATTACHMENT 1

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District this 18th day of December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Michael Blumenberg, Chair

ATTEST:

Anthony Rainey, Secretary

EXHIBIT A
VENTURA PORT DISTRICT RESERVE POLICY

1) The District will maintain sufficient revenues to meet its operating expenses, debt service, depreciation expenses, and prescribed reserves.

2) The District will hold cash and/or investments in reserve as authorized by the District's Investment Policy, and in accordance with Sstate and Ffederal laws.

3) The District reserves should be examined and adjusted each year based on the operating surplus or deficit at the conclusion of each fiscal year, according to reserve fund prioritization.

4) The District will maintain a reserve of cash and/or investments for both unrestricted and restricted purposes as follows:

- **Unrestricted Reserve:** Unrestricted reserve funds are to be used to ensure the continued orderly operation of Ventura Harbor. Such funds are primarily to be used for operations and maintenance within the Harbor and are intended to provide a mechanism for the District to immediately undertake unanticipated operation and maintenance activities and to manage cash-flow fluctuations, including emergency repairs. A minimum reserve equal to 40% of the operating budget will be maintained to ensure service continuity. Any unrestricted reserve funds in excess of such minimum reserve amount that is not expended as of the last day of the then-current fiscal year will be moved to the Capital Improvement Reserve Fund.

The District Accounting Manager should invest unrestricted reserve funds in liquid money market accounts such as LAIF, so that the funds are immediately available for District use.

- **Restricted Reserves:** Restricted reserve funds are to be set in the following amounts and used for the specific purposes for which the restricted reserve funds are created. At the present time, the District maintains the following restricted reserve funds:

- **Capital Improvement Reserve Fund:** The Capital Improvement Reserve Fund is intended to establish available cash assets to fund capital expenditures ~~to support the future capital needs~~ of the District in accordance with the District's Capital Improvement Plan. The level of funding in this reserve fund for the next fiscal year should be established based on the projected need to pay for planned and unplanned capital improvements for such fiscal year. In establishing the level of funding based on the projected need to pay for planned and unplanned capital improvements for any given fiscal year, the District may, but shall not be obligated to, take into account unexpended reserve funds from year-to-year and accumulations thereon including, but not limited to, any unrestricted reserve funds transferred to the Capital Improvement Reserve Fund. The minimum balance maintained should be at least equal to the asset depreciation for the preceding fiscal year.

ATTACHMENT 1

- **Dredging Reserve Fund:** The funds in the Dredging Reserve Fund are required to be maintained at a minimum level of \$3,000,000 in order to comply with a judgment entered against the District in 1979. Funds in the Dredging Reserve Fund are to be used solely and only to pay the cost of dredging and related activities to maintain appropriate water depths in the channels into and within the Harbor, and specifically in the Stub Channel providing water access to Ventura Keys.

- **Fisheries Complex Reserve Fund:** Funds deposited in the Fisheries Complex Reserve Fund are intended to provide funding to upgrade and improve the District's commercial fishing pier. The District has a policy of requiring tenants involved in commercial fishing operations to contribute toward the cost of improving the commercial fishing pier when they renew their leases. All payments received from such commercial fishing tenants are deposited in the Fisheries Complex Reserve Fund and will be used to pay the cost of improving and upgrading the pier when it becomes necessary to do so.

The Accounting Manager of the District shall invest funds held in these restricted reserve funds in secure accounts such as LAIF and invested in accordance with the District's investment policy.

5) At least annually the Board should review all reserve accounts and make a determination regarding the continuing need for and purposes of the reserve funds, the appropriate levels of accumulation and the conditions precedent to utilization of the reserve funds.

6) When additional reserve funds are to be established, they should be established by Board resolution, which should include:

- (a) A statement of the purpose for which the reserve is created;
- (b) To the extent possible, specification of minimum and maximum parameters for the accumulation of the monies in the reserve fund; and
- (c) Specification of the conditions under which reserve funds shall be expended or transferred, consistent with Board directives.

7) This Ventura Port District Reserve Policy shall become effective on the date of its adoption and District staff ~~is~~are hereby directed to take all actions necessary to implement this Policy and to maintain the designated reserve funds.

~~PASSED AND ADOPTED at a regular meeting of the Board of Port Commissioners of the Ventura Port District held on August 28, 2013~~



RESOLUTION NO. 3515

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING A RESERVE POLICY**

WHEREAS, the Ventura Port District ("District") manages and operates a commercial and recreational boat harbor in the City of San Buenaventura, for the benefit of the city residents and the public generally.

WHEREAS, the District maintains funds in unrestricted and restricted accounts for such purposes as capital improvements, debt service and emergency and disaster response.

WHEREAS, the prudent management of the District requires that reserve funds be established and maintained to fund scheduled and unscheduled expenses, and to identify the amount of funds specifically dedicated for each purpose and to provide periodic review of the reserve funding levels to ensure such levels are and will be adequate to meet the projected needs of the District.

WHEREAS, the Board of Port Commissioners has previously determined that it is in the best interest of the District to establish dedicated and restricted reserve funds for various purposes and to implement a formal policy regarding the level of funding and use of such reserve funds.

WHEREAS, the Board of Port Commissioners adopted Resolution No.3190 on June 27, 2012, establishing the Ventura Port District Reserve Policy.

WHEREAS, the Board of Port Commissioners has determined that it is in the best interest of the District to revise the District's Reserve Policy in the following manner: (i) all unexpended Unrestricted Reserve funds in excess of the minimum reserve amount will be transferred to the Capital Improvement Reserve Fund; and (ii) to allow for the balance of the Capital Improvement Reserve Fund to appreciate.

NOW THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3225, which was previously passed, approved and adopted by the Board on August 28, 2013, and adopts in its place the Ventura Port District Reserve Policy attached hereto as Exhibit A.

ATTACHMENT 2

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District this 18th day of December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Michael Blumenberg, Chair

ATTEST:

Anthony Rainey, Secretary

EXHIBIT A
VENTURA PORT DISTRICT RESERVE POLICY

1) The District will maintain sufficient revenues to meet its operating expenses, debt service, depreciation expenses, and prescribed reserves.

2) The District will hold cash and/or investments in reserve as authorized by the District's Investment Policy, and in accordance with State and Federal laws.

3) The District reserves should be examined and adjusted each year based on the operating surplus or deficit at the conclusion of each fiscal year, according to reserve fund prioritization.

4) The District will maintain a reserve of cash and/or investments for both unrestricted and restricted purposes as follows:

- **Unrestricted Reserve:** Unrestricted reserve funds are to be used to ensure the continued orderly operation of Ventura Harbor. Such funds are primarily to be used for operations and maintenance within the Harbor and are intended to provide a mechanism for the District to immediately undertake unanticipated operation and maintenance activities and to manage cash-flow fluctuations, including emergency repairs. A minimum reserve equal to 40% of the operating budget will be maintained to ensure service continuity. Any unrestricted reserve funds in excess of such minimum reserve amount that is not expended as of the last day of the then-current fiscal year will be moved to the Capital Improvement Reserve Fund.

The District Accounting Manager should invest unrestricted reserve funds in liquid money market accounts such as LAIF, so that the funds are immediately available for District use.

- **Restricted Reserves:** Restricted reserve funds are to be set in the following amounts and used for the specific purposes for which the restricted reserve funds are created. At the present time, the District maintains the following restricted reserve funds:

- **Capital Improvement Reserve Fund:** The Capital Improvement Reserve Fund is intended to establish available cash assets to fund capital expenditures of the District in accordance with the District's Capital Improvement Plan. The level of funding in this reserve fund for the next fiscal year should be established based on the projected need to pay for planned and unplanned capital improvements for such fiscal year. In establishing the level of funding based on the projected need to pay for planned and unplanned capital improvements for any given fiscal year, the District may, but shall not be obligated to, take into account unexpended reserve funds from year-to-year and accumulations thereon including, but not limited to, any unrestricted reserve funds transferred to the Capital Improvement Reserve Fund. The minimum balance maintained should be at least equal to the asset depreciation for the preceding fiscal year.

ATTACHMENT 2

- **Dredging Reserve Fund:** The funds in the Dredging Reserve Fund are required to be maintained at a minimum level of \$3,000,000 in order to comply with a judgment entered against the District in 1979. Funds in the Dredging Reserve Fund are to be used solely and only to pay the cost of dredging and related activities to maintain appropriate water depths in the channels into and within the Harbor, and specifically in the Stub Channel providing water access to Ventura Keys.

- **Fisheries Complex Reserve Fund:** Funds deposited in the Fisheries Complex Reserve Fund are intended to provide funding to upgrade and improve the District's commercial fishing pier. The District has a policy of requiring tenants involved in commercial fishing operations to contribute toward the cost of improving the commercial fishing pier when they renew their leases. All payments received from such commercial fishing tenants are deposited in the Fisheries Complex Reserve Fund and will be used to pay the cost of improving and upgrading the pier when it becomes necessary to do so.

The Accounting Manager of the District shall invest funds held in these restricted reserve funds in secure accounts such as LAIF and invested in accordance with the District's investment policy.

5) At least annually the Board should review all reserve accounts and make a determination regarding the continuing need for and purposes of the reserve funds, the appropriate levels of accumulation and the conditions precedent to utilization of the reserve funds.

6) When additional reserve funds are to be established, they should be established by Board resolution, which should include:

- (a) A statement of the purpose for which the reserve is created;
- (b) To the extent possible, specification of minimum and maximum parameters for the accumulation of the monies in the reserve fund; and
- (c) Specification of the conditions under which reserve funds shall be expended or transferred, consistent with Board directives.

7) This Ventura Port District Reserve Policy shall become effective on the date of its adoption and District staff are hereby directed to take all actions necessary to implement this Policy and to maintain the designated reserve funds.



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM J

ADOPTION OF RESOLUTION No. 3516
APPROVING THE UPDATED VENTURA
PORT DISTRICT INVESTMENT POLICY
AND RESCINDING RESOLUTION No.
3488

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM J
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Gloria Adkins, Accounting Manager
Pablo De Leon, Lagerlof LLP
SUBJECT: Adoption of Resolution No. 3516 Approving the Updated Ventura Port District Investment Policy and Rescinding Resolution No. 3488

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3516 approving the updated Ventura Port District Investment Policy and rescinding Resolution No. 3488, dated December 6, 2023.

SUMMARY:

The last review of the Investment Policy was brought before the Board on December 6, 2023. Legal Counsel and staff have reviewed the policy and have determined that changes are recommended to further clarify provisions related to potential conflicts of interest and prohibited investments, as well as correcting grammatical errors and to bring the policy current (prior effective resolution dated 2023).

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.
- 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.
 - 4) Update to District policies to reflect improved transparency and DEI.
- R) Seek opportunities to grow revenues and secure grants; continue to improve the quality, efficiency, and transparency of financial reporting, monitoring, and property management.
 - 5) Financial Reporting

BACKGROUND:

The Government Code requires that the governing board of every local agency maintain and conduct an annual review of its investment policy. Legal counsel has reviewed the District's current policy to ensure it meets all government code standards. The District's policy outlines the District's investment objectives and describes those instruments in which the District is able to invest, as per State Law.

Currently, all funds not being used for the normal day-to-day operations of the District are invested with the Local Agency Investment Fund (LAIF). On November 29, 2024, the LAIF daily yield was around 4.45%.

FISCAL IMPACT:

None.

ATTACHMENTS:

- Attachment 1 – Resolution No. 3488 – Redlined
- Attachment 2 – Resolution No. 3516



RESOLUTION NO. ~~3488~~3516

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF
THE VENTURA PORT DISTRICT UPDATING ITS INVESTMENT POLICY**

1.0 POLICY

WHEREAS, the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern.

WHEREAS, the legislative body of a local agency may invest surplus monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections ~~53635 and~~ 53601 et seq. and 53635.

WHEREAS, the General Manager of the Ventura Port District ("District") must annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the Board of Port Commissioners ("Board") at a public meeting.

~~WHEREAS, Legal Counsel reviewed the current policy, dated December 21, 2022 and has determined that no changes are necessary at this time.~~

WHEREAS, the Board finds it desirable and in the best interest of the District to rescind the existing Investment Policy, Resolution No. ~~3461~~3488, dated December ~~21, 2022~~6, 2023 and adopt Resolution No. ~~3488 that includes no changes to the policy~~3516.

NOW THEREFORE, it shall be the policy of the District to invest funds in a manner which will ~~provide the highest investment return with the maximum security~~minimum acceptable risk and maximize potential returns while meeting the District's daily cash flow demands and conforming to all statutes governing the investment of District funds.

2.0 SCOPE

This investment policy ("Policy") applies to all financial assets of the District. These funds are accounted for in the annual district audit.

3.0 PRUDENCE

Investments shall be made with judgment and care, ~~under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the District,~~ which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived, under circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the District. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (California Government Code Section 53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing District funds, the primary objectives, in priority order, of the investment activities shall be:

1. **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. **Liquidity:** The investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated.

3. **Return on Investments:** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

5.0 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from California Government Code Section 53600, et seq. Overall accountability and authority for implementation of this policy shall remain with the Board of Port Commissioners and overseen by the General Manager. Management responsibility for the investment program is hereby delegated to the General Manager who, where and when appropriate, shall establish written procedures for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and such procedures that are established by the General Manager. The General Manager shall be responsible for all transactions undertaken and shall establish controls to regulate the activities of subordinate officials. Under the provisions of California Government Code Section 53600.3, the General Manager is a trustee and a fiduciary subject to the prudent investor standard.

The District may engage the services of one or more external investment managers to assist in the management of the District's investment portfolio in a manner consistent with the District's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

6.0 ETHICS AND CONFLICTS OF INTEREST

The General Manager and officers and employees involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. The General Manager, officers and employees involved with the investment function shall disclose to the Board of Port Commissioners any personal financial interest with a financial institution, broker or investment issuer conducting business with the District. The General Manager, officers and employees shall further disclose to the Board of Port Commissioners any personal financial interest in any entity related to the investment performance of the District's portfolio.

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The General Manager will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the General Manager shall select only broker/dealers who are licensed and in good standing with the California Department of Financial Protection and Innovation, Securities Regulation Division; the Securities and Exchange Commission; the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the General Manager shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the District's account with that firm has reviewed the District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the District that are appropriate under the terms and conditions of the Investment Policy.

The District is a local agency authorized to invest surplus monies in the Local Agency Investment Fund (LAIF). LAIF is a special trust fund in the custody of the State Treasurer and the Local Investment Advisory Board created under Government Code Section 16429.2 advises the State Treasurer on the investment and reinvestment of LAIF deposits. Each local agency with LAIF deposits has a separate account within LAIF, but the total deposits in LAIF are managed as a pooled investment account. The securities eligible for LAIF investments are statutorily specified in Government Code Section 16430 and are more conservative than those investments permitted under Government Code Section 53601, which governs the management of invested surplus monies

by local agencies. Accordingly, the General Manager need not be concerned with the qualifications of those financial institutions and broker/dealers with whom LAIF transacts business.

Selection of broker/dealers used by an external investment adviser retained by the District will be at the sole discretion of the investment adviser.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The District's investments are governed by California Government Code, Sections 53600 et seq. Within the investments permitted by the Code, the District seeks to further restrict eligible investments to the guidelines listed below. In the event a discrepancy is found between this policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits and credit rating requirements listed in this section apply at the time the security is purchased.

Any investment currently held at the time the policy is adopted which does not meet the new policy guidelines can be held until maturity and shall be exempt from the current policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current policy.

The District is empowered by California Government Code Section 53601 et seq. to invest in the following:

- a. Bonds issued by the District.
- b. United States Treasury Bills, Notes, Bonds, and Certificate of Indebtedness.
- c. Registered state warrants or treasury notes or bonds issued by the State of California.
- d. Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of revenues from revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.
- e. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency. LAIF is an approved pooled investment account.
- f. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by, or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.
- g. Bankers' acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchase of bankers' acceptances may not exceed one hundred eighty (180) days' maturity or forty percent (40%) of the District's money that may be invested pursuant to this policy. However, no more than

ATTACHMENT 1

thirty percent (30%) of the District's money can be invested in the bankers' acceptances of any single commercial bank.

- h. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization ("NRSRO"). The entity that issues the commercial paper shall either be:
 - (1) organized and operating within the United States as a general corporation, shall have total assets in excess of Five Hundred Million Dollars (\$500,000,000), and shall issue debt, other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by an NRSRO; or
 - (2) organized within the United States as a special purpose corporation, trust, or limited liability company, have program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond, and has commercial paper that is rated "A-1" or higher, or the equivalent, by an NRSRO.
- ~~(3)~~ Eligible commercial paper shall have a maximum maturity of two hundred seventy (270) days or less. The District shall invest no more than twenty-five percent (25%) of its money in eligible commercial paper. The District shall purchase no more than ten percent (10%) of the outstanding commercial paper of any single corporate issue.
- i. Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association, or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federal or state licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy, subject to the limitations of Government Code Sections 53601(i) and 53638. The Board of Port Commissioners and the General Manager are prohibited from investing District funds, or funds in the District's custody, in negotiable certificates of deposit issued by a state or federal credit union if a member of the Board of Port Commissioners, or any person with investment decision making authority within the District also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit.
- j. Repurchase/Reverse Repurchase Agreements of any securities authorized by Section 53601. The market value of securities that underlay a repurchase agreement shall be valued at one hundred two percent (102%) or greater of the funds borrowed against those securities and are subject to the special limits and conditions of California Government Code 53601(j), including that Repurchase Agreements are limited to a maturity of one year and Reverse Repurchase Agreements are limited to a maximum maturity of ninety-two (92) days.
- k. Placement service deposits, including certificates of deposit, at a commercial bank, savings bank, savings and loan association or credit union that uses a private sector entity that assists in the placement of such deposits shall not in total exceed

ATTACHMENT 1

50 percent (50%) of the District's money, subject to the limitations and requirements of Government Code ~~Section 53638~~ and Sections 53601.8 and 53638.

- i. Medium term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five (5) years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by an NRSRO. Purchases of medium-term notes shall not include other instruments authorized by this policy and shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy.
- m. Shares of beneficial interest issued by diversified management companies (mutual funds) investing in the securities and obligations authorized by this policy, and shares in money market mutual funds, subject to the restrictions of Government Code Section 53601(l). The purchase price of investments under this subdivision shall not exceed twenty percent (20%) of the District's investments under this policy. However, no more than ten percent (10%) of the District's money may be invested in any one mutual fund, except in the case of money market mutual funds. No more than twenty percent (20%) of the District's money may be invested in a single money market mutual fund that either:

 - (1) has attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
 - (2) has retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five (5) years' experience investing in the securities and obligations authorized by California Government Code, Section 53601 and with assets under management in excess of \$500 million.
- n. Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance.
- o. Notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Government Code Section 53651 as eligible securities for the purpose of securing local agency deposits having a market value at least equal to that required by Government Code Section 53652 for the purpose of securing local agency deposits. The securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the

ATTACHMENT 1

trust department of a bank which is not affiliated with the issuer of the secured obligation, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted.

- p. Any mortgage pass-through security, collateralized mortgage obligation, mortgage backed or other pay-through bond, equipment lease backed certificate, consumer receivable pass-through certificate, or consumer receivable backed bond of a maximum of five (5) years maturity. Securities eligible for investment under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO. Purchase of securities authorized by this subdivision shall not exceed twenty percent (20%) of the District's money that may be invested pursuant to this policy.
- q. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized under Government Code Section 53601. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible, the joint powers authority issuing the shares must have retained an investment advisor that is registered or exempt from registration with the Securities and Exchange Commission, have not less than five (5) years of experience in investing in the securities and obligations authorized under Government Code Section 53601, and have assets under management in excess of five hundred million dollars (\$500,000,000.00).
- r. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five (5) years or less, and eligible for purchase and sale within the United States. These types of investments must be rated in a rating category of "AA" or its equivalent or better by an NRSRO and cannot exceed thirty percent (30%) of the District's moneys that may be invested pursuant to Section 53601.
- s. Proposition 1A receivables sold pursuant to California Government Code Section 53999. A "Proposition 1A receivable" constitutes the right to payment of moneys due or to become due to a local agency, pursuant to clause (iii) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 25.5 of Article XIII of the California Constitution and Section 100.06 of the Revenue and Taxation Code.
- t. Commercial paper, debt securities or other obligations of a public bank, as defined in California Government Code Section 57600.
- u. Any other investment security authorized under the provisions of California Government Code Sections 5922 and 53601.

A summary of the limitations and special conditions that apply to each of the above listed investment securities is attached and included by reference in this Investment Policy.

The District shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero-interest accrual if held to maturity. Under a provision sunseting on January 1, 2026, securities backed by the U.S. Government that could result in a zero or negative interest accrual if held to maturity are permitted. Additional prohibited investments shall include: (i) investment in futures and options; (ii) trading securities for the sole purpose of speculating on the future direction of interest rates; (iii) purchasing or selling securities on margin; (iv) the use of reverse repurchase agreements as a form of leverage, securities lending or any other form of borrowing or leverage; (v) the purchase of foreign currency denominated securities; and (vi) the purchase of a security with a forward settlement date exceeding forty-five (45) days from the time of the investment.

9.0 COLLATERALIZATION

All certificates of deposits must be collateralized by United States Treasury Obligations. Collateral must be held by a third-party trustee and valued on a monthly basis. The percentage of collateralizations on repurchase and reverse agreements will adhere to the amount required under California Government Code Section 53601(j)(2).

10.0 SAFEKEEPING AND CUSTODY

All security transactions entered into by the District shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to the District by book entry, physical delivery or by third party custodial agreement. The only exceptions to the foregoing shall be depository accounts and securities purchases made with: (i) local government investment pools (e.g., LAIF); (ii) time certificates of deposit; and, (iii) mutual funds and money market mutual funds, since these securities are not deliverable.

11.0 DIVERSIFICATION

The District will diversify its investments by security type and institution. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies shall be reviewed and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

- a. Portfolio maturity dates shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.
- b. Maturities selected shall provide for stability of income and liquidity.
- c. Disbursement and payroll dates shall be covered through maturities of investments, marketable United States Treasury bills or other cash equivalent instruments such as money market mutual funds.

12.0 MITIGATING CREDIT RISK IN THE PORTFOLIO

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The District will mitigate credit risk by adopting the following strategies:

- a. No more than five percent (5%) of the total portfolio may be invested in securities of any single issuer, other than the US Government, its agencies and enterprises, LAIF, or unless otherwise specified in this ~~investment P~~policy.
- b. The District may elect to sell a security prior to its maturity and record a capital gain or loss in order to improve the quality, liquidity or yield of the portfolio in response to market conditions or District's risk preferences; ~~and,~~
- c. If securities owned by the District are downgraded by either Moody's or S&P to a level below the quality required by this Investment Policy, the District will review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.
 1. If a security is downgraded, the General Manager will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.
 2. If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and as deemed necessary reported to the Board of Directors.

13.0 REPORTING

The General Manager shall submit a monthly transaction report to the Board of Port Commissioners within thirty (30) days of the end of the reporting period in accordance with California Government Code Section 53607. In addition, the General Manager shall submit an investment report to the Board of Port Commissioners at least quarterly, which shall be submitted within thirty (30) days following the end of the reporting period covered by the report, and shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for District by third party contracted managers. The report will also include the source of the portfolio valuation. For all funds that are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy and, (2) the District will meet its expenditure obligations for the next six (6) months, as required by Government Code Section 53646(b)(2) and (3), respectively. The General Manager shall maintain a complete and timely record of all investment transactions.

14.0 INVESTMENT POLICY ADOPTION

This policy shall be reviewed on an annual basis, and modifications must be approved by the Board of Port Commissioners. This Investment Policy replaces that which was set forth in Resolution No. ~~3461~~ 3488 on December ~~21, 2022~~ 6, 2023.

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Port Commissioners of the Ventura Port District this 6th-18th day of December 2023 2024 by the following vote:

- AYES:
- NOES:
- ABSTAINED:
- ABSENT:

Michael Blumenberg, Chair

ATTEST:

Anthony Rainey, Secretary
STATE OF CALIFORNIA _____)
COUNTY OF VENTURA _____) ss.
CITY OF SAN BUENAVENTURA _____)

I, Anthony Rainey, Secretary of the Ventura Port District, a public corporation, do hereby certify that the above and foregoing Resolution No. 3488 was duly passed and adopted by the Board of Port Commissioners of said District at a regular meeting thereof held on the 6th day of December 2023, by the following vote:

- AYES: Commissioners Blumenberg, Gardina, Rainey, Stephens, Brennan _____
- NOES: _____
- ABSENT: _____
- ABSTAINED: _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said District this 6th day of December 2023.

Anthony Rainey, Secretary



RESOLUTION NO. 3515

**RESOLUTION OF THE BOARD OF PORT COMMISSIONERS OF
THE VENTURA PORT DISTRICT UPDATING ITS INVESTMENT POLICY**

1.0 POLICY

WHEREAS, the Legislature of the State of California has declared that the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern.

WHEREAS, the legislative body of a local agency may invest surplus monies not required for the immediate necessities of the local agency in accordance with the provisions of California Government Code Sections 53601 et seq. and 53635.

WHEREAS, the General Manager of the Ventura Port District ("District") must annually prepare and submit a statement of investment policy and such policy, and any changes thereto, shall be considered by the Board of Port Commissioners ("Board") at a public meeting.

WHEREAS, the Board finds it desirable and in the best interest of the District to rescind the existing Investment Policy, Resolution No. 3488, dated December 6, 2023 and adopt Resolution No. 3516.

NOW THEREFORE, it shall be the policy of the District to invest funds in a manner which will minimum acceptable risk and maximize potential returns while meeting the District's daily cash flow demands and conforming to all statutes governing the investment of District funds.

2.0 SCOPE

This investment policy ("Policy") applies to all financial assets of the District. These funds are accounted for in the annual district audit.

3.0 PRUDENCE

Investments shall be made with judgment and care, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived, under circumstances then prevailing, including, but not limited to, the general economic

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conditions and the anticipated needs of the District. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (California Government Code Section 53600.3) and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing District funds, the primary objectives, in priority order, of the investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

2. Liquidity: The investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated.

3. Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

5.0 DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from California Government Code Section 53600 et seq. Overall accountability and authority for implementation of this policy shall remain with the Board of Port Commissioners and overseen by the General Manager. Management responsibility for the investment program is hereby delegated to the General Manager who, where and when appropriate, shall establish written procedures for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and such procedures that are established by the General Manager. The General Manager shall be responsible for all transactions undertaken and shall establish controls to regulate the activities of subordinate officials. Under the provisions of California Government Code Section 53600.3, the General Manager is a trustee and a fiduciary subject to the prudent investor standard.

The District may engage the services of one or more external investment managers to assist in the management of the District's investment portfolio in a manner consistent with the District's objectives. Such external managers may be granted discretion to purchase and sell investment securities in accordance with this Investment Policy. Such managers must be registered under the Investment Advisers Act of 1940.

6.0 ETHICS AND CONFLICTS OF INTEREST

The General Manager and officers and employees involved in the investment process shall refrain from personal business activity that could conflict or appear to conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions. The General Manager, officers and employees involved with the investment function shall disclose to the Board of Port Commissioners any personal financial interest with a financial institution, broker or investment issuer conducting business with the District. The General Manager, officers and employees shall further disclose to the Board of Port Commissioners any personal financial interest in any entity related to the investment performance of the District's portfolio.

7.0 AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The General Manager will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength, experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by credit worthiness who are authorized to provide investment and financial advisory services in the State of California. No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the General Manager shall select only broker/dealers who are licensed and in good standing with the California Department of Financial Protection and Innovation, Securities Regulation Division; the Securities and Exchange Commission; the National Association of Securities Dealers or other applicable self-regulatory organizations.

Before engaging in investment transactions with a broker/dealer, the General Manager shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the District's account with that firm has reviewed the District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the District that are appropriate under the terms and conditions of the Investment Policy.

The District is a local agency authorized to invest surplus monies in the Local Agency Investment Fund (LAIF). LAIF is a special trust fund in the custody of the State Treasurer and the Local Investment Advisory Board created under Government Code Section 16429.2 advises the State Treasurer on the investment and reinvestment of LAIF deposits. Each local agency with LAIF deposits has a separate account within LAIF, but the total deposits in LAIF are managed as a pooled investment account. The securities eligible for LAIF investments are statutorily specified in Government Code Section 16430 and are more conservative than those investments permitted under Government Code Section 53601, which governs the management of invested surplus monies by local agencies. Accordingly, the General Manager need not be concerned with the qualifications of those financial institutions and broker/dealers with whom LAIF transacts business.

Selection of broker/dealers used by an external investment adviser retained by the District will be at the sole discretion of the investment adviser.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The District's investments are governed by California Government Code Section 53600 et seq. Within the investments permitted by the Code, the District seeks to further restrict eligible investments to the guidelines listed below. In the event a discrepancy is found between this policy and the Code, the more restrictive parameters will take precedence. Percentage holding limits and credit rating requirements listed in this section apply at the time the security is purchased.

Any investment currently held at the time the policy is adopted which does not meet the new policy guidelines can be held until maturity and shall be exempt from the current policy. At the time of the investment's maturity or liquidation, such funds shall be reinvested only as provided in the current policy.

The District is empowered by California Government Code Section 53601 et seq. to invest in the following:

- a. Bonds issued by the District.
- b. United States Treasury Bills, Notes, Bonds, and Certificate of Indebtedness.
- c. Registered state warrants or treasury notes or bonds issued by the State of California.
- d. Registered treasury notes or bonds of any of the other 49 states in addition to California, including bonds payable solely out of revenues from revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.
- e. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency. LAIF is an approved pooled investment account.
- f. Federal agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by, or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises.
- g. Bankers' acceptances, otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchase of bankers' acceptances may not exceed one hundred eighty (180) days' maturity or forty percent (40%) of the District's money that may be invested pursuant to this policy. However, no more than thirty percent (30%) of the District's money can be invested in the bankers' acceptances of any single commercial bank.
- h. Commercial paper of "prime" quality of the highest ranking or of the highest letter and number rating as provided for by a nationally recognized statistical-rating organization ("NRSRO"). The entity that issues the commercial paper shall either be:

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(1) organized and operating within the United States as a general corporation, shall have total assets in excess of Five Hundred Million Dollars (\$500,000,000), and shall issue debt, other than commercial paper, if any, that is rated in a rating category of "A" or its equivalent or higher by an NRSRO; or

(2) organized within the United States as a special purpose corporation, trust, or limited liability company, have program-wide credit enhancements including, but not limited to, over-collateralization, letters of credit, or surety bond, and has commercial paper that is rated "A-1" or higher, or the equivalent, by an NRSRO.

Eligible commercial paper shall have a maximum maturity of two hundred seventy (270) days or less. The District shall invest no more than twenty-five percent (25%) of its money in eligible commercial paper. The District shall purchase no more than ten percent (10%) of the outstanding commercial paper of any single corporate issue.

- i. Negotiable certificates of deposit issued by a nationally or state-chartered bank, a savings association, or a federal association (as defined by Section 5102 of the Financial Code), a state or federal credit union, or by a federal or state licensed branch of a foreign bank. Purchases of negotiable certificates of deposit shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy, subject to the limitations of Government Code Sections 53601(i) and 53638. The Board of Port Commissioners and the General Manager are prohibited from investing District funds, or funds in the District's custody, in negotiable certificates of deposit issued by a state or federal credit union if a member of the Board of Port Commissioners, or any person with investment decision making authority within the District also serves on the board of directors, or any committee appointed by the board of directors, or the credit committee or the supervisory committee of the state or federal credit union issuing the negotiable certificates of deposit.
- j. Repurchase/Reverse Repurchase Agreements of any securities authorized by Section 53601. The market value of securities that underlay a repurchase agreement shall be valued at one hundred two percent (102%) or greater of the funds borrowed against those securities and are subject to the special limits and conditions of California Government Code 53601(j), including that Repurchase Agreements are limited to a maturity of one year and Reverse Repurchase Agreements are limited to a maximum maturity of ninety-two (92) days.
- k. Placement service deposits, including certificates of deposit, at a commercial bank, savings bank, savings and loan association or credit union that uses a private sector entity that assists in the placement of such deposits shall not in total exceed 50 percent (50%) of the District's money, subject to the limitations and requirements of Government Code Sections 53601.8 and 53638.
- l. Medium term notes, defined as all corporate and depository institution debt securities with a maximum remaining maturity of five (5) years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Notes

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eligible for investment under this subdivision shall be rated in a rating category of "A" or its equivalent or better by an NRSRO. Purchases of medium-term notes shall not include other instruments authorized by this policy and shall not exceed thirty percent (30%) of the District's money which may be invested pursuant to this policy.

- m. Shares of beneficial interest issued by diversified management companies (mutual funds) investing in the securities and obligations authorized by this policy, and shares in money market mutual funds, subject to the restrictions of Government Code Section 53601(l). The purchase price of investments under this subdivision shall not exceed twenty percent (20%) of the District's investments under this policy. However, no more than ten percent (10%) of the District's money may be invested in any one mutual fund, except in the case of money market mutual funds. No more than twenty percent (20%) of the District's money may be invested in a single money market mutual fund that either:
 - (1) has attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or
 - (2) has retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than five (5) years' experience investing in the securities and obligations authorized by California Government Code, Section 53601 and with assets under management in excess of \$500 million.
- n. Moneys held by a trustee or fiscal agent and pledged to the payment or security of bonds or other indebtedness, or obligations under a lease, installment sale, or other agreement of a local agency, or certificates of participation in those bonds, indebtedness, or lease installment sale, or other agreements, may be invested in accordance with the statutory provisions governing the issuance of those bonds, indebtedness, or lease installment sale, or other agreement, or to the extent not inconsistent therewith or if there are no specific statutory provisions, in accordance with the ordinance, resolution, indenture, or agreement of the local agency providing for the issuance.
- o. Notes, bonds, or other obligations that are at all times secured by a valid first priority security interest in securities of the types listed by Government Code Section 53651 as eligible securities for the purpose of securing local agency deposits having a market value at least equal to that required by Government Code Section 53652 for the purpose of securing local agency deposits. The securities serving as collateral shall be placed by delivery or book entry into the custody of a trust company or the trust department of a bank which is not affiliated with the issuer of the secured obligation, and the security interest shall be perfected in accordance with the requirements of the Uniform Commercial Code or federal regulations applicable to the types of securities in which the security interest is granted.
- p. Any mortgage pass-through security, collateralized mortgage obligation, mortgage backed or other pay-through bond, equipment lease backed certificate, consumer receivable pass-through certificate, or consumer receivable backed bond of a

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maximum of five (5) years maturity. Securities eligible for investment under this subdivision shall be rated in a rating category of "AA" or its equivalent or better by an NRSRO. Purchase of securities authorized by this subdivision shall not exceed twenty percent (20%) of the District's money that may be invested pursuant to this policy.

- q. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized under Government Code Section 53601. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible, the joint powers authority issuing the shares must have retained an investment advisor that is registered or exempt from registration with the Securities and Exchange Commission, have not less than five (5) years of experience in investing in the securities and obligations authorized under Government Code Section 53601, and have assets under management in excess of five hundred million dollars (\$500,000,000.00).
- r. United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter-American Development Bank, with a maximum remaining maturity of five (5) years or less, and eligible for purchase and sale within the United States. These types of investments must be rated in a rating category of "AA" or its equivalent or better by an NRSRO and cannot exceed thirty percent (30%) of the District's moneys that may be invested pursuant to Section 53601.
- s. Proposition 1A receivables sold pursuant to California Government Code Section 53999. A "Proposition 1A receivable" constitutes the right to payment of moneys due or to become due to a local agency, pursuant to clause (iii) of subparagraph (B) of paragraph (1) of subdivision (a) of Section 25.5 of Article XIII of the California Constitution and Section 100.06 of the Revenue and Taxation Code.
- t. Commercial paper, debt securities or other obligations of a public bank, as defined in California Government Code Section 57600.
- u. Any other investment security authorized under the provisions of California Government Code Sections 5922 and 53601.

A summary of the limitations and special conditions that apply to each of the above listed investment securities is attached and included by reference in this Investment Policy.

The District shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero-interest accrual if held to maturity. Under a provision sunseting on January 1, 2026, securities backed by the U.S. Government that could result in a zero or negative interest accrual if held to maturity are permitted. Additional prohibited investments shall include: (i) investment in futures and options; (ii) trading securities for the sole purpose of speculating on the future direction of interest rates; (iii) purchasing or selling securities on margin; (iv) the use of reverse repurchase

agreements as a form of leverage, securities lending or any other form of borrowing or leverage; (v) the purchase of foreign currency denominated securities; and (vi) the purchase of a security with a forward settlement date exceeding forty-five (45) days from the time of the investment.

9.0 COLLATERALIZATION

All certificates of deposits must be collateralized by United States Treasury Obligations. Collateral must be held by a third-party trustee and valued on a monthly basis. The percentage of collateralizations on repurchase and reverse agreements will adhere to the amount required under California Government Code Section 53601(j)(2).

10.0 SAFEKEEPING AND CUSTODY

All security transactions entered into by the District shall be conducted on delivery-versus-payment (DVP) basis. All securities purchased or acquired shall be delivered to the District by book entry, physical delivery or by third party custodial agreement. The only exceptions to the foregoing shall be depository accounts and securities purchases made with: (i) local government investment pools (e.g., LAIF); (ii) time certificates of deposit; and, (iii) mutual funds and money market mutual funds, since these securities are not deliverable.

11.0 DIVERSIFICATION

The District will diversify its investments by security type and institution. Assets shall be diversified to eliminate the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. Diversification strategies shall be reviewed and revised periodically. In establishing specific diversification strategies, the following general policies and constraints shall apply:

- a. Portfolio maturity dates shall be matched versus liabilities to avoid undue concentration in a specific maturity sector.
- b. Maturities selected shall provide for stability of income and liquidity.
- c. Disbursement and payroll dates shall be covered through maturities of investments, marketable United States Treasury bills or other cash equivalent instruments such as money market mutual funds.

12.0 MITIGATING CREDIT RISK IN THE PORTFOLIO

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. The District will mitigate credit risk by adopting the following strategies:

- a. No more than five percent (5%) of the total portfolio may be invested in securities of any single issuer, other than the US Government, its agencies and enterprises, LAIF, or unless otherwise specified in this Policy.

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- b. The District may elect to sell a security prior to its maturity and record a capital gain or loss in order to improve the quality, liquidity or yield of the portfolio in response to market conditions or District's risk preferences.
- c. If securities owned by the District are downgraded by either Moody's or S&P to a level below the quality required by this Investment Policy, the District will review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.
 - 1. If a security is downgraded, the General Manager will use discretion in determining whether to sell or hold the security based on its current maturity, the economic outlook for the issuer, and other relevant factors.
 - 2. If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and as deemed necessary reported to the Board of Directors.

13.0 REPORTING

The General Manager shall submit a monthly transaction report to the Board of Port Commissioners within thirty (30) days of the end of the reporting period in accordance with California Government Code Section 53607. In addition, the General Manager shall submit an investment report to the Board of Port Commissioners at least quarterly, which shall be submitted within thirty (30) days following the end of the reporting period covered by the report, and shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for District by third party contracted managers. The report will also include the source of the portfolio valuation. For all funds that are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy and, (2) the District will meet its expenditure obligations for the next six (6) months, as required by Government Code Section 53646(b)(2) and (3), respectively. The General Manager shall maintain a complete and timely record of all investment transactions.

14.0 INVESTMENT POLICY ADOPTION

This policy shall be reviewed on an annual basis, and modifications must be approved by the Board of Port Commissioners. This Investment Policy replaces that which was set forth in Resolution No. 3488 on December 6, 2023.

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PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Port Commissioners of the Ventura Port District this 18th day of December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Michael Blumenberg, Chair

ATTEST:

Anthony Rainey, Secretary



VENTURA
PORT DISTRICT

Established 1952

BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

CONSENT AGENDA ITEM K
ADOPTION OF RESOLUTION NOS.
3517 AND 3518 APPROVING
UPDATES TO THE EXPENSE
REIMBURSEMENT POLICIES FOR
EMPLOYEES AND COMMISSIONERS
AND RESCINDING RESOLUTION NOS.
3473 AND 3474

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Jessica Rauch, Clerk of the Board
SUBJECT: Adoption of Resolution Nos. 3517 and 3518 Approving Updates to the Expense Reimbursement Policies for Employees and Commissioners and Rescinding Resolution Nos. 3473 and 3474

RECOMMENDATION:

That the Board of Port Commissioners adopt:

- a) Resolution No. 3517 approving the updates to the Expense Reimbursement Policy for Employees and rescind Resolution No. 3473.
- b) Resolution No. 3518 approving the updates to the Expense Reimbursement Policy for Commissioners and rescind Resolution No. 3474.

SUMMARY:

The purpose of the Expense Reimbursement Policy is to set forth procedures regarding the reimbursement of actual and necessary expenses incurred by District Employees and Commissioners for the benefit of the District. Employees and Commissioners are encouraged to attend conferences, meetings, seminars, and other activities regarding matters of interest to the District and to further educational goals.

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.
 - 4) Updates to District policies to reflect improved transparency and DEI

BACKGROUND:

These policies were last updated in 2023. The current policy changes aim to tighten controls, improve transparency and ensure compliance with state regulations. The recommended updates simplify these policies and provide additional specificity for various procurements with updated guidance for reporting. No substantive changes to the policies' intent have been made. Legal Counsel has reviewed the proposed changes and provided their suggestions, which were incorporated.

FISCAL IMPACTS:

None.

ATTACHMENTS:

- Attachment 1 – Expense Reimbursement Policy for Employees - Redlined
- Attachment 2 – Expense Reimbursement Policy for Commissioners – Redlined
- Attachment 3 – Resolution No. 3517
- Attachment 4 – Resolution No. 3518



**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING THE VENTURA PORT DISTRICT EXPENSE
REIMBURSEMENT POLICY FOR EMPLOYEES**

RESOLUTION NO. ~~3473~~3517

WHEREAS, District Employees are encouraged to participate in outside activities and organizations as ~~a~~representatives of the District to further the interests of the District.

WHEREAS, such activities may involve the employee incurring expenses which should be reimbursable by the District.

~~WHEREAS, the California State Legislature adopted Assembly Bill No. 1234 which establishes certain minimum requirements regarding expenses and reimbursements to members of the governing boards of special districts.~~

~~WHEREAS, on November 17, 1982, the Board of Port Commissioners (the "Board") adopted Resolution No. 2033, establishing a Travel and Expense Policies and Procedures for Commissioners and Employees.~~

~~WHEREAS, on December 14, 2005, the Board adopted Resolution No. 3046, establishing a Commissioners' and Employees' Expense Reimbursement Policy; and~~

~~WHEREAS, on August 13, 2014, the Board approved a separate Expense Reimbursement Policy for Commissioners but did not approve a new Expense Reimbursement Policy for Employees.~~

~~WHEREAS, on March 23, 2016, the Board adopted Resolution No. 3302 approving a new employee policy to reflect the same rules and regulations as the Commissioner Policy.~~

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. ~~3302~~3473, which was previously passed, approved, and adopted by the Board on ~~December 14, 2005~~May 17, 2023, and adopts in its place the Expense Reimbursement Policy for Employees attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on this 18th day of May 17, 2023December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

ATTEST:

Michael Blumenberg, Chair

Anthony Rainey, Secretary

**EXHIBIT A
VENTURA PORT DISTRICT
EXPENSE REIMBURSEMENT POLICY FOR EMPLOYEES**

The purpose of this Expense Reimbursement Policy for Employees ("Policy") is to set forth the procedures of the Ventura Port District ("District") regarding the reimbursement of actual and necessary expenses incurred by District Employees for the benefit of the District.

1. General Principles: Employees are encouraged to attend conferences, meetings, seminars, and other activities regarding matters of interest to the District and to further educational goals, which may require an employee to incur an expense on behalf of the District. From time to time, employees may need to make purchases of supplies on behalf of the District as well. Employees are expected to exercise prudence in all expenditures. Thus, reimbursement shall be made only for actual and necessary expenses that qualify under this Policy. Expenditures that are improper or otherwise not properly accounted for shall not be paid for or reimbursed by the District.

2. Reimbursable Expenditures: Subject to the restrictions contained in this Policy, Employees will be reimbursed for certain authorized expenditures incurred by Employee for the benefit of the District for the following:
 - Educational conferences, workshops, seminars and similar training events.
 - Regional, state and national meetings or conferences where activities affecting the District's interests are discussed.
 - Other governmental functions where an Employee might attend as an authorized representative of the District.
 - Purchase of supplies for District business purposes.
 - a) Same-Day Events. An employee's attendance at a same-day event (no overnight stay), for which reimbursement is sought, shall be approved in advance by his/her supervisor. Board approval is not required. The District shall pay for or reimburse the Employee for incurring the following authorized expenditures:
 - i. Registration Fees. The Department Manager shall use their District credit card to directly pay the registration fees associated with attendance at an approved event.
 - ii. Transportation.
 - a. Personal Vehicle Mileage. For same-day events with travel, an Employee shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from an approved event at the then-current IRS Standard Mileage Rates. Mileage calculations will be verified using common mapping tools which is to be attached to the proper request and reporting forms. The District will not reimburse Employees for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.
 - b. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, an Employee may use regularly scheduled commercial carriers for travel. An Employee traveling by train, bus, or taxi should travel by the least-expensive fare available for the date

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and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The Department Manager, using their District credit card, shall directly pay for such travel arrangements whenever possible.

c. Rental Vehicle: Employees using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not apply.

iii. Meals. Lunch will be reimbursed for same-day travel that requires an employee to be away for 6 or more hours from Ventura Harbor. Meals provided as part of the event are not eligible for reimbursement.

iv. Incidental Expenses. The District shall reimburse an Employee for toll charges and parking fees up to the actual amount expended. Employees must provide receipts or documentation for incidental expenses and attach to the expense reporting form. Undocumented payments will not be reimbursed.

b) Overnight Events. An Employee's attendance at an overnight event, for which reimbursement is sought, must be approved in advance by the Board. The District shall pay for or reimburse the Employee for incurring the following authorized expenditures:

i. Registration Fees. The Department Manager shall use their District credit card to directly pay the registration fees associated with attendance at an approved event.

ii. Hotel Expenses. Whenever possible, the Department Manager shall use their District credit card to directly pay for reasonable lodging expenses incurred by an Employee while attending an approved event. If the Employee makes payments at his or her own expense, the District shall reimburse the Employee for reasonable lodging expenses and only for the actual hotel fees incurred, excluding entertainment, or similar personal expenses.

iii. Transportation.

a. Personal Vehicle Mileage. An Employee shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from an approved event at the then-current IRS Standard Mileage Rates. Mileage calculations will be verified using common mapping tools which is to be attached to the proper request and reporting forms. The District will not reimburse Employees for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.

~~b. vi~~ Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, an Employee may use regularly scheduled commercial carriers for travel. An Employee traveling by plane, train, rental vehicle, bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The Department Manager, using their District credit card, shall directly pay for such travel arrangements whenever possible.-

c. Rental vehicle. Employees using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not

apply.

- iv. Meals. An Employee shall be allowed the following not to exceed amounts for meals during travel:

Breakfast..... \$20.00
Lunch..... \$30.00
Dinner..... \$45.00

These amounts include sales tax and tip (which is not to exceed 20% pretax total) and are not to be exceeded. An employee may choose to purchase their meal from a restaurant (including fast food), convenience store, gas station, or grocery store. ~~All~~ Each meal's receipts must be itemized to receive reimbursement. ~~If the event registration includes meals, Employees are expected to take advantage of such meals.~~ The cost of non-food items (such as alcoholic beverages) will not be reimbursed. District credit cards shall not be used to purchase alcoholic beverages.

If the event registration includes meals, Employees are expected to take advantage of such meals. Employees that attend a conference that includes a meal, but they cannot consume that meal due to dietary, religious, or schedule restrictions for official business, the District may allow the employee to claim the full meal allowance to cover the cost of a substitute meal. An Employee must first make a reasonable effort to make alternative meal arrangements.

Employees may, at their own discretion, exceed the allowable amounts for meals. In cases where this occurs, the employee must pay the District the excess cost if using a District credit card. Employees will only be reimbursed up to the allowable amount when making cash or personal credit card purchases.

- v. Incidental ~~Allowance~~ Expenses. The District shall reimburse an Employee for tips actually given, that are reasonable and customary for the service, as well as toll charges and parking fees up to the actual amount expended. Employees may also seek reimbursement for incidental expenses such as water, coffee and/or snacks, however, those costs combined with the employee's meal expenses shall not exceed the per meal reimbursement allowance. Employees must provide receipts or documentation for incidental expenses and attach them to the expense reporting form. Undocumented cash tips and payments will not be reimbursed.

~~vi. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, an Employee may use regularly scheduled commercial carriers for travel. An Employee traveling by plane, train, rental vehicle, bus, or taxi should travel by the least expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The Department Manager, using their District credit card, shall directly pay for such travel arrangements whenever possible.~~

- 3. Unauthorized Expenditures: In accordance with California law, the District shall not reimburse for personal expenses, non-mileage vehicle expenses, nor for an Employee's guest. The personal portion of any trip before, during or after the authorized District business, or any other unapproved expenses will not be reimbursed.

ATTACHMENT 1

4. Expense Reporting: Expenses incurred by an Employee under this Policy shall be reimbursed only after the Employee seeking reimbursement completes and submits the proper expense reporting documentation currently in use by the District. The documentation must be submitted to the Employee's Supervisor within 30 days after the Employee incurs the expense or completes the travel. The Employee must attach all relevant documentation and receipts authenticating the expenses, such as itemized receipts or proof of payment issued by a hotel, restaurant, or other vendors. Each meal receipt shall be itemized and categorized by meal for reporting purposes. The Employee, Manager and General Manager will be required to review and approve the requested reimbursement.

Also, on an annual basis, the District is required under Government Code Section 53065.5 to disclose any reimbursement paid by the District within the immediately preceding fiscal year of each occurrence of \$100 or greater for each individual charge for services or product received. Individual charge includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any Employee. The disclosure requirement shall be fulfilled by including the reimbursement information either in a document published or printed at least annually by a date determined by the District and shall be made available for public inspection.

5. Public Records: All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act and pursuant to Government Code section 53232.3.



**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING THE VENTURA PORT DISTRICT EXPENSE
REIMBURSEMENT POLICY FOR COMMISSIONERS**

RESOLUTION NO. ~~3474~~ 3518

WHEREAS, AB 1234 was enacted in order to respond to growing public concern over extensive misuse of public resources by special districts.

WHEREAS, AB 1234 requires that, if a local agency decides to provide expense reimbursement to members of its legislative body, it must adopt a written policy specifying the types of occurrences that qualify a member to receive reimbursement.

~~WHEREAS, on August 13, 2014, the Board of Port Commissioners (the "Board") adopted Resolution No. 3249, wherein the Board approved an expense reimbursement policy for Board Commissioners (the "Policy").~~

~~WHEREAS, on March 11, 2015, the Board rescinded Resolution No. 3249, and adopted Resolution No. 3266 setting forth the amended Policy.~~

~~WHEREAS, on March 23, 2016, the Board adopted Resolution No. 3303 updating the policy and rescinding Resolution No. 3266. WHEREAS, the Board has determined that it is in the best interest of the District to again amend said Policy outlining the reimbursement rules and procedures for specific expenses incurred by Board Commissioners while conducting District business.~~

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. ~~3303~~3474, which was previously passed, approved, and adopted by the Board on ~~March 23, 2016~~May 17, 2023, and adopts in its place the Expense Reimbursement Policy for Commissioners attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on ~~this 18th day of May 17, 2023~~December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

ATTEST:

Michael Blumenberg, Chair

Anthony Rainey, Secretary

**EXHIBIT A
VENTURA PORT DISTRICT
EXPENSE REIMBURSEMENT POLICY FOR COMMISSIONERS**

The purpose of this Expense Reimbursement Policy for Commissioners ("Policy") is to set forth the procedures of the Ventura Port District ("District") regarding the reimbursement of actual and necessary expenses incurred by the Board of Port Commissioners ("Board") in the performance of official duties for the benefit of the District, pursuant to Government Code sections 53232 et seq.

1. General Principles: Commissioners are encouraged to attend conferences, meetings, seminars, and other activities regarding matters of interest to the District and to further educational goals, which may require a Commissioner to incur an expense on behalf of the District. Commissioners are expected to exercise prudence in all expenditures. Thus, reimbursement shall be made only for actual and necessary expenses that qualify under this Policy. Expenditures that are improper or otherwise not properly accounted for shall not be paid for or reimbursed by the District.
2. Reimbursable Events and Authorized Expenditures: Subject to the restrictions contained within this Policy, Commissioners shall be reimbursed for certain authorized expenditures incurred by Commissioners for the benefit of the District while attending the following events ("Reimbursable Event(s)"):
 - a. Educational conferences, workshops, seminars and similar events.
 - b. Regional, state and national meetings or conferences where activities affecting the District's interests are discussed.
 - d. Other Governmental functions where a Commissioner attends as an authorized representative of the District.

A Reimbursable Event must be approved in advance by a majority vote of the Board at a public meeting. The District shall pay for or reimburse the Commissioner for incurring the following authorized expenditures:

a) Same-Day Events.

- i. Registration Fees. The Department Manager shall use their District credit card to directly pay the registration fees associated with attendance at an approved event.
- ii. Transportation.
 - a. Personal Vehicle Mileage. For same-day events with travel, an Employee shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from an approved event at the then-current IRS Standard Mileage Rates. Mileage calculations will be verified using common mapping tools which is to be attached to the proper request and reporting forms. The District will not reimburse Employees for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.
 - b. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, an Employee may use regularly scheduled commercial carriers for travel. An Employee traveling by train,

ATTACHMENT 2

bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The Department Manager, using their District credit card, shall directly pay for such travel arrangements whenever possible.

c. Rental Vehicle: Employees using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not apply.

iii. Meals. Lunch will be reimbursed for same-day travel that requires an employee to be away for 6 or more hours from Ventura Harbor. Meals provided as part of the event are not eligible for reimbursement.

iv. Incidental Expenses. The District shall reimburse an Employee for toll charges and parking fees up to the actual amount expended. Employees must provide receipts or documentation for incidental expenses and attach to the expense reporting form. Undocumented payments will not be reimbursed.

b) Overnight Events.

i. Registration Fees. The District shall directly pay the registration fees associated with attendance at a Reimbursable Event.

ii. Hotel Expenses. Whenever possible, the District shall directly pay for reasonable lodging expenses incurred by a Commissioner while attending a Reimbursable Event. If the Commissioner makes payments at his or her own expense, the District shall reimburse the Commissioner for reasonable lodging expenses and only for the actual hotel fees incurred, excluding entertainment, or similar personal expenses.

iii. Transportation

a. ~~iii.~~ Personal Vehicle Mileage. A Commissioner shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from a Reimbursable Event at the then-current IRS Standard Mileage Rates. No reimbursement shall be provided for travel to/from regular or special Board or committee meetings or optional District events. Mileage calculations will be verified using common mapping tools, which is to be attached to the proper request and reporting forms. The District will not reimburse Commissioners for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.

b. ~~vi.~~ Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, a Commissioner may use regularly scheduled commercial carriers for travel. A Commissioner traveling by plane, train, rental vehicle, bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The District shall directly pay for such travel arrangements whenever possible.

~~a.~~c. Rental vehicle. Commissioners using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not apply.

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- iv. Meals. A Commissioner shall be allowed the following not to exceed amounts for meals during travel:

Breakfast.....	\$20.00
Lunch... ..	\$30.00
Dinner.....	\$45.00

These amounts include sales tax and tip (which is not to exceed 20% pretax total) and are not to be exceeded. A Commissioner may choose to purchase their meal from a restaurant (including fast food), convenience store, gas station, or grocery store. All meal receipts must be itemized to receive reimbursement. ~~If the event registration includes meals, Commissioners are expected to take advantage of such meals.~~ The cost of non-food items (such as alcoholic beverages) will not be reimbursed.

If the event registration includes meals, Commissioners are expected to take advantage of such meals. Commissioners that attend a conference that includes a meal, but they cannot consume that meal due to dietary, religious, or schedule restrictions for official business, the District may allow the Commissioner to claim the full meal allowance to cover the cost of a substitute meal. Commissioners must first make a reasonable effort to make alternative meal arrangements.

Commissioners may, at their own discretion, exceed the allowable amounts for meals. In cases where this occurs, the Commissioner will only be reimbursed up to the allowable amount when making cash or personal credit card purchases.

- v. Incidental ~~Allowance~~ Expenses. The District shall reimburse a Commissioner for tips actually given that are reasonable and customary for the service, as well as toll charges and parking fees up to the actual amount expended. Commissioners may also seek reimbursement for incidental expenses such as water, coffee and/or snacks, however, those costs combined with the Commissioner's meal expenses shall not exceed the per meal reimbursement allowance. Commissioners must provide receipts or documentation for incidental expenses and attach them to the expense reporting form. Undocumented cash tips and payments will not be reimbursed.

~~vi. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, a Commissioner may use regularly scheduled commercial carriers for travel. A Commissioner traveling by plane, train, rental vehicle, bus, or taxi should travel by the least expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The District shall directly pay for such travel arrangements whenever possible.~~

- 3. Unauthorized Expenditures: In accordance with California law, the District shall not reimburse for personal expenses, non-mileage vehicle expenses, nor for a Commissioner's guest. The personal portion of any trip before, during or after the approved District business, or any other unapproved expenses will not be reimbursed.
- 4. Expense Reporting: Expenses incurred by a Commissioner under this Policy shall be reimbursed only after the Commissioner seeking reimbursement completes and submits the proper expense reporting documentation currently in use by the District. The documentation must be submitted to the Clerk of the Board within 30 days after

ATTACHMENT 2

the Commissioner incurs the expense or completes the travel. The Commissioner must attach all relevant documentation and receipts authenticating the expenses, such as itemized receipts or proof of payment issued by a hotel, restaurant, or other vendors. Each meal receipt shall be itemized and categorized by meal for reporting purposes. The Clerk of the Board and General Manager shall review and approve the requested reimbursement.

Also, on an annual basis, the District is required under Government Code Section 53065.5 to disclose any reimbursement paid by the District within the immediately preceding fiscal year of each occurrence of \$100 or greater for each individual charge for services or product received. Individual charge includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee. The disclosure requirement shall be fulfilled by including the reimbursement information either in a document published or printed at least annually and shall be made available for public inspection.

5. Disclosure and Reporting: To implement the reporting requirements of Government Code section 53232.3, the Commissioner shall provide a brief report on the event attended for which he or she was reimbursed. If multiple officials attended the same event, a joint report may be made.
6. Public Records: All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act and pursuant to Government Code section 53232.3.



**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING THE VENTURA PORT DISTRICT EXPENSE
REIMBURSEMENT POLICY FOR EMPLOYEES**

RESOLUTION NO. 3517

WHEREAS, District Employees are encouraged to participate in outside activities and organizations as representatives of the District to further the interests of the District.

WHEREAS, such activities may involve the employee incurring expenses which should be reimbursable by the District.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3473, which was previously passed, approved, and adopted by the Board on May 17, 2023, and adopts in its place the Expense Reimbursement Policy for Employees attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on this 18th day of December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

ATTEST:

Michael Blumenberg, Chair

Anthony Rainey, Secretary

**EXHIBIT A
VENTURA PORT DISTRICT
EXPENSE REIMBURSEMENT POLICY FOR EMPLOYEES**

The purpose of this Expense Reimbursement Policy for Employees ("Policy") is to set forth the procedures of the Ventura Port District ("District") regarding the reimbursement of actual and necessary expenses incurred by District Employees for the benefit of the District.

1. **General Principles:** Employees are encouraged to attend conferences, meetings, seminars, and other activities regarding matters of interest to the District and to further educational goals, which may require an employee to incur an expense on behalf of the District. From time to time, employees may need to make purchases of supplies on behalf of the District as well. Employees are expected to exercise prudence in all expenditures. Thus, reimbursement shall be made only for actual and necessary expenses that qualify under this Policy. Expenditures that are improper or otherwise not properly accounted for shall not be paid for or reimbursed by the District.

2. **Reimbursable Expenditures:** Subject to the restrictions contained in this Policy, Employees will be reimbursed for certain authorized expenditures incurred by Employee for the benefit of the District for the following:
 - Educational conferences, workshops, seminars and similar training events.

 - Regional, state and national meetings or conferences where activities affecting the District's interests are discussed.

 - Other governmental functions where an Employee might attend as an authorized representative of the District.

 - Purchase of supplies for District business purposes.
 - a) **Same-Day Events.** An employee's attendance at a same-day event (no overnight stay), for which reimbursement is sought, shall be approved in advance by his/her supervisor. Board approval is not required. The District shall pay for or reimburse the Employee for incurring the following authorized expenditures:
 - i. **Registration Fees.** The Department Manager shall use their District credit card to directly pay the registration fees associated with attendance at an approved event.

 - ii. **Transportation.**
 - a. **Personal Vehicle Mileage.** For same-day events with travel, an Employee shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from an approved event at the then-current IRS Standard Mileage Rates. Mileage calculations will be verified using common mapping tools which is to be attached to the proper request and reporting forms. The District will not reimburse Employees for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.
 - b. **Common Carrier Travel.** When personal vehicle use for District business is impractical due to time and/or distance, an Employee may use regularly scheduled commercial carriers for travel. An Employee traveling by train,

ATTACHMENT 3

- bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The Department Manager, using their District credit card, shall directly pay for such travel arrangements whenever possible.
- c. Rental Vehicle: Employees using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not apply.
- iii. Meals. Lunch will be reimbursed for same-day travel that requires an employee to be away for 6 or more hours from Ventura Harbor. Meals provided as part of the event are not eligible for reimbursement.
 - iv. Incidental Expenses. The District shall reimburse an Employee for toll charges and parking fees up to the actual amount expended. Employees must provide receipts or documentation for incidental expenses and attach to the expense reporting form. Undocumented payments will not be reimbursed.
- b) Overnight Events. An Employee's attendance at an overnight event, for which reimbursement is sought, must be approved in advance by the Board. The District shall pay for or reimburse the Employee for incurring the following authorized expenditures:
- i. Registration Fees. The Department Manager shall use their District credit card to directly pay the registration fees associated with attendance at an approved event.
 - ii. Hotel Expenses. Whenever possible, the Department Manager shall use their District credit card to directly pay for reasonable lodging expenses incurred by an Employee while attending an approved event. If the Employee makes payments at his or her own expense, the District shall reimburse the Employee for reasonable lodging expenses and only for the actual hotel fees incurred, excluding entertainment, or similar personal expenses.
 - iii. Transportation.
 - a. Personal Vehicle Mileage. An Employee shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from an approved event at the then-current IRS Standard Mileage Rates. Mileage calculations will be verified using common mapping tools which is to be attached to the proper request and reporting forms. The District will not reimburse Employees for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.
 - b. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, an Employee may use regularly scheduled commercial carriers for travel. An Employee traveling by plane, train, bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The Department Manager, using their District credit card, shall directly pay for such travel arrangements whenever possible.

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- c. Rental vehicle. Employees using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not apply.
- iv. Meals. An Employee shall be allowed the following not to exceed amounts for meals during travel:

Breakfast..... \$20.00
Lunch..... \$30.00
Dinner..... \$45.00

These amounts include sales tax and tip (which is not to exceed 20% pretax total) and are not to be exceeded. An employee may choose to purchase their meal from a restaurant (including fast food), convenience store, gas station, or grocery store. Each meal's receipts must be itemized to receive reimbursement. The cost of non-food items (such as alcoholic beverages) will not be reimbursed. District credit cards shall not be used to purchase alcoholic beverages

If the event registration includes meals, Employees are expected to take advantage of such meals. Employees that attend a conference that includes a meal, but they cannot consume that meal due to dietary, religious, or schedule restrictions for official business, the District may allow the employee to claim the full meal allowance to cover the cost of a substitute meal. An Employee must first make a reasonable effort to make alternative meal arrangements.

Employees may, at their own discretion, exceed the allowable amounts for meals. In cases where this occurs, the employee must pay the District the excess cost if using a District credit card. Employees will only be reimbursed up to the allowable amount when making cash or personal credit card purchases.

- v. Incidental Expenses. The District shall reimburse an Employee for tips actually given, that are reasonable and customary for the service, as well as toll charges and parking fees up to the actual amount expended. Employees may also seek reimbursement for incidental expenses such as water, coffee and/or snacks, however, those costs combined with the employee's meal expenses shall not exceed the per meal reimbursement allowance. Employees must provide receipts or documentation for incidental expenses and attach them to the expense reporting form. Undocumented cash tips and payments will not be reimbursed.

3. Unauthorized Expenditures: In accordance with California law, the District shall not reimburse for personal expenses, non-mileage vehicle expenses, nor for an Employee's guest. The personal portion of any trip before, during or after the authorized District business, or any other unapproved expenses will not be reimbursed.

4. Expense Reporting: Expenses incurred by an Employee under this Policy shall be reimbursed only after the Employee seeking reimbursement completes and submits the proper expense reporting documentation currently in use by the District. The documentation must be submitted to the Employee's Supervisor within 30 days after the Employee incurs the expense or completes the travel. The Employee must attach all relevant documentation and receipts authenticating the expenses, such as itemized receipts or proof of payment issued by a hotel, restaurant, or other vendors. Each meal receipt shall be itemized and categorized by meal for reporting purposes. The Employee, Manager and General Manager will be required to review and approve the requested reimbursement.

ATTACHMENT 3

Also, on an annual basis, the District is required under Government Code Section 53065.5 to disclose any reimbursement paid by the District within the immediately preceding fiscal year of each occurrence of \$100 or greater for each individual charge for services or product received. Individual charge includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any Employee. The disclosure requirement shall be fulfilled by including the reimbursement information either in a document published or printed at least annually by a date determined by the District and shall be made available for public inspection.

5. Public Records: All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act and pursuant to Government Code section 53232.3.



**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF VENTURA PORT DISTRICT ADOPTING THE VENTURA PORT DISTRICT EXPENSE
REIMBURSEMENT POLICY FOR COMMISSIONERS**

RESOLUTION NO. 3518

WHEREAS, AB 1234 was enacted in order to respond to growing public concern over extensive misuse of public resources by special districts.

WHEREAS, AB 1234 requires that, if a local agency decides to provide expense reimbursement to members of its legislative body, it must adopt a written policy specifying the types of occurrences that qualify a member to receive reimbursement.

NOW, THEREFORE, BE IT RESOLVED that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3474, which was previously passed, approved, and adopted by the Board on May 17, 2023, and adopts in its place the Expense Reimbursement Policy for Commissioners attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on this 18th day of December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Michael Blumenberg, Chair

ATTEST:

Anthony Rainey, Secretary

**EXHIBIT A
VENTURA PORT DISTRICT
EXPENSE REIMBURSEMENT POLICY FOR COMMISSIONERS**

The purpose of this Expense Reimbursement Policy for Commissioners ("Policy") is to set forth the procedures of the Ventura Port District ("District") regarding the reimbursement of actual and necessary expenses incurred by the Board of Port Commissioners ("Board") in the performance of official duties for the benefit of the District, pursuant to Government Code sections 53232 et seq.

1. **General Principles:** Commissioners are encouraged to attend conferences, meetings, seminars, and other activities regarding matters of interest to the District and to further educational goals, which may require a Commissioner to incur an expense on behalf of the District. Commissioners are expected to exercise prudence in all expenditures. Thus, reimbursement shall be made only for actual and necessary expenses that qualify under this Policy. Expenditures that are improper or otherwise not properly accounted for shall not be paid for or reimbursed by the District.

2. **Reimbursable Events and Authorized Expenditures:** Subject to the restrictions contained within this Policy, Commissioners shall be reimbursed for certain authorized expenditures incurred by Commissioners for the benefit of the District while attending the following events ("Reimbursable Event(s)"):
 - Educational conferences, workshops, seminars and similar events.
 - Regional, state and national meetings or conferences where activities affecting the District's interests are discussed.
 - Other Governmental functions where a Commissioner attends as an authorized representative of the District.

A Reimbursable Event must be approved in advance by a majority vote of the Board at a public meeting. The District shall pay for or reimburse the Commissioner for incurring the following authorized expenditures:

- a) **Same-Day Events.**
 - i. **Registration Fees.** The Department Manager shall use their District credit card to directly pay the registration fees associated with attendance at an approved event.
 - ii. **Transportation.**
 - a. **Personal Vehicle Mileage.** For same-day events with travel, an Employee shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from an approved event at the then-current IRS Standard Mileage Rates. Mileage calculations will be verified using common mapping tools which is to be attached to the proper request and reporting forms. The District will not reimburse Employees for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.

ATTACHMENT 4

- b. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, an Employee may use regularly scheduled commercial carriers for travel. An Employee traveling by train, bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance fares. The Department Manager, using their District credit card, shall directly pay for such travel arrangements whenever possible.
 - c. Rental Vehicle: Employees using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not apply.
 - iii. Meals. Lunch will be reimbursed for same-day travel that requires an employee to be away for 6 or more hours from Ventura Harbor. Meals provided as part of the event are not eligible for reimbursement.
 - iv. Incidental Expenses. The District shall reimburse an Employee for toll charges and parking fees up to the actual amount expended. Employees must provide receipts or documentation for incidental expenses and attach to the expense reporting form. Undocumented payments will not be reimbursed.
- b) Overnight Events.
- i. Registration Fees. The District shall directly pay the registration fees associated with attendance at a Reimbursable Event.
 - ii. Hotel Expenses. Whenever possible, the District shall directly pay for reasonable lodging expenses incurred by a Commissioner while attending a Reimbursable Event. If the Commissioner makes payments at his or her own expense, the District shall reimburse the Commissioner for reasonable lodging expenses and only for the actual hotel fees incurred, excluding entertainment, or similar personal expenses.
 - iii. Transportation
 - a. Personal Vehicle Mileage. A Commissioner shall be reimbursed for costs associated with the use of a personal vehicle to travel to/from a Reimbursable Event at the then-current IRS Standard Mileage Rates. No reimbursement shall be provided for travel to/from regular or special Board or committee meetings or optional District events. Mileage calculations will be verified using common mapping tools, which is to be attached to the proper request and reporting forms. The District will not reimburse Commissioners for any other personal vehicle expenses, including fuel. The start and end point (roundtrip) shall be point of origin to and from the approved destination.
 - b. Common Carrier Travel. When personal vehicle use for District business is impractical due to time and/or distance, a Commissioner may use regularly scheduled commercial carriers for travel. A Commissioner traveling by plane, train, rental vehicle, bus, or taxi should travel by the least-expensive fare available for the date and time of the travel, taking into account scheduling needs and the most direct route. Travel should be planned in advance to permit use of advance

ATTACHMENT 4

fares. The District shall directly pay for such travel arrangements whenever possible.

- c. Rental vehicle. Commissioners using a rental vehicle shall be reimbursed for rental cost and fuel expenses, though mileage reimbursement does not apply.
- iv. Meals. A Commissioner shall be allowed the following not to exceed amounts for meals during travel:

Breakfast.....	\$20.00
Lunch... ..	\$30.00
Dinner.....	\$45.00

These amounts include sales tax and tip (which is not to exceed 20% pretax total) and are not to be exceeded. A Commissioner may choose to purchase their meal from a restaurant (including fast food), convenience store, gas station, or grocery store. All meal receipts must be itemized to receive reimbursement. The cost of non-food items (such as alcoholic beverages) will not be reimbursed.

If the event registration includes meals, Commissioners are expected to take advantage of such meals. Commissioners that attend a conference that includes a meal, but they cannot consume that meal due to dietary, religious, or schedule restrictions for official business, the District may allow the Commissioner to claim the full meal allowance to cover the cost of a substitute meal. Commissioners must first make a reasonable effort to make alternative meal arrangements.

Commissioners may, at their own discretion, exceed the allowable amounts for meals. In cases where this occurs, the Commissioner will only be reimbursed up to the allowable amount when making cash or personal credit card purchases.

- v. Incidental Expenses. The District shall reimburse a Commissioner for tips actually given that are reasonable and customary for the service, as well as toll charges and parking fees up to the actual amount expended. Commissioners may also seek reimbursement for incidental expenses such as water, coffee and/or snacks, however, those costs combined with the Commissioner's meal expenses shall not exceed the per meal reimbursement allowance. Commissioners must provide receipts or documentation for incidental expenses and attach them to the expense reporting form. Undocumented cash tips and payments will not be reimbursed.
3. Unauthorized Expenditures: In accordance with California law, the District shall not reimburse for personal expenses, non-mileage vehicle expenses, nor for a Commissioner's guest. The personal portion of any trip before, during or after the approved District business, or any other unapproved expenses will not be reimbursed.

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4. **Expense Reporting:** Expenses incurred by a Commissioner under this Policy shall be reimbursed only after the Commissioner seeking reimbursement completes and submits the proper expense reporting documentation currently in use by the District. The documentation must be submitted to the Clerk of the Board within 30 days after the Commissioner incurs the expense or completes the travel. The Commissioner must attach all relevant documentation and receipts authenticating the expenses, such as itemized receipts or proof of payment issued by a hotel, restaurant, or other vendors. Each meal receipt shall be itemized and categorized by meal for reporting purposes. The Clerk of the Board and General Manager shall review and approve the requested reimbursement.

Also, on an annual basis, the District is required under Government Code Section 53065.5 to disclose any reimbursement paid by the District within the immediately preceding fiscal year of each occurrence of \$100 or greater for each individual charge for services or product received. Individual charge includes, but is not limited to, one meal, lodging for one day, transportation, or a registration fee paid to any employee. The disclosure requirement shall be fulfilled by including the reimbursement information either in a document published or printed at least annually and shall be made available for public inspection.

5. **Disclosure and Reporting:** To implement the reporting requirements of Government Code Section 53232.3, the Commissioner shall provide a brief report on the event attended for which he or she was reimbursed. If multiple officials attended the same event, a joint report may be made.
6. **Public Records:** All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act and pursuant to Government Code Section 53232.3.



**BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024**

**STANDARD AGENDA ITEM 1
UPDATE ON THE DISTRICT'S PARKING
MANAGEMENT PROGRAM AND
APPROVAL FOR SOLICITATION FOR
PARKING MANAGEMENT SERVICES**

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
SUBJECT: Update on the District's Parking Management Program and Approval for Solicitation for Parking Management Services

RECOMMENDATIONS:

That the Board of Port Commissioners:

- a) Receive an update on the entitlements for the Parking Management Program (PMP).
- b) Receive an update on the final PMP Details.
- c) Approve staff to publish a request for proposals for Parking Management Services.

SUMMARY:

The Ventura Harbor Parking Management Plan (PMP) includes Harbor Village, beach parking lots, the public launch ramp parking lot, and satellite parking lots. It does not include paid parking on any City streets. The goals of the PMP are consistent with the District's Guiding Principles and 5-Year Objectives and in response to feedback from its tenants, stakeholders, and City:

- To increase parking turn-over to maximize the benefit of the harbor and beaches to as many members of the public as possible while minimizing the negative experience when patrons struggle to find a parking space, and potentially leave as a result.
- To implement the mid-term strategies of the 2017 Parking Management Study.
- To generate and reinvest recurring revenues in support of Harbor active transportation & transportation planning and operations, and public safety.

Having developed the PMP and receiving Board approval, a Coastal Development Permit from the City of Ventura and from the California Coastal Commission, all entitlements are complete.

Staff have worked with Dixon Resources Unlimited to prepare a Request for Proposals to competitively solicit for parking management services.

Note that while the RFP will require prospective bidders to demonstrate the capability of providing permits for tenants/tenant employees and for visitor validation, the details for both have not been finalized at this time and will be further studied in the coming months.

GUIDING PRINCIPLES

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

FIVE-YEAR OBJECTIVES

- P) Implement parking management, traffic circulation, and multi-modal transportation strategies.
 - 3) Pursue and implement parking management solutions to increase vehicle circulation.

BACKGROUND

RECAP: Why Is Paid Parking Needed?

Associated Transportation Engineers (ATE) developed the Port District's Parking Management Study, which was approved by the Board in January 2017, which included short-, mid-, and long-term parking management recommendations. Over the past several years, the Port District has

implemented the short-term recommendations and has continued to gather traffic and parking demand data. One of the mid-term parking strategies recommended was the implementation of a parking management plan that includes paid parking.

Optimal Peak Parking Occupancy: 85%

Agencies throughout California are implementing paid parking with the goal of establishing an overall peak parking occupancy rate of 85%. In general, when parking facilities experience occupancies greater than 85%, users begin to perceive parking as “full” and are likely to spend more time circling to find a space.

Parking Demand at Ventura Harbor

In 2021, ATE completed a third parking survey of Ventura Harbor parking lots. The study showed that weekend parking demand in Harbor Village reaches 93+% and the beach lots 99%. On Fridays, these numbers are 86% and 95% respectively. The District regularly receives feedback that this is a major point of frustration for visitors (and therefore tenants) and seeks to remedy that through parking management to increase turnover.

The peak parking occupancy for Harbor Village lots and beach lots (excluding satellite lots as well as Spinnaker) are listed below:

Day of the Week	2021 Summer Occupancy %
Harbor Village Lots Friday:	86%
Harbor Village Lots Saturday:	93%
Harbor Village Lots Sunday:	95%
Beach Lots Friday:	95%
Beach Lots Saturday:	99%
Beach Lots Sunday:	99%

As shown above, the peak parking occupancy rates are exceptionally high on these days in these areas and exceed the target of 85% or lower occupancy.

THE PARKING MANAGEMENT PLAN (PMP)

In November of 2022, ATE prepared a revision to the PMP, which was presented to the Board for consideration. At that time, the Board authorized the General Manager to prepare a Coastal Development Permit application for submission and directed him to work with the City on the possibility of incorporating Spinnaker Drive into the plan (subsequently removed). In the preparation of a Coastal Development Permit, staff have made further modifications to the PMP based on advice from consultant Dixon Resources, as a result of the VenturaWaterPure project, discussions with Master Tenants in the north side of the harbor, and through discussions with City staff.

PAID PARKING

Where:

- Harbor Cove Beach*
- Surfers Knoll Beach
- Harbor Village
- 1215 Anchors Way (currently the dry boat storage parking lot)
- Public Boat Launch Ramp (currently paid parking)

* Harbor Cove Beach's parking lot is partially within the California Coastal Commission's Retained Jurisdiction and required a separate Coastal Development Permit from the Coastal Commission.

When:

- Harbor Village/Beaches: Free Parking: Monday - Thursday
- Harbor Village/Beaches Paid Parking: 10:00 AM to 8:00 PM on Fridays, Saturdays, Sundays, and Holidays
- Public Launch Ramp and 1215 Anchors Way: 7 Days per week, 24-hours per day
- Rates (all paid parking locations):
 - \$1/hour up to 4 hours
 - \$10/day (greater than 4 hours)
 - ADA Placard/Plates will be paid

How to Pay:

- Physical pay stations
- Pay by Text (text message to a phone number)
- Paid parking app (download app w/ QR code and pay via app)

Pay-by-License Plate & License Plate Recognition

The PMP will utilize a pay-by-license plate (PBL) system monitoring, similar to the system used at Surfer's Point in downtown Ventura as well as other areas of California. The program would require implementation of pay-stations (and optionally pay-by-phone and/or pay-by-app virtual payment methods), deploying third-party enforcement crews with license plate recognition (LPR) equipment, and retaining a citation processing service firm. The use of an LPR system would allow users to be able to pay for their vehicle to park at any harbor parking lot and move their vehicle to any other lot at no extra cost (allowing beach goers to visit Harbor Village or vice versa at no additional cost).

In order to avoid entry/exit gates, it is necessary to install a fixed LPR camera along both Spinnaker and Schooner Drive to observe the arrival of a vehicle at the harbor. This would trigger a grace period to avoid citations being issued to vehicles between parking and paying for parking.

Visitors Moving Between Lots

Once a visitor has paid for parking in any location within Ventura Harbor, they will be free to move their vehicle to any other location within the harbor without paying again for parking. This is an additional advantage of paying-by-license plate and intended to encourage vehicle turn-over (in particular, vehicles leaving the beaches to visit Harbor Village businesses).

Mitigating PMP Implementation Impacts

Staff is aware of the potential for impacts to the visitor experience as the plan first rolls out. There is the potential for visitors to fail to realize that paid parking has been implemented, to misunderstand which days paid parking is in effect, or to be dissuaded from coming to the Harbor if there is a perception that the paid parking is going to be expensive or difficult. Therefore, staff has contemplated a number of mitigation measures to address these impacts.

The LPR systems can provide a method for minimizing the potential for visitors who inadvertently receive a parking ticket through issuing warning tickets. LPR systems can track which license plate numbers have received a citation previously. Therefore, the plan includes the first time any license plate is found in violation of the parking, instead of issuing a citation, visitors would be issued an

educational warning. Subsequent violations would result in a citation of \$65, consistent with the current citation amount.

Staff is aware that one pay station has the ability to allow same-day resolution of citations (discussed under Physical Pay Stations below). This would allow the District's vendor to significantly reduce citation fines from \$65 to \$15 for a failure to pay or exceeding the time limit. Rather than having a significant negative impact to visitors, a smaller fine still discourages someone from failing to pay, but also doesn't have such a strong negative impact on the visitor experience.

Through these combined measures, Staff anticipates this will result in a significant reduction in citations, a greater level of program compliance, and generally fewer negative experiences for the public, which is the ideal outcome.

To mitigate potential perception that the VH Parking Management Plan will be expensive or difficult, Staff plans to budget for a public outreach and educational campaign in the FY24-25 budget. Staff will work with consultant(s) on the most effective methods of outreach.

Satellite Parking

The District has agreements with two of its marina tenants to provide free satellite parking for employees and/or visitors. 152 spaces are available at the Dolphin Lot at Ventura Isle Marina and 39 spaces are available at Ventura West Marina II (with free overnight permits issued by Island Packers). As discussed, the PMP also provides for 61 free spaces at the parking lot at the corner of Harbor Blvd. and Schooner Dr., across the street from the Four Points by Sheraton Hotel, which has been used for boat storage since August 2023 to accommodate the City's VenturaWaterPure pipeline project.

ENTITLEMENTS

Coastal Development Permits: City of Ventura and California Coastal Commission

In June 2023, the District retained the professional services of Dixon Resources to assist the District in the preparation and submittal of a Coastal Development Permit (CDP) application to the City of Ventura and the California Coastal Commission and to provide technical expertise in the preparation of all of the supporting information for both.

The City of Ventura approved the District's CDP application at a City Director's Hearing on May 23rd. While there was a public appeal filed, it was later withdrawn.

The California Coastal Commission approved the District's CDP application at a Coastal Commission hearing on November 13th. There were public comments received but none relevant to the Commission's decision.

Both CDP's came with conditions from the two agencies – most of them including positive public benefit such as requiring bilingual signage.

REQUEST FOR PROPOSALS (RFP)

With entitlements complete, the District can now solicit for a vendor to provide parking management services. Staff intends to solicit for a prime vendor to provide all of the required services, equipment/technology, maintenance, enforcement, customer service, and management of transactions on behalf of the District. There are multiple vendors able to provide this comprehensive solution, however Staff recommends specifying certain technologies to provide the optimal user experience for the public and for the District's Village tenants.

Physical Pay Stations

At present, in consultation with Dixon, staff intend to require the selected vendor to procure 15 physical pay stations including 4 (both beaches, Harbor Village, and the Launch Ramp) that will be capable of accepting coins.

Staff believe that the Flowbird CWD Touchscreen machine should be specified in the RFP for the following reasons:

- This is the same brand of product used by the City of Ventura
- The touchscreen is very bright and has excellent sensitivity. More resistant to sand than push-buttons.
- The machines can all accept credit cards, Tap, ApplePay & GooglePay and can be equipped with coin receptors and have a secure safe for coin storage and custody of the coins removed from the machine by the vendor.
- Components are modular and easy to replace when damaged/fail.
- Excellent performance even with limited cell phone signal.
- Powder-coated stainless-steel housing is optimal for the marine environment.
- Navigation page is fully customizable – including use of District logo, information regarding how to receive help.
- Machines are multilingual and ADA compliant.

One feature currently only offered by Flowbird is the ability to integrate citations and remedy citations at the Pay Station same day. As discussed under “Mitigating PMP Implementation Impacts”, this would allow the District’s selected vendor to offer a significant discount when citations are paid the same day. Staff believe reducing citation fines for time-related infractions to \$15 and more significant infractions (parking in red zones, ADA stalls, or double parking) could be reduced to 50% of the fine amount, if paid the same day.

Virtual Payments

There is no requirement for the District to provide methods for virtual payment (i.e. paying via text, via QR code, via website, or via app), but there are some potential benefits. Virtual payment is preferred by some members of the public due to the convenience. Less use of physical machines means less wear-and-tear.

However, virtual payment options come at a cost – typically around \$.45 per transaction. It is the industry standard to pass this fee on to the user. In most cases, this fee would be triggered even if there were extensions to the time purchased.

In addition to variations in fees and fee structures, various virtual payment vendors have differing benefits and differing customer (user) experiences.

In discussion with our consultant at Dixon, Staff intends to require contractors to provide a recommended virtual payment option, however final selection of the virtual payment service will be negotiated after award.

Parking Permits

Staff estimate that there are approximately 300 employee vehicles in Harbor Village parking lots during peak days. Therefore, the PMP includes a limited number of parking permits for tenants/employees as well as commercial vessel owners/captains at the Harbor Village Marina in order to ensure parking availability for customers. These permits shall be issued to business

tenants principally to benefit potential needs for those people with mobility limitations and for those people working late night shifts. The parking vendor will be required to provide our tenants with their own web portal to assign/manage who receives parking permits.

While PMP vendors will be required to demonstrate the capability of managing parking permits as part of the competitive bid, the number of permits per business has not been finalized at this time.

Costs of Implementing the Parking Management Plan

Upfront Costs include:

- Procurement of pay stations, vehicle, LPR cameras.
- Design and fabricate all signs.
- Installation of all of the above.
- Creation of Parking Permit Portals for District, all VHV tenants, and all VHV Marina vessel owners.
- Creation of multilingual webpage for customer information and receiving comments/complaints.

Separately, the District will install some hardline power connections for most pay stations. District will also install cell phone signal boosters, as necessary.

Ongoing costs include:

- Patrol parking lots & inspect infrastructure.
- Issue citations.
- Collect on citations.
- Address customer complaints.
- Maintain equipment.
- Vendor staffing for all of the above.
- Vendor will need dedicated space for spare parts, equipment, uniforms, etc.
- District will need to dedicate its own staff time to managing the vendor and addressing tenant and public feedback.
- Maintenance contracts require reimbursement for vandalism and other out-of-warranty failures.

Transaction Fees:

- Multiple vendors and “Merchant of Record” are between the customer and the District.
- Paying at a kiosk:
 - No fees for consumers or the District for cash
 - Credit card requires a “Merchant of Record” fee for all credit card transactions (approximately \$.25/transaction). These fees will be at the District’s cost.
- Virtual payment:
 - Same as credit card PLUS ~\$.45/transaction for “convenience fee” (industry terminology).
 - Industry standard is to pass on the convenience fee to the consumer (e.g. City of Ventura does the same).

Validation:

At this time, there is no final strategy for how validation might be provided. This is an ongoing discussion with tenants, industry, and staff. The RFP will require the service provider to demonstrate that they are able to provide validation but how that will be implemented will be determined by the Board at a later date. Validation, if implemented, will reduce the gross revenue earned by the PMP.

Other RFP Considerations

Customer Service & Public Awareness

- Most parking vendors are experienced in helping educate the public and managing customer experience.
- RFP will include requirements for:
 - Public outreach & education campaign, including social media, regular media, new parking lot signage (bilingual)
 - Development of a VH/VHV landing page for parking information (bilingual).
 - 24/7 1-800 number for customer service via the vendor (bilingual).
 - Link and/or QR codes to register complaints and citation protests (bilingual).

Contract Type

- Contract type will be for a Parking Management service provider.
 - Will procure all equipment (including vehicle), signs, and virtual payment.
 - Will install all machines and signs.
 - Will provide on-site maintenance and enforcement.
 - 24/7 bilingual customer support.
 - Assist District with public messaging.
- Contract period will be for 3 years plus 2, 1-year options (aligns with Costal Commission permit).
- District will own all physical assets at the end of the contract.
- RFP will state certain required technologies.
- Bids will include a **pricing matrix** that reflects total cost of ownership (transaction fees, maintenance, warranties, cell phone fees, collection fees).

Phasing and Schedule

It is staff's intention to start the program first for the northern parking lots (launch ramp and old dry storage) and, once all systems have been demonstrated to be working, to commence the program for the Village and beach lots. Staff plan to have the program fully in place prior to Memorial Day 2025.

FISCAL IMPACT:

Based on information provided by the District's parking consultants, the present estimate of gross revenue for the PMP is \$1,000,000 per year.

The preliminary cost estimate for the PMP is a cost of approximately \$600,000 over the first 12 months of operation and approximately \$350,000 in subsequent years.

The RFP will include a pricing matrix that bidders will need to complete. The matrix will show the District's consultants' estimations of usage and gross revenue. Bidders will be required to tabulate the costs for all upfront and ongoing costs to reflect the total cost of ownership over the life of the contract. This will allow staff to have a clear understanding of the costs proposed by each bidder.

ATTACHMENT:

None.



BOARD OF PORT COMMISSIONERS
DECEMBER 18, 2024

STANDARD AGENDA ITEM 2
ADOPTION OF RESOLUTION No. 3519
APPROVING THE AMENDMENTS TO
THE VENTURA PORT DISTRICT
PROCUREMENT AND PURCHASING
POLICY AND RESCINDING
RESOLUTION No. 3450

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 2
Meeting Date: December 18, 2024

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
Todd Mitchell, Deputy General Manager
Reid Miller, Lagerlof LLP
SUBJECT: Adoption of Resolution No. 3519 Approving Amendments to the Ventura Port District's Procurement and Purchasing Policy and Rescinding Resolution No. 3450

RECOMMENDATION:

That the Board of Port Commissioners adopt Resolution No. 3519 approving amendments to the Ventura Port District's Procurement and Purchasing Policy and rescinding Resolution No. 3450.

SUMMARY:

In 2014, the Board of Port Commissioners adopted the Procurement and Purchasing Policy to establish authority, limits, and procedures relating to the District's procurement and purchasing activities in connection with procuring contracts for goods and services from outside vendors, suppliers, service providers, and contractors. This Policy was last updated May 4, 2022.

Due to new legislation at the federal and state level, and in order to specify policies and procedures for public works, including prevailing wages, staff and legal counsel are recommending the attached amendments to the policy.

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

BACKGROUND:

The amendments and explanations are as follows:

- 1) On November 1, 2024, the District received a letter from the California State Controller Office notifying the District of changes to the Uniform Public Construction Cost Accounting Act (UPCCA) that were implemented by Assembly Bill 2192, including increases to the bid limit threshold prescribed in Public Contract Code (PCC) 22032.
 - PCC 22032(a), as amended by AB 2192, allows "public projects" and "maintenance" work projects that are subject to the UPCCA, and which cost \$75,000 or less, to be performed by employees of a public agency by force account, by negotiated contract, or by purchase order. (Prior to this amendment, the new \$75,000 threshold was set at \$60,000.)
 - Likewise, AB 2192 increased the thresholds under PCC 22032(b) and (c), to allow public projects and maintenance work projects costing (i) up to \$220,000 to be let by

contract by the UPCCA's *informal* bidding procedures; and (ii) over \$220,000 to be let by contract by the UPCCA's *formal* bidding process.

- These increases are pursuant to the provisions and benefits found in the UPCCA, and they have been adopted to (i) expedite delivery of public work projects and (ii) reduce bid processing costs.
- Section III-D of the policy has been updated to reflect these changes.

2) In April 2024, the Office of Management and Budget released revisions to the Uniform Guidance (now called the Guidance for Federal Financial Assistance), which provides guidelines for compliance with federal grant programs. The new guidance became effective on October 1, 2024, and made updates to the Uniform Guidance to streamline and clarify requirements for federal funding.

- Changes have been made to federal procurement standards to streamline the procurement process with respect to procurements funded by federal assistance or awards; this includes adjustments to thresholds and policies to (i) simplify the federal procurement process and (ii) reduce administrative burdens.
- In addition, the "Single Audit threshold" was increased from \$750,000 to \$1,000,000. Accordingly, non-federal and local public agencies that expend less than \$1 million of federal funds in a fiscal year will no longer be required to undergo a Single Audit.
- Sections V-A and V-D of the policy have been updated to reflect these changes.

3) Under California law, all workers employed on "public works" projects that (i) cost more than \$1,000 and (ii) are performed under a contract "paid for in whole or in part out of public funds" must be paid the prevailing wage determined by the Director of the Department of Industrial Relations (DIR), according to the type of work and location of the project (the prevailing wage rates are usually based on rates specified in collective bargaining agreements).

- Section VII has been added to the policy to address these requirements.
- Additionally, two contract addendums have been added to the policy, attached as Exhibits E-1 and E-2, which address California's prevailing wage requirements. These addendums can be attached to any District contract for a project that is subject to California's prevailing wage requirements.
 - Exhibit E-1 is intended to be attached to contracts for (i) design professionals and A&E consultants; (ii) small construction projects; and (iii) construction projects that will be performed by contractors who are already familiar with the DIR's extensive registration and payroll reporting requirements.
 - Exhibit E-2 is intended to be attached to contracts for (i) larger construction projects; and/or (ii) projects performed by contractors who are not already familiar with DIR's registration and payroll reporting requirements.

4) Changes have also been made throughout the policy to (i) update outdated information and (ii) add cross-references to other sections to make the policy easier to navigate.

FISCAL IMPACT:

None.

ATTACHMENT:

Attachment 1 – Ventura Port District Procurement and Purchasing Policy – Redlined

Attachment 2 – Resolution No. 3519



RESOLUTION NO. ~~3450~~3519

**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF THE VENTURA PORT DISTRICT ADOPTING A REVISED
PROCUREMENT AND PURCHASING POLICY**

WHEREAS, California Public Contract Code Section 20750 et seq. requires certain District contracts in excess of certain prescribed amounts to be let by the Board of Port Commissioners (the "Board") upon competitive bidding;~~and.~~

WHEREAS, the District's ~~existing~~ Procurement and Purchasing Policy was first adopted by the Board on April 25, 2012, by Resolution No. 3183, establishing~~, among other things,~~ the District's competitive bidding procedures as required under the Public Contract Code;~~and~~

WHEREAS, Public Contract Code Section 22000 et seq. establishes the Uniform Public Construction Cost Accounting Act (the "UPCCA"), which establishes a uniform cost accounting standard for construction work performed or contracted by local public agencies, and authorizes local public agencies to perform public projects or maintenance work by force account, negotiated contract, or purchase order, and to use informal and formal bidding procedures when contracting for public projects or maintenance work, in accordance with the statutory limits set forth in the UPCCA;~~and.~~

WHEREAS, on February 27, 2013, the Board adopted Resolution No. 3213 electing to become subject to the UPCCA, and further elected to utilize the bidding procedures in the UPCCA when contracting for public projects;~~and.~~

WHEREAS, on March 27, 2013, the Board adopted Ordinance No. 48 to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 2200 et seq.).

WHEREAS, on May 8, 2013, the Board adopted Resolution No. 3219 amending Resolution No. 3213 ~~electing to also utilize~~to authorize the use of the UPCCA's bidding procedures when contracting for maintenance work;~~and.~~

WHEREAS, ~~as a result of the Board's election to become subject to the UPCCA, the Procurement and Purchasing Policy must be amended to reflect the fact that the District's public projects and maintenance work are now subject to the UPCCA requirements, and~~also reflect that the competitive bidding requirements of Public Contract Code Section 20751 only apply to purchases by the District of supplies exceeding \$25,000.00 that are used in connection with or consumed on any work or project not subject to the UPCCA;~~and.~~

ATTACHMENT 1

~~WHEREAS, the Board finds it desirable and in the best interest of the District to rescind the existing Procurement and Purchasing Policy, Resolution No. 3428 and adopt a revised Procurement and Purchasing Policy in the manner set forth herein; and~~

NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3450, which was previously passed, approved and adopted by the Board on May 4, 2022, and adopts in its place the amended Procurement and Purchasing Policy attached hereto as Exhibit A. ~~as follows:~~

~~1. In order to effectuate changes to its policy, the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3428 and adopts in its place the revised Procurement and Purchasing Policy attached hereto as Exhibit "A."~~

~~2. If at any time after this Resolution is passed, the District wishes to amend or restate the Procurement and Purchasing Policy, it may elect to do so by Motion rather than by Resolution.~~

PASSED, APPROVED and ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on this 18th day of December 2024, ~~May 4, 2022~~ by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

ATTEST:

~~Chris Stephens~~ Michael Blumenberg, Chairman

~~Brian Brennan~~ Anthony Rainey, Secretary



Ventura Port District
Procurement
and
Purchasing
Policy

Effective October 22, 2014

Revised
March 22, 2017
May 1, 2019
June 17, 2020
September 15, 2021
May 4, 2022
December 18, 2024

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I. STATEMENT OF GENERAL POLICY

~~Except as otherwise provided in Section III-D below, the goal of this Procurement and Purchasing Policy is to enable the Ventura Port District (the "District") to (i) obtain contracts for the purchasing of materials or supplies not used in connection with or consumed on any work or project that falls within the definition of "public projects" or "maintenance work" subject to the California Uniform Public Construction Cost Accounting Act ("UPCCA") as defined in Public Contract Code Section 22002, and to (ii) procure services for the District at the best value and in a timely manner, while maintaining fairness to vendors, suppliers, service providers, and contractors, and abiding by applicable laws. The District's Board of Port Commissioners (the "Board") has adopted this Procurement and Purchasing Policy to establish the authority, limits, and procedures relating to the District's procurement and purchasing activities in connection with such contracts. All such procurement and purchasing activities for the District shall be administered in accordance with the provisions of this policy, and with the express intent to promote open and fair conduct in all aspects of the procurement and purchasing process.~~

Except as otherwise provided in Section III-D below, the goal of this Procurement and Purchasing Policy is to enable the Ventura Port District (the "District") to (i) obtain contracts for the purchasing of materials or supplies not used in connection with or consumed on any work or project that falls within the definition of "public projects" or "maintenance work" subject to the California Uniform Public Construction Cost Accounting Act ("UPCCA") as defined in Public Contract Code Section 22002, and (ii) procure services for the District at the best value and in a timely manner, while maintaining fairness to vendors, suppliers, service providers, and contractors, and abiding by applicable laws. ~~This policy~~Section III-D of this policy also establishes staff purchasing authority levels for contracts for the doing of any work or project which does fall within the definition of "public projects" or "maintenance work" subject to the UPCCA as defined in Public Contract Code Section 22002.

The District intends to maintain a cost-effective purchasing system conforming to good management practices. The Procurement and Purchasing Policy is intended to accomplish the following objectives:

- A. Provide all vendors, suppliers, service providers, and contractors with full, fair, prompt and courteous consideration;
- B. Keep competition open and fair; and
- C. Observe strict truthfulness and highest ethics in all transactions.

In order to be successful, the system must be supported by the cooperation of all District personnel. Prior planning and the timely submission of requisitions are essential to expedite the District's procurement and purchasing process and to ensure that this process is conducted in an orderly and lawful manner.

II. ETHICS IN PROCUREMENT AND PURCHASING

In dealing with the District's procurement and purchasing needs, District personnel shall be mindful of the following:

- A. That public office is a public trust and to give primary consideration to the District's interests as well as the interests of the public.
- B. Procurement and purchasing decisions shall be made without prejudice and to try to maximize the value of each dollar expended.

- C. District personnel must avoid unfair business practices or decisions and to give all qualified vendors, suppliers, service providers, and contractors an equal opportunity to participate in the procurement and purchasing process.
- D. We shall promote positive relationships with the District’s vendors, suppliers, service providers, and contractors through courteous and impartial treatment in all phases of the purchasing cycle.
- E. We shall conduct ourselves with fairness and dignity, and demand honesty and truth in the purchasing process.
- F. We must avoid the appearance of unethical or compromising practice in relationships, actions, and communications in the procurement and purchasing process.
- H. We must refrain from soliciting or accepting money, loans, credits, prejudicial discounts, gifts, favors, or services from past, present or future suppliers, vendors, service providers, or contractors that might influence, or appear to influence, purchasing decisions.
- I. All District personnel shall discharge their duties impartially so as to ensure competitive access to governmental procurement by responsible contractors.
- J. All District personnel shall conduct themselves in such a manner as to foster public confidence in the integrity of District procurement and purchasing.

III. THE PROCUREMENT AND PURCHASING PROCESS

A. Contract Administration

The District routinely utilizes the services of vendors, suppliers, service providers, and contractors for a variety of operational needs. These include, but are not limited to, the acquisition of equipment, supplies, materials, goods, maintenance services, and construction or renovation of District facilities. All contracts should include, but shall not be limited to, the following provisions:

- (1) The term or length of contract;
- (2) Description of work to be performed or services/products to be provided;
- (3) Schedule for performance;
- (4) Indemnity, insurance and bonding requirements;
- (5) Warranties and/or guarantees if applicable;
- (6) Payment schedule; and
- (7) Conditions for termination of contract.
- (8) If a contract is for District’s contracts for a public works projects that is are subject to California’s prevailing wage laws, the contract will shall also be subject to the District’s applicable contract addendum with these requirements, as discussed in Section VII, below.

Except as otherwise provided in Section III-D of this Procurement and Purchasing Policy, this policy shall not apply to the performance of, contracting for, or the doing of any “public project” or “maintenance work” subject to the UPCCA as such terms are defined under the UPCCA in

Public Contract Code Section 22002. Any such “public project” or “maintenance work” shall be subject to (i) Resolution No. 3213 adopted by the Board on February 27, 2013; (ii) the procedures, terms, and conditions set forth in the UPCCA pursuant to California Public Contract Code Section 22000 et seq.; (iii) the California Uniform Construction Cost Account Commission’s (the “Commission”) policies and procedures manual and cost accounting review procedures; (iv) Ordinance No. 48 adopted by the Board on March 27, 2013; (v) Resolution No. 3219 adopted by the Board on May 8, 2013; (vi) Ordinance No. 52 adopted by the Board on May 1, 2019; and (vii) any other resolutions, policies, and procedures that may be adopted or promulgated by the Board from time to time, and until such time as the Board has adopted a resolution electing to discontinue the District’s participation under the UPCCA.

B. Purchasing of Supplies and Vendor Services Not Used in Connection with or Consumed on any Work or Project Subject to the UPCCA. (The policies in this Section III-B are further summarized in the procurement limits chart attached to this policy as Exhibit “A” and the decision tree attached as Exhibit “C-1.”)

(1) Purchases totaling up to \$1,000.00

The General Manager and any Level 1, Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price less than or equal to \$1,000.00, without competitive bidding. Level 1 employees shall not be authorized to execute any such contract or to make any such purchase until such employee has obtained the prior approval of his/her immediate supervisor.

(2) Purchases totaling up to \$2,500.00

The General Manager and any Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project ~~not~~ subject to the UPCCA with a contract price or purchase price less than or equal to \$2,500.00, without competitive bidding, so long as such contract or purchase has been included in the District’s then-current fiscal budget and at least one (1) quote is obtained from a vendor, supplier, service provider, or contractor concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District’s then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or to make any such purchase until such employee’s immediate supervisor has reviewed and approved the written quote and proposed contract/order.

(3) Purchases totaling up to \$10,000.00

The General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price less than or equal to \$10,000.00, without competitive bidding, so long as such contract or purchase has been included in the District’s then-current fiscal budget and at least one (1) quote is obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District’s then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular

or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or to make any such purchase until the General Manager has reviewed and approved the written quotes and proposed contracts/orders.

(4) Purchases totaling up to \$25,000.00

The General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project ~~not~~ subject to the UPCCA with a contract price or purchase price less than or equal to \$25,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least two (2) quotes are obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least two (2) quotes have not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board.

(5) Purchases Over \$25,000.00

Any order or contract for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price greater than \$25,000.00 is subject to the competitive bidding procedures set forth in Section III(C), below, unless an applicable exception under Section IV, below, applies.

C. Competitive Bidding Procedures for Work or Projects Not Subject to the UPCCA

As provided, among other things, in Public Contract Code Section 20751, contracts for the purchasing of supplies ~~(or vendor services not~~ used in connection with or consumed on any District work or project ~~not~~ subject to the UPCCA) must be let by competitive bidding where the amount of the contract exceeds \$25,000.00. This subsection sets out the competitive bidding procedures for such contracts.

When the ~~purchasing of supplies or vendor services used in connection with or consumed on any District work or project not subject to the UPCCA is contemplated and those~~ supplies or vendor services are within the current approved fiscal year's budget, the General Manager shall cause to be prepared the appropriate plans, specifications, scope of work, or ~~and~~ other descriptive information for the publication of a notice inviting sealed bids for performance for the proposed purchase. When those supplies or vendor services are not within the current fiscal year's budget, the General Manager will make a recommendation to the Board with a cost estimate and other supporting documentation appropriate for the size and scope of the proposed purchase in order for the Board to approve a change to the budget prior to publishing a competitive bid.

Once the competitive bid plans, ~~and~~ specifications, scope of work or other information ~~have~~ has been prepared, the notice advertising the competitive bid shall be published in a newspaper of general circulation in accordance with the Public Contract Code.

The contract documents shall be prepared utilizing the District's standard forms, with such modifications as may be appropriate for the particular supplies or materials to be acquired and purchased. In the event of an emergency, applicable Public Contract Code provisions will be followed.

All bids shall be presented under sealed cover on forms furnished by the District. Sealed bids shall be opened at the time and place stated in the advertisement for bid with no less than two representatives of the District in attendance. When all bids have been evaluated, the General Manager shall make a recommendation to the Board regarding award of the contract to the lowest responsible bidder.

If the lowest bidder is disqualified for any reason, or if the bids exceed the cost estimates previously approved, the General Manager shall evaluate the options available and make a recommendation to the Board, which may include, but not be limited to, a recommendation of no award. The Board will make the final decision regarding the award of contract under this Section III-C. At the direction of the Board and after legal counsel review, the General Manager shall execute any such contract.

D. Contracts for the Doing of Any Public Project or Maintenance Work that is Subject to the UPCCA. (The following policies in this Section III-D are at the discretion of the Board of Commissioners. They are equal to or above and beyond that which is required by the UPCCA). The policies in this Section III-D are further summarized in the decision trees attached to this policy as Exhibit “C-1” and Exhibit “C-2.” The UPCCA’s definitions of (i) a “public project” and (ii) the type of “maintenance” work that is subject to the UPCCA and this Section III-D are set forth in the “UPCCA Summary Sheet” attached as Exhibit “B.”)

(1) *Contracts totaling up to \$1,000.00*

The doing of any “public project” or “maintenance” work of the District that is subject to the UPCCA, (as defined in the UPCCA Summary Sheet) or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$1,000.00 can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 1 employee, Level 2 employee, Level 3 employee, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. Level 1 employees shall not be authorized to execute any such contract or purchase order until such employee has obtained the prior approval of his/her immediate supervisor. No notice inviting informal bid for any such public project or maintenance work need be provided.

(2) *Contracts totaling up to \$2,500.00*

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$2,500.00 can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District’s then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 2, Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District’s then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase

order), shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or purchase order until such employee's immediate supervisor has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.

(3) Contracts totaling up to \$10,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$10,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(4) Contracts totaling up to \$25,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$25,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(5) Contracts totaling up to ~~\$60~~75,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to ~~\$60~~75,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such

public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(6) Contracts totaling \$6075,000.01 - \$200220,000.00

Any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$6075,000.00 but less than or equal to \$200220,000.00, must go through the UPCCA's informal bid process as set forth in the District's Ordinance No. 48 adopted March 27, 2013, as amended by the District's Ordinance No. 52 adopted May 1, 2019, as may be further amended from time to time, and as summarized in the "UPCCA Summary Sheet" ~~attached hereto as Exhibit "B" and incorporated herein by reference.~~ The General Manager shall be authorized to send out a notice inviting informal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The informal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized ~~on~~ in the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account. If all bids received are greater than \$200220,000.00, the Board can adopt by resolution by a four-fifths (4/5) vote and award the contract at ~~\$212,050~~ 235,000.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting informal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

(7) Contracts over \$200220,000.00

Unless otherwise provided in Section III-D(6), above, any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$200220,000.00 is subject to the UPCCA's formal bidding procedures (including the notice inviting formal bids, adoption of plans, and the awarding of bid) as summarized ~~on~~ in the attached UPCCA Summary Sheet. The General Manager shall be authorized to send out a notice inviting formal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The formal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA, ~~as~~ as summarized ~~on~~ in the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account or by the informal bidding procedures detailed for public projects greater than \$6075,000.00 but less than or equal to \$200220,000.00. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting formal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

E. Change Orders

The General Manager shall have the authority to approve and execute on behalf of the District any change order to a contract (i) awarded by District personnel (including the General Manager) or the Board pursuant to Section III of this Procurement and Purchasing Policy; or (ii) awarded by the Board (or by any person who the Board has delegated authority to) for a public project or maintenance work under the UPCCA, as follows:

- (1) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (2) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manger has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (3) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (4) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (5) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a "public project" or "maintenance work" under the UPCCA) greater than \$10,000.00 that are more than ten percent (10%) of the original contract amount, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board.

F. Professional Service Agreements

Professional services are defined as unique, technical and/or infrequent functions performed by an independent contractor/vendor qualified by education, experience, certification and/or technical ability to provide services. Typical District services that are obtained through professional services contracts include architectural, landscape architectural, professional engineering, environmental, land surveying, construction and project management, information technology, consulting, marketing, legal, and ~~construction project management~~ financial services. Professional services contracts shall be awarded to professional service providers on the basis of demonstrated competence and qualifications for the types of services to be performed, and at fair and reasonable prices to the District. ~~Architectural, engineering, project management, inspection and other such professional services may be required and shall be awarded using the District's standard Professional Services Agreement. The Board shall approve all Professional Services Agreements over the amount of \$25,000.00. The General Manager and/or Deputy General Manager~~ is authorized to enter into a Professional Services Agreement in an amount of \$25,000.00 or less without prior Board approval provided the services have been included in the District's then-current fiscal budget. Any Professional Services Agreement not included in the District's then-current fiscal year budget requires the prior approval of the Board. The ~~Accounting Manager~~ representative for the District identified in the Professional Service Agreement is authorized to approve routine invoices for contracts and services that have already been authorized by the Board or the General Manager and/or Deputy General Manager. The policies in this Section III-D(F) are further summarized in the decision tree attached to this policy as Exhibit "C-1."

G. Prohibition against Serial or Cumulative Expenditures

The authority for making expenditures or executing contracts as provided in this policy is intended to enable the General Manager and District staff to understand the scope of this authority in procurement activities made on behalf of the District. The structuring of transactions in a serial or cumulative manner so as to avoid the requirement of approval by the Board is strictly prohibited and will not be tolerated. In addition, for public projects or maintenance work of the District that is subject to the UPCCA, the UPCCA prohibits a local agency to split or separate into smaller work orders or projects any such public project or maintenance work for purposes of avoiding the UPCCA's formal bidding requirements, as summarized in the attached UPCCA Summary Sheet. Thus, the costs associated with the purchase of materials or supplies, when purchased or used as part of a public project or maintenance work subject to the UPCCA, become part of the project cost and must be considered when applying the bid limits set forth in Section III-D above. For example, on a public project subject to the UPCCA that will pay a contractor \$~~100,000~~110,000.00 for construction services and a separate vendor \$~~100,000~~110,001.00 for the purchase of materials or supplies to be used on the project, such project will have a total contract price of \$~~200,000~~220,001.00 and the contracting services and the separate purchase of materials and supplies will each be subject to the UPCCA's formal bidding procedures— applicable to public projects or maintenance work of more than \$220,000.00. Likewise, as an example, if maintenance work subject to the UPCCA will have a total cost of \$100,000.00 (e.g., \$50,000.00 to be paid for maintenance services to one contractor and \$50,000.00 to be paid to a separate vendor for materials and supplies for that maintenance project), the maintenance services contract and the purchasing contract will each be subject to the UPCCA's informal bidding procedures— for public projects and maintenance work that costs more than \$75,000.00 in total.

H. Future Modifications of Bid Limit Thresholds

In the event the bid limit thresholds proscribed in Public Contract Code Section 22032 are later modified, District staff is hereby authorized and directed to revise this Procurement and Purchasing Policy to conform with the maximum bid threshold limits permitted by law. Upon such

an event, District staff shall notify the Board of the bid threshold limit modifications and the corresponding amounts.

IV. **EXCEPTIONS TO COMPETITIVE BIDDING**

The following exceptions shall apply to the competitive bidding procedures set forth in Section III-C above:

A. **Sole Source Procurement**

There may be limited situations where the District requires particular contracts for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, for which there is no substantial equivalent and which are, in fact, available from only one vendor, supplier, service provider, or contractor, and therefore, in such situations, the use of competitive bidding may be impractical.

The Board has determined that it is in the District's best interests to authorize the General Manager to engage in sole source procurement under limited circumstances. The General Manager, on behalf of the District, may execute a contract for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, on a sole source basis, and without competitive bidding, on the following conditions:

- (1) The General Manager determines, after conducting a good faith review of available sources, that there is only one source for such supplies required by the District.
 - (a) Examples of sole source procurements include, but shall not be limited to, the following:
 - (i) ***Licensed or Patented Applications:*** The vendor, supplier, service provider, or contractor is the sole provider of a licensed, patented, or proprietary application, product, material, supplies, or item required by the District that has unique design or performance features providing superior utility not obtainable from similar vendors, suppliers, service providers, or contractors.
 - (ii) ***Authorized Service Provider, Repair and Warranty Services:*** The District requires service or repair support for such supplies and the vendor, supplier, service provider, or contractor is either a factory authorized warranty service provider or such vendor, supplier, service provider, or contractor is required for warranty services pursuant to the terms and conditions of an existing District contract.
 - (iii) ***Unique Design:*** The District has a specialized need and the vendor, supplier, service provider, or contractor is the sole provider of such supplies that can meet the District's specialized needs or to perform the intended functions. This includes products with special features essential for the completion of a task or project, or with physical or artistic design characteristics that satisfy aesthetic requirements.

(iv) ***Trial and Evaluation Projects:*** A limited duration, limited scope, pilot, trial or evaluation of a product, range of products or services. A trial or evaluation project would typically be part of establishing a standard for a District department, or to pilot a particular product or services for a District need.

(v) ***Grant Funded Approved Products and/or Vendors:*** Where a granting authority is providing funding for the procurement of products and/or services and the granting ~~agency~~ authority requires that those products and/or services must be selected from an approved list of products and/or vendors at the time of application, the District may procure the approved product and/or services, provided that:

1. The grantor has approved the grant to the District;
2. The products and/or services procured are from the grantor's approved products/services list; and
3. That such procurements in excess of \$25,000 be approved by the Board ~~of Port Commissioners~~.

(2) Such sole-source contract has been included in the District's then-current fiscal budget.

(3) The General Manager provides a written report to the Board containing the following information:

- (a) A brief description of the circumstances surrounding the sole source procurement, and the need for immediate acquisition;
- (b) A statement and/or justification of the General Manager's good faith determination that a sole source opportunity has been presented to the District; and
- (c) A brief description of the supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the sole-source vendor, supplier, service provider, or contractor.

(4) The Board approves the sole-source contract at the next scheduled workshop or regular or special meeting of the Board.

If such sole source contract has not been previously included in the District's then-current fiscal budget or such contract exceeds the amount budgeted for that particular contract in the District's then-current fiscal budget, such contract shall require prior Board approval.

B. Piggybacking

Piggyback contracting occurs when a public agency enters into a contract, without competitive bidding, with a particular supplier, vendor, service provider, or contractor who has already been awarded a contract for the purchase of the same or similar materials or supplies by another public agency or governmental entity pursuant to ~~such~~ that agency's or entity's

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competitive bidding process. Piggybacking on other public agency or governmental entity contracts can reduce administrative and project costs and achieve greater efficiency and economies of scale.

The Board has determined that it is in the District's best interests to authorize the General Manager to participate in piggybacking opportunities whenever possible. The District may piggyback on other public agency or governmental entity contracts for the purchase of the same or similar materials or supplies and the General Manager is authorized to execute on behalf of the District a contract for the purchasing of such materials or supplies used in connection with or consumed on any project or work not subject to the UPCCA without separate competitive bidding by the District, on the following conditions:

- (1) The General Manager has determined that it is in the District's best interest to engage in a piggybacking opportunity for the purchase or contract of such materials or supplies with a particular vendor, supplier, service provider, or contractor if such opportunity will result in significantly reduced costs to the District (administrative costs, project costs, or otherwise), or will achieve greater efficiency or economies of scale for District projects.
- (2) Such vendor, supplier, service provider, or contractor has been previously awarded a contract with another local, state, or federal agency or governmental entity pursuant to ~~such that~~ agency's or entity's competitive bidding process to provide materials or supplies that are same or similar or related to the District's proposed contract or purchase.
- (3) Such piggybacking contract has been included in the District's then-current fiscal budget.
- (4) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the piggybacking opportunity;
 - (b) A brief description of the benefits and cost savings the District will receive as a result of the piggybacking opportunity; and
 - (c) A brief description of the materials or supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the vendor, supplier, service provider, or contractor.
- (5) The Board has approved the piggybacking contract at the next scheduled workshop or regular or special meeting of the Board.

Notwithstanding anything contained in Section III or this Section IV-B to the contrary, the District's dredging projects located within the Ventura Harbor will be subject to Public Contract Code Section 20751.2, which authorizes the District to award a contract for the performance of dredging work within the District's boundaries without competitive bidding, provided each of the following apply: (a) the dredging contractor was selected through a federal competitive bidding process for a federal dredging project then underway in the County of Ventura; and (b) the Board makes written findings, based on substantial evidence in the record, that the contract awarded

pursuant to such section 20751.2 is likely to cost less than a contract awarded pursuant to Public Contract Code Section 20751.

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 (4/5) 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.

D. Local Vendor Preference

In determining the lowest responsible bid pursuant to the District’s competitive bidding procedures set forth in Section III(~~C~~),¹ above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, and as summarized in the attached UPCCA Summary Sheet, the Board finds it desirable and in the best interests of the District to establish a local business preference program in order to reduce the competitive barriers faced by local businesses (the “Local Business Preference Program”).

This Local Business Preference Program shall be taken into account in determining the lowest responsible bid in awarding a contract subject to the District’s competitive bidding procedures set forth ~~above~~in Section III-C, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, and as summarized in the attached UPCCA Summary Sheet.

(1) Local Business Preference Program

In determining the lowest responsible bid, the General Manager shall include the following:

- (a) For (i) any District contract for the purchasing of materials or supplies used in connection with or consumed on any work or ~~project not subject~~ project subject to the UPCCA reasonably estimated by the General Manager to have a contract amount greater than \$25,000.00; or (ii) any public project or maintenance work subject to the UPCCA’s formal bidding procedures, the District shall assign a five percent (5%) bid price reduction “preference” during the bid evaluation process (the “Local Business Preference”) to any bid from any person or entity that is determined by the General Manager to be a Local Business (as defined in subsection (b) of this ~~Section IV~~Section IV-D(1)).
- (b) “Local Business” shall mean a person or entity that has for at least twelve (12) months immediately preceding submittal of its bid

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maintained its principal business office within the geographic boundaries of Ventura County, California.

- (c) Except as otherwise provided in this Section IV-D, the provisions set forth in this Section IV-D shall not supersede the other provisions set forth in this Procurement and Purchasing Policy or the uniform public construction cost accounting procedures set forth in the UPCCA, whichever shall apply. If any inconsistency or conflict exists or arises between the terms of this Section IV-D and the other provisions set forth in this Procurement and Purchasing Policy or the UPCCA, whichever shall apply, such other provisions shall control.
- (d) This Local Business Preference Program shall not be applied under the following circumstances:
 - (i) National contracts;
 - (ii) Revolving fund (petty cash) purchases;
 - (iii) Credit card purchases;
 - (iv) Contracts not subject to the District's competitive bidding procedures;
 - (v) Any contracts funded by the federal government where there are conflicting requirements for minority or women-owned business participation.
 - (vi) Where such preference is otherwise prohibited by law;
 - (vii) Emergency procurements;
 - (viii) Piggybacking or sole source procurements; or
 - (ix) Contracts or projects relating to dredging or dock rehabilitation and/or replacement.

(2) **Procedures for the Local Business Preference Program**

- (a) Once all bids are opened, the bids of those bidders who are Local Businesses shall be reduced by five percent (5%) for purposes of determining the lowest responsible bidder. If the bid of a Local Business, after applying the Local Business Preference, is then the lowest responsible bidder (the "Lowest Local Business Bidder"), that Lowest Local Business Bidder shall have the opportunity to reduce its bid to match the bid of the actual lowest responsible bidder, in writing, within one (1) business day, whereupon the General Manager shall make a recommendation to the Board to award ~~said~~ that Lowest Local Business Bidder with the contract if the General Manager determines, in his or her sole discretion, that

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such bid is responsive to all of the terms and conditions stated in the District's previously published notice inviting bids.

- (b) If the Lowest Local Business Bidder does not elect to reduce its bid to match the bid of the actual lowest responsible bidder, then the next lowest Local Business bidder (the "Second Lowest Local Business Bidder") shall be given the opportunity to match the bid of the actual lowest responsible bidder in the time and manner set forth in subsection (a) of this Section IV-D(2), above; *provided, however*, the bid of such Second Lowest Local Business Bidder must also be within five percent (5%) of the actual lowest responsible bid.
- (c) An award may be made to the lowest aggregate responsible bidder for all items on the invitation to bid, on a group or an individual basis, whichever is found to be in the best interest of the District.
- (d) All bids are subject to rejection by the Board in its absolute and sole discretion, and in those instances where evaluation dictates the rejection of the lowest bid as not meeting the requirements established in the invitation to bid, the vendor shall be notified of the reason for rejection.

V. FEDERALLY FUNDED PROCUREMENT POLICY

A. Purpose and Applicability

This section pertains to federally funded projects and purchases. The purpose of this section is to ensure compliance with all applicable federal requirements when federal ~~money~~ **financial assistance** is being expended by the District. Procurements funded in whole or in part with ~~Federal~~ **federal** funds must comply with Code of Federal Regulations (CFR), Title 2 – Grants and Agreements, Subtitle A – Office of Management and Budget Guidance for ~~Grants and Agreements~~ **Federal Financial Assistance, Subpart D (Procurement Standards) of Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR §§ 200.317 to 200.327)**.

~~Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Procurement Standards, which is available at <https://www.grants.gov/learn-grants/grant-policies/omb-uniform-guidance-2014.html> (Document Citation: 2 CFR 200).~~

To the extent that any provisions of this policy are inconsistent with any other District regulations, the provisions of this policy shall prevail with respect to federally funded procurements. If any provisions of this policy become inconsistent with federal requirements, whether due to a change in federal law or regulations, through judicial precedent, or for any other reason, then the District shall not be required to comply with the inconsistent provision.

B. Methods of Procurement

In addition to the District's purchasing policy approval limits, one of the following methods should be used:

- (1) **Micro-purchase:** Purchases where the aggregate dollar amount does not exceed \$10,000, or the current limitation set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1, where this threshold is periodically adjusted for inflation. No bid or quote process is required. No cost or price analysis is required. Purchases should be distributed among a range of qualified vendors.
- (2) **Small purchase:** Purchases up to the Simplified Acquisition threshold (the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods), which is currently \$250,000, and is adjusted from time to time. Informal purchasing procedures are acceptable, but price or rate quotes must be obtained from an adequate number of sources. Purchases made should be distributed among a range of qualified vendors.
- (3) **Sealed bid:** Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. Under this purchase method, formal and public solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price. This method is the preferred procurement method for construction contracts if the following conditions apply:
 - (a) A complete, adequate, and realistic specification or purchase description is available;
 - (b) Two or more responsible bidders are willing and able to compete effectively for the business, and,
 - (c) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

If this method is used, the following requirements shall apply:

- (i) The invitation for bids will be publicly advertised, including through electronic advertising, and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date for opening the bids;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the terms or services in order for the bidder to properly respond;

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- (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids;
 - (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts will only be used in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - (v) Any or all bids may be rejected if there is a sound documented reason.
- (4) **Competitive proposals:** Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. This procurement method requires formal solicitation, fixed-price, or cost-reimbursement contracts, and is used when sealed bids are not appropriate. The contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with price being one of the various factors. If this method is used, the following requirements apply:
- (a) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - (b) Proposals must be solicited from an adequate number of qualified sources;
 - (c) The methods for conducting technical evaluations of the proposals received and for selecting recipients may include, but not be limited to: oral interviews, references, past performance, availability to perform work, and certifications as determined by project scope.
 - (d) Any response that takes exception to any mandatory items in this proposal process may be rejected and not considered;
 - (e) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and,
 - (f) Competitive proposal procedures may be used for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.

- (5) **Noncompetitive proposals:** Also known as sole-source procurement, this may be appropriate only when one or more of the following criteria are met:
- (a) The item is available only from a single source;
 - (b) The public emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (c) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the nonfederal entity; or
 - (d) After solicitation of a number of sources, competition is determined inadequate.

C. Contract Cost and Price

A cost or price analysis shall be performed in connection with every procurement action in excess of the Simplified Acquisition threshold (\$250,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, independent estimates shall be made prior to receiving bids and proposals.

- (1) Profit shall be negotiated as a separate element of the price for each contract in which there is a no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (2) Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District under Subpart E – Cost Principles of 2 CFR Part 200 –Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- (3) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall be used.

D. Single Audit Threshold

If the District, as a non-Federal entity, expends \$1,000,000 or more in federal awards during its fiscal year, the District must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 C.F.R. §§ 200.501-200.507.

VI. VENDOR AND CONTRACTOR REGISTRATION DIRECTORY

The District invites vendors to express their interest in doing business with the District. Vendors and contractors to which this Procurement and Purchasing Policy apply may download registration forms from the District's website located at <https://venturaharbor.com/public-bidding/>.

To properly register with the District, all such vendors and contractors interested in doing business with the District shall be required to complete a registration form and submit it to the District by email or mail.

VII. PREVAILING WAGES AND VENDOR AND CONTRACTOR REGISTRATION REQUIREMENTS

A. Prevailing Wages

Any project that constitutes a “public works” under California Labor Code section 1720, et seq., is subject to the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code¹ and its implementing regulations set forth in Title 8 of the California Code of Regulations (collectively, “Prevailing Wage Laws”), which require the payment of prevailing wages, the training of apprentices, and compliance with other applicable requirements. Prevailing wages apply to all projects defined as a “public works” project by the State of California that cost more than \$1,000 and are performed under a contract “paid for in whole or in part out of public funds,” excluding work done by a public agency itself (collectively, “Public Work”).² This includes construction, demolition, repair, alteration, maintenance,³ and the installation of photovoltaic systems under a power purchase agreement when certain conditions are met under California Labor Code section 1720.6. -This also includes (i) service and warranty work on public buildings and structures and land surveying; (ii) surveying, material testing, or inspection services provided for a Public Work construction project, during the design, site assessment, feasibility study, and other preconstruction phases of construction; (iii) concrete deliveries and certain delivery of paving materials which are incorporated into the project at the time of delivery; and (iv) work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite and the hauling of refuse from a Public Work jobsite to an outside disposal location.

Accordingly, most contracts between the District and vendors or contractors (collectively, in this Section VII, “Contractor”) for construction-related services that are subject to this Procurement and Purchasing Policy will trigger the prevailing wage requirements applicable to a Public Work project. This Section VII discusses these requirements.

B. Application to District Leases and Contracts for Tenant Improvements

Applying these definitions and concepts to tenant improvements that may be required and contracted for at the outset of a lease where the landlord is a public agency and the tenant is a private entity, if the tenant is required to do tenant improvements and pays for those improvements itself, then the tenant improvements are typically **not** a Public Work project. Conversely, if any portion of the tenant improvements that constitute a Public Work will be paid for using District funds, then the **entire project** is Public Work project, and laborers must be paid prevailing wages.

This can happen, and Contractor and any subcontractors must abide by all applicable Prevailing Wage Laws, if **any portion** of a Public Work project will be paid for using District funds. Such as, for example, tenant improvements required under a District lease agreement that will be: (i) paid for by the District directly but performed by the tenant’s contractor (regardless of whether the District or the tenant contracts for the contractor’s services); (ii) paid for by the District

¹ See Labor Code sections 1720 through 1861.

² The definition of “public works” triggering Labor Code compliance can be found in Labor Code sections 1720 and 1771. “Maintenance” is defined at 8 CCR section 16000.

in the form of a direct payment to the tenant or its contractor before, during, or after completing the tenant improvements (as a reimbursement), and/or as a credit for some future expense, such as rent; (iii) paid for by way of a tenant improvement allowance established under a written lease or other contract with the District; or (iv) part of a larger project undertaken by the District.

Based on these considerations, with respect to any tenant improvements authorized or required under a District lease or other contract, the Board has determined that it is in the District's best interests to either (i) have the District's own workforce construct the tenant improvements, in which case prevailing wages would not be required; (ii) have the tenant perform the work itself, or contract and pay for the improvements using its own funds (without any reimbursements or credits from the District); or (iii) have the District contract for the tenant improvement project, and require Contractor to pay prevailing wages and meet the other requirements of the DIR that are summarized in this Section VII below. This determination will be decided by the Board on a case-by-case basis, and any resulting obligations concerning such will be clearly set out in a written lease agreement or other form of contract between the District and the tenant.

C. Excluded Workers and Projects

The Prevailing Wage Laws apply to "work performed under contract" and not to work carried out by the District's own workforce. In addition, and with respect to the above example involving tenant improvements, if tenant improvements are being performed by a tenant directly or on behalf of a tenant and no District funds, reimbursements, or credits are provided in exchange for the tenant improvements, the prevailing wage requirements applicable to a Public Work project will not be triggered and laborers do not need to be paid prevailing wage for that project.

D. Prevailing Wage Information and Requirements

- (1) **Prevailing Wage Rates.** The applicable California prevailing wage rate(s) can be found at www.dir.ca.gov and are on file with the District's principal office. Contractor is required to have a copy of the applicable wage determination posted and/or available at each jobsite. Overtime must be paid for work in excess of 8 hours per day or 40 hours per week pursuant to Labor Code Sections 1811-1813. Special prevailing wage rates generally apply to work performed on weekends, holidays, and for certain shift work. Depending on the location of the project and the amount of travel incurred by workers on the Public Work project, certain travel and subsistence payments may also be required. Contractors and subcontractors are on notice that information about such special rates, holidays, premium pay, shift work and travel and subsistence requirements can be found at www.dir.ca.gov, including Industrial Welfare Commission Order No. 16-2001.
- (2) **Registration and Labor Compliance.** Pursuant to Labor Code Sections 1725.5 and 1771.1, all Contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract with the District to perform a Public Work project must be registered with the Department of Industrial Relations ("DIR") as a "public works contractor" at the time of bid; provided, however, where a prime contract is less than (i) \$15,000 for maintenance work or (ii) \$25,000 for construction, alternation, demolition or repair work, registration is not required. No bid will be accepted, and no

contract will be entered into, without proof of the Contractor's and subcontractors' current registration with the DIR to perform a public works project. The Contractor and its subcontractors, of any tier, must maintain active registration with the DIR for the duration of any contracted Public Work project. If a contract with the District is for a Public Work project, it will be Contractor's and its subcontractors' sole responsibility to comply with all applicable Prevailing Wage Laws and registration and labor compliance requirements, including the submission of certified payroll records directly to (a) the District and (b) the DIR, pursuant to the Prevailing Wage Laws and the terms of the District's contract addendum with the prevailing wage requirements, which is attached to this policy as "Exhibit E."

E. District Verification and Monitoring Requirements

If a contract between the District and any Contractor is for a Public Work project that is subject to the Prevailing Wage Laws, the representative for the District identified in the contract for the project should complete the applicable sections in the District's "Contractor Notice to Proceed" form attached to this policy as Exhibit "D" and (i) verify that the Contractor and all subcontractors have registered with the DIR at the time of the bid award (unless one of the exemptions in Section VII-D(2) applies); (ii) verify whether a "PWC-100" form must be filed with the DIR; (iii) obtain certified payroll documents from the Contractor and any subcontractors performing work on the project within the first two (2) weeks of the project's start date; and (iv), at the conclusion of the project, record a Notice of Completion with the Ventura County Recorder's office for each Prevailing Wage project by the required deadline.

F. Interaction and Application of California's Prevailing Wage Laws for Purely Federal Projects Under the Davis-Bacon Act.

The California law restricting the reduction of the "basic hourly rate" under California's Prevailing Wage Laws is distinct from the federal prevailing wage laws under the Davis-Bacon Act. The Davis Bacon Act does not prohibit the crediting of employer payments or benefit contributions towards fulfilling the hourly wage rate listed in the contract wage determination on federally funded projects. Contractors performing work on projects which are governed by *both* the federal Davis-Bacon Act and the California prevailing wage requirements must, however, continue to comply with state requirements in order to be in compliance with California law.

When (i) contractors perform work on a Public Work project that has mixed funding (both federal and state); or (ii) federally funded projects are controlled or carried out by the District (or California awarding bodies of any sort), the application of state prevailing wage rates is required when those rates are *higher* than the federal prevailing wage laws under the Davis-Bacon Act.

VIII. BUDGETING FOR CAPITAL IMPROVEMENT PROJECTS

In developing the District's fiscal budget, District staff shall use the following guidelines in identifying, managing, administering, and budgeting for capital projects for the following fiscal year:

- A. Start early in the fiscal year to clearly define a project; involve a range of staff levels; take into consideration aesthetics, marketing, and maintenance issues in developing projects.

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- B. Provide any reports, plans, drawings, specifications, design ideas, cost benefit studies and analysis, and other related materials that may be necessary or useful in assisting the Board in determining whether a particular capital improvement project should be approved in connection with the Board's approval of the District's proposed budget for a particular fiscal year;
- C. Work diligently with any ad hoc committees of the Board for purposes of making recommendations of potential capital improvement projects;
- D. After a particular project has been identified and budgeted, District staff should diligently engage in interviewing and selecting qualified design or engineering firms or consultants to assist the District in designing and preparing the plans and specifications of such project;
- E. District staff shall work with the design or engineering firm or consultant in establishing project targets and milestones in order to ensure that the project is proceeding according to schedule and to plan.

IX. EXHIBITS

The following exhibits that are attached to this policy are incorporated herein by reference:

Exhibit A – District Employee Procurement Limits Chart

Exhibit B – UPCCA Summary Sheet

Exhibit C-1 – Ventura Port District Procurement Policy Decision Tree-: 2 of the 3 Service Types

Exhibit C-2 – Ventura Port District Procurement Policy Decision Tree: 1 of the 3 Service Types

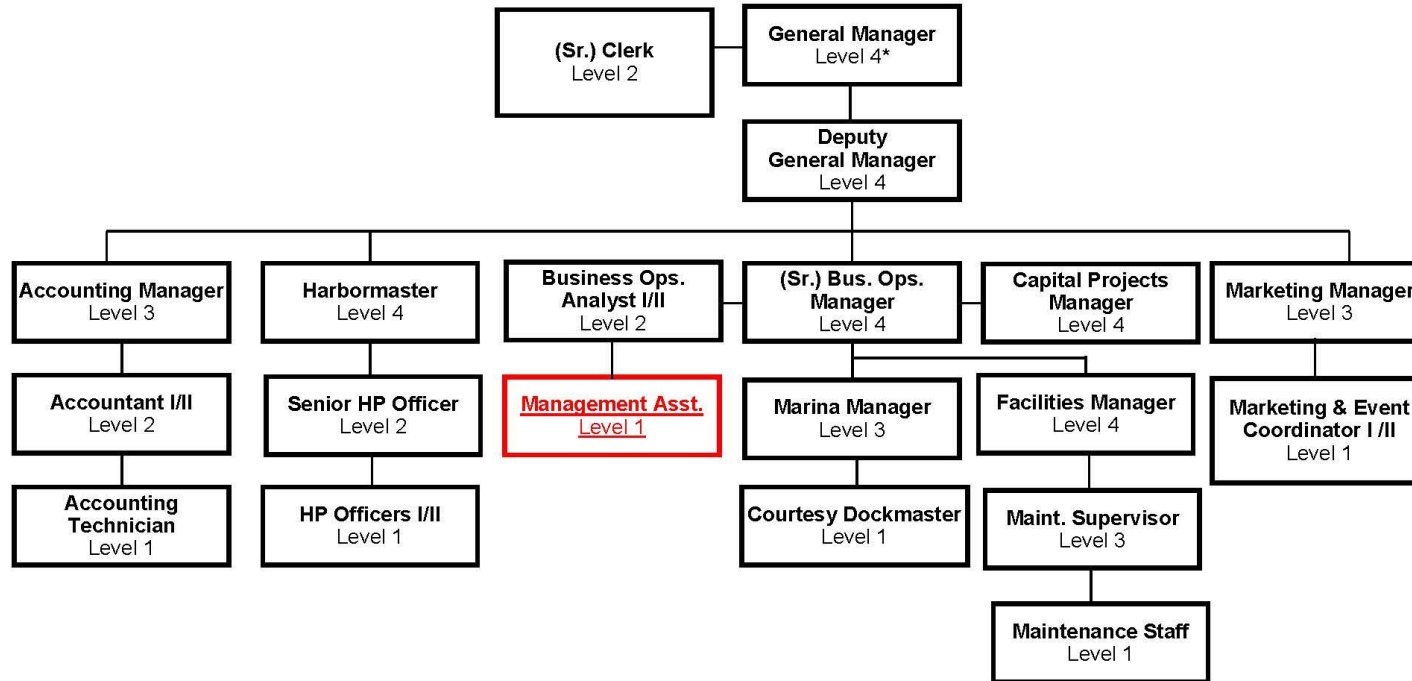
Exhibit D – Contractor Notice to Proceed

Exhibit E-1 – Prevailing wage requirements for larger public works projects

Exhibit E-2 – Prevailing wage requirements for smaller public works projects

EXHIBIT "A"

Ventura Port District
Employee Procurement
Limits Chart
REV 9/2021-12/2024



Purchasing of Supplies Used in connection with or consumed on any work or project not subject to the UPCCA:

- Level 1: Purchases totaling up to \$1,000
- Level 2: Purchases totaling up to \$2,500.00
- Level 3: Purchases totaling up to \$10,000.00
- Level 4: Purchases totaling up to \$25,000.00

Contracts for the Doing of any Public Project or Maintenance Work that is subject to the UPCCA:

- Level 1: Contracts totaling up to \$1,000
- Level 2: Contracts totaling up to \$2,500.00
- Level 3: Contracts totaling up to \$10,000.00
- Level 4: Contracts totaling up to \$25,000.00
- GM: Contracts totaling up to \$~~7560~~75,600,000.00*

EXHIBIT “B”

VENTURA PORT DISTRICT

UPCCA SUMMARY SHEET

Contracts for the Doing of “Public Projects”

- “Public Project” means any of the following:
 - Construction, reconstruction, erection, alteration, renovation, improvement, demolition, installation and repair work involving any publicly owned, leased or operated facility.
 - Painting or repainting of any publicly owned, leased, or operated facility. A “facility” means any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work of improvement.

- Public Projects totaling up to ~~\$60~~75,000.00
 - Can be performed by the District’s employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.

- Public Projects greater than ~~\$60~~75,000.01 but less than or equal to ~~\$200~~220,000.00
 - Must send out notice inviting informal bids
 - Contents of notice:
 - Describe project in general terms and how to obtain more detailed information about the project.
 - State the time and place for the submission of bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District’s contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Mailing of Notice:
 - Mail notice to all contractors for the category of work to be bid as shown on the qualified bidder’s list developed by the District.
 - Additional contractors and/or construction trade journals may be notified at the District’s discretion.
 - If no list of qualified contractors is maintained by the District for the particular category of work to be performed, the notice inviting informal bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission’s (the “Commission”) current Cost Accounting Policies and Procedures Manual (last updated ~~December 2012~~ in 2021 and accessible here: ~~https://www.sco.ca.gov/ard_cuccac.html~~ https://www.sco.ca.gov/ard_cuccac.html).
 - If the product or service is proprietary in nature such that it can only be obtained from certain contractor(s), the notice inviting informal bids may be sent exclusively to such contractor(s).

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- All mailing of notices to contractors and construction trade journals inviting informal bids must be completed not less than 10 calendar days before bids are due.
- Bids received in excess of \$~~200~~220,000.00
 - If all bids received are greater than \$~~200~~220,000.00, the Board can adopt by resolution by a four-fifths (4/5) vote and award the contract at \$~~212,050~~235,000.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable.
 - Otherwise, formal bidding procedures must be used for public projects of more than \$~~200~~220,000.00.
- Awarding of Bid
 - The District can reject any and **all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least ~~two~~2 business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for informal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote (4/5) of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account.
- Public Projects greater than \$~~200~~220,000.00. (Referred to in the District's Procurement and Purchasing Policy as the "UPCCA's formal bidding process.")
 - Must send out notice inviting formal bids
 - Contents of notice:
 - Describe project in distinct terms and how to obtain more detailed information about the project.
 - State the time and place for the receiving and opening of sealed bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District's contact information.
 - Bid bond/performance bond/payment bond requirements.

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- Publication of notice:
 - The notice inviting formal bids must be published in a newspaper of general circulation, printed and published in Ventura County, at least 14 calendar days before the date of the opening of the bids.
- Mailing/Emailing/Faxing of Notice:
 - The notice inviting formal bids must also be sent electronically, if available, by email or fax, and mailed to the construction trade journals specified in the Commission's current Cost Accounting Policies and Procedures Manual ~~updated December 2024~~. (last updated in 2021 and accessible here: https://www.sco.ca.gov/ard_cuccac.html).
 - Note: The District is not required to mail a notice to any specified trade journal if that trade journal is charging for its services or is out of business. Instead, the District should find some other method of notifying potential contractors of published jobs providing information on how to be added to the District's informal bidding lists (e.g., through the District's website).
- Adoptions of Plans
 - The ~~board~~ Board must adopt plans, specifications, and working details for all public projects exceeding \$~~200~~220,000.00.
- Awarding of Bid
 - The District can reject any and **all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least ~~two~~2 business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for formal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote (4/5) of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account or by the informal bidding procedures detailed for public projects greater than \$~~60~~75,000.00 but less than or equal to \$~~200~~220,000.00, as summarized above.

Contracts for the Doing of “Maintenance Work”

- “Maintenance Work” means any of the following:
 - Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - Minor repainting.
 - Resurfacing of streets and highways at less than one inch.
 - Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - Work to be performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

- Maintenance ~~W~~ork totaling up to ~~\$60,75,000~~

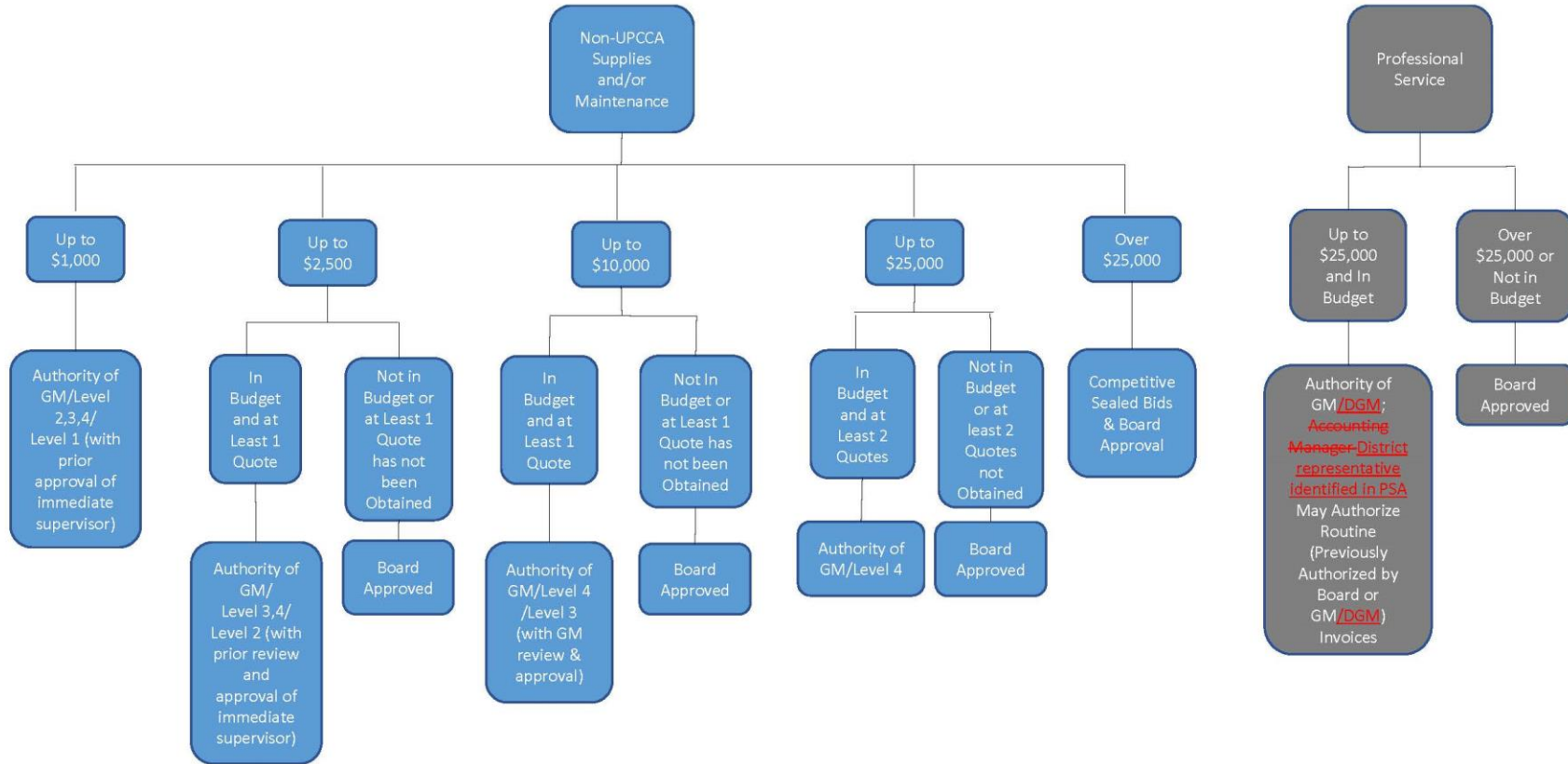
 - Can be performed by the District’s employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.

- Maintenance Work greater than ~~\$6075,000~~ but less than or equal to ~~\$200220,000~~
 - Same requirements as for public projects greater than ~~\$6075,000~~ but less than or equal to ~~\$200220,000~~ – see above.

- Maintenance Work greater than ~~\$200220,000~~ (referred to in the District’s Procurement and Purchasing Policy as the “UPCCA’s formal bidding process”)
 - Same requirements as for public projects greater than ~~\$200220,000~~ – see above.

Exhibit "C-1"

Ventura Port District Procurement Policy Decision Tree: 2 of the 3 Service Types



Ventura Port District Procurement and Purchasing Policy

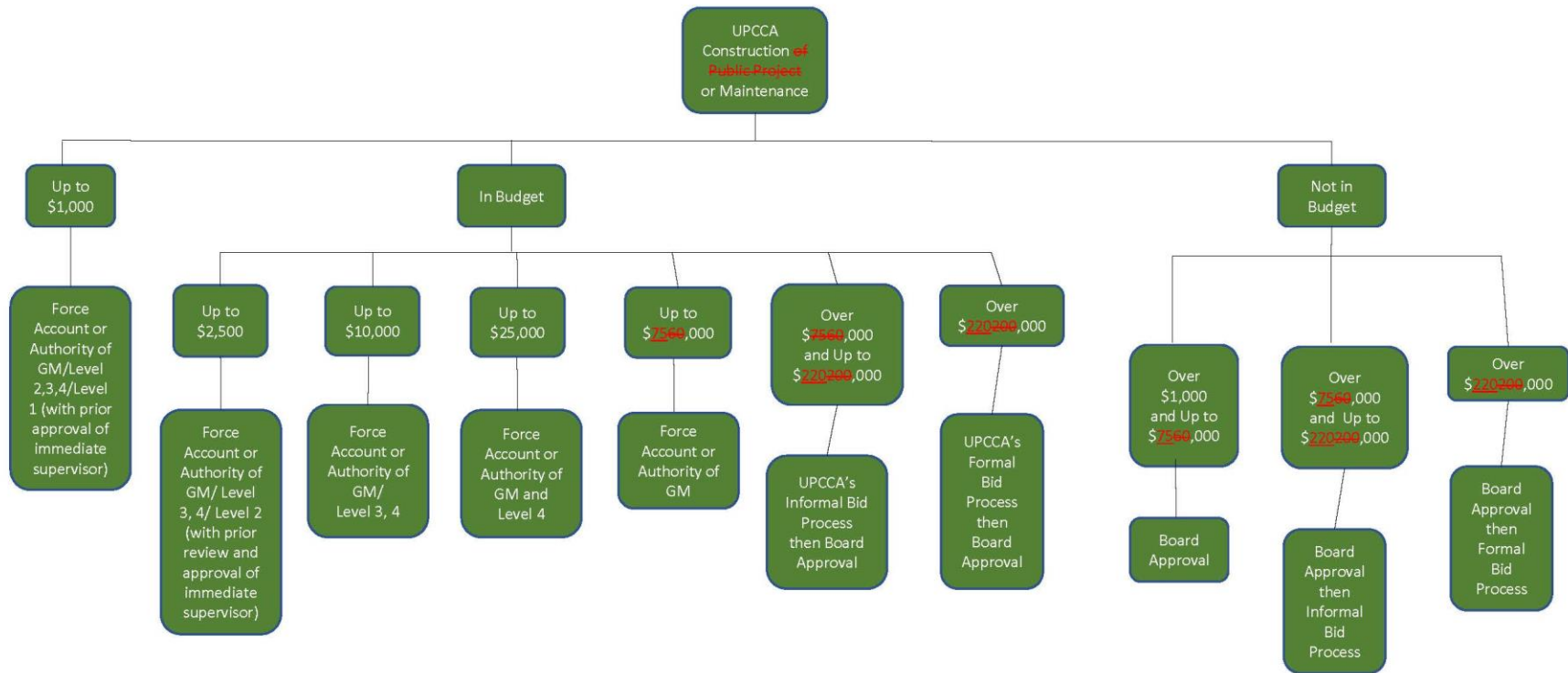
UPCCA: California Uniform Public Construction Cost Accounting Act (generally construction projects).

Rev: March 29, 2022, and as of December 18, 2024

Contract Notice to Proceed: Attachment Page 1 of 2

Exhibit "C-2"

Ventura Port District Procurement Policy Decision Tree: 1 of the 3 Service Types



Ventura Port District Procurement and Purchasing Policy
 UPCA: California Uniform Public Construction Cost Accounting Act (generally construction projects).
 Rev: March 29, 2022, as of December 18, 2024

Contract Notice to Proceed: Attachment Page 2 of 2

**EXHIBIT D
CONTRACTOR NOTICE TO PROCEED**

Project: _____ Job Code: _____

Project Manager: _____ Start Date: _____

Contract Ceiling: \$ _____

Budgeted Value (if applicable): \$ _____

Change Order Limit (10% of contract or total budget): \$ _____

_____ Confirmation of procurement in conformance with Procurement Policy thresholds

_____ Verification of contract signatures

_____ Receipt of Certificate of Insurance including Endorsement

Is this job subject to Prevailing Wage? _____

If yes, all of these apply:

_____ Verification of contractor and subcontractor DIR registration at time of bid award (fine of up to \$100/day for us up to \$10k)

_____ Verification of Contractors State License Board (CSLB) and Worker's Comp registration

_____ Verification of whether a PWC-100 must be filed:
o Maintenance projects over \$15,000
o All other construction work over \$25,000
o within 30 days of award of contract or by 1st day worked, whichever is sooner – unless emergency work, then 30 days or completion, whichever is earlier
o \$100/day fine for us for each day late

_____ Obtain Certified Payroll within first two weeks of job start:
o Review classification of workers
o Verify training contributions
o Travel & subsistence if applicable
o Fringe Benefit Forms

_____ District must file Notice of Completion for each prevailing wage project (note this would include dredging)

Comments (e.g. Special Exception for competitive bidding; Federally funded Project; Project was completed by using the Local Business Preference Program):

EXHIBIT E-1
PREVAILING WAGE REQUIREMENTS FOR LARGER PUBLIC WORKS PROJECTS

1. Prevailing Wages. Any project that constitutes a “public works” under California Labor Code section 1720 et seq., is subject to the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code⁴ and its implementing regulations set forth in Title 8 of the California Code of Regulations (“*Regulations*”) (collectively, “*Prevailing Wage Laws*”), which require the payment of prevailing wages, the training of apprentices, and compliance with other applicable requirements. Prevailing wages apply to all projects defined as a “public works” project by the State of California that cost more than \$1,000 and are performed under a contract “paid for in whole or in part out of public funds,” excluding work done by a public agency itself (collectively, “*Public Work*”).⁵ This includes construction, demolition, repair, alteration, maintenance,⁶ and the installation of photovoltaic systems under a power purchase agreement when certain conditions are met under California Labor Code (on occasion, “*LC §*”) section 1720.6. This also includes (i) service and warranty work on public buildings and structures and land surveying; (ii) surveying, material testing, or inspection services provided for a Public Work construction project during the design, site assessment, feasibility study, and other preconstruction phases of construction; (iii) concrete deliveries and certain delivery of paving materials which are incorporated into the project at the time of delivery; and (iv) work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite and the hauling of refuse from a Public Work jobsite to an outside disposal location pursuant to LC § 1720.3.

2. Incorporation by Reference. The Prevailing Wage Laws require that certain provisions be included in all contracts for a public works. If the contract (the “*Contract*”) with the Ventura Port District (the “*District*”) this exhibit and agreement (this “*Agreement*”) is attached to, which is incorporated herein by this reference, is for the performance of any Public Work project (“*Project*”), the contractor or consultant (“*Contractor*”) and any subcontractor or subconsultant performing any work on that Project (collectively, “*Subcontractor*”) must comply with all applicable requirements under the Prevailing Wage Laws, including, but not limited to, the requirements in this Agreement below.

3. Apprentices. If the prime contract or any subcontract for the Project exceeds thirty thousand dollars (\$30,000), Contractor and Subcontractors shall comply with all applicable requirements of LC § 1777.5, LC § 1777.6, LC § 1777.7, and the Regulations concerning the employment and wages of apprentices. Contractor and Subcontractors are responsible for compliance with this Section 3 for all apprenticeable occupations. Only bona fide apprentices actively enrolled in a California Division of Apprenticeship Standards approved program may be employed on a public works project as an apprentice and receive the applicable apprenticeship prevailing wage rates. Apprentices who are not properly supervised and employed in the appropriate ratio shall be paid the full journeyman wages for the classification of work performed.

4. Compliance with Prevailing Wage Requirements. Pursuant to the Prevailing Wage Laws, the Contractor and all Subcontractors shall ensure that all workers employed by them who perform work on the Project are paid not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations (“*DIR*”).

⁴ See Labor Code sections 1720 through 1861.

⁵ The definition of “public works” triggering Labor Code compliance can be found in Labor Code Sections 1720 and 1771. “Maintenance” is defined at 8 CCR section 16000 of the Regulations.

4.1. Copies of such prevailing rate of per diem wages are on file at the office of the District and are available for inspection to any interested party on request. Copies of the prevailing rate of per diem wages also may be found at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. The Contractor and all Subcontractors shall post a copy of the prevailing rate of per diem wages determination at appropriate conspicuous points each job site for the Project and shall make them available to any interested party upon request. These wage rates are made a specific part of this Agreement by reference pursuant to LC § 1773.2 and will be applicable to all work performed at all Project sites.

4.2. The wage rates determined by the DIR refer to expiration dates. If the published wage rate does not refer to a predetermined wage rate to be paid after the expiration date, then the published rate of wage shall be in effect for the life of this Agreement. If the published wage rate refers to a predetermined wage rate to become effective upon expiration of the published wage rate and the predetermined wage rate is on file with the DIR, such predetermined wage rate shall become effective on the date following the expiration date and shall apply to this Agreement in the same manner as if it had been published in said publication. If the predetermined wage rate refers to one or more additional expiration dates with additional predetermined wage rates, which expiration dates occur during the life of this Agreement, each successive predetermined wage rate shall apply to this Agreement on the date following the expiration date of the previous wage rate. If the last of such predetermined wage rates expires during the life of this Agreement, such wage rate shall apply to the balance of this Agreement.

5. **DIR Registration Requirements.** No Contractor or Subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to LC § 1725.5 [with limited exceptions from this requirement for bid purposes only under LC § 1771.1(a)]. Except as otherwise provided in Section 5.4 below or LC § 1771.1(a), Contractor and Subcontractors shall **not** be qualified to bid on, be listed in a bid or proposal (subject to the requirements of California Public Contract Code section 4104), or engage in the performance of any contract for a public works project, unless currently registered and qualified to perform “public work” pursuant to LC § 1725.5 **at the time of bidding** on the contract for the project. It is not a violation of this Section 5 for an unregistered contractor to submit a bid that is authorized by California Business and Professions Code section 7029.1 or California Public Contract Code sections 10164 or 20103.5, provided the Contractor is registered to perform “public work” pursuant to LC § 1725.5 at the time the contract for the public works project is awarded.

Notwithstanding anything to the contrary in this Agreement, no bid will be accepted by the District, and no contract will be awarded or entered into for the Project, without proof of current registration with the DIR to perform “public work” from: (i) Contractor; (ii) Subcontractors; and (iii) any professional service provider, design consultant, architect, or engineer that will be performing any surveying, material testing, or inspection services, as well as any Subcontractor performing this work (even if the professional service provider or firm is not doing the work, if they will be subcontracting any of that work to others, then the professional service provider also needs to be registered). The applicable parties in provisions (i)-(iii) of this Section 5 shall maintain active registration with the DIR for the duration of their work on the Project, and it shall be these parties’ sole responsibility to comply with all applicable Prevailing Wage Laws and registration and labor compliance

requirements applicable to their work on the Project, including, but not limited to, the submission of Certified Payroll Records directly to the DIR in accordance with this Section 5, the Agreement, and the applicable Prevailing Wage Laws.

5.1. A Contractor's inadvertent error in listing a Subcontractor that is not registered with the DIR pursuant to LC § 1725.5 in response to a solicitation shall not be grounds for filing a protest or grounds for considering the bid or proposal non-responsive provided that any of the following apply: (i) the Subcontractor is registered prior to the proposal due date; (ii) within 24 hours after the proposal due date, the Subcontractor is registered and has paid the penalty registration fee specified in LC § 1725.5; or (iii) the Subcontractor is replaced by another registered Subcontractor pursuant to California Public Contract Code section 4107.

5.2. By submitting a bid or proposal to the District for the Project and signing the incorporated Contract, Contractor is certifying that Contractor has verified that all Subcontractors used on the Project are registered with the DIR in compliance with LC § 1771.1 and LC § 1725.5. Contractor shall provide proof of registration for themselves and all listed Subcontractors to the District (i) at the time of the bid or proposal due date or (ii) upon request.

5.3. The District may ask Contractor for the most current list of all Subcontractors, along with their DIR registration numbers, utilized on the Project at any time during performance of the contract for the Project, and Contractor shall provide the list within ten (10) calendar days of the District's request.

5.4. Pursuant to LC § 1725.5(f) and LC § 1771.1(n), the requirements in this Section 5 do **not** apply to work performed on (i) a public works project of twenty-five thousand dollars (\$25,000) or less when the project is for construction, alteration, demolition, installation, or repair work, or (ii) a public works project of fifteen thousand dollars (\$15,000) or less when the project is for maintenance work.

6. Payroll Record Maintenance and Submission Requirements. Contractor and Subcontractors shall maintain weekly certified payroll records showing the name, address, social security number, work classification, straight time and overtime hours paid each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker or other employee employed in connection with the Project as mandated by LC § 1776(a). The "payroll records" that must be maintained and certified weekly by Contractor and Subcontractors are defined in 8 CCR section 16000 of the Regulations to mean "[a]ll time cards, cancelled checks, cash receipts, trust fund forms, books, documents, schedules, forms, reports, receipts or other evidences which reflect job assignments, work schedules by days and hours, and the disbursement by way of cash, check, or in whatever form or manner, of funds to a person(s) by job classification and/or skill pursuant to a public works project."

6.1. Contractor and Subcontractors shall certify under penalty of perjury that (i) the payroll records enumerated under Section 6 above and specified in LC § 1776(a) are true and accurate and (ii) they have complied with the requirements of LC § 1771, LC § 1811, and LC § 1815 for any work performed by their employees on the Project (collectively, "Certified Payroll Records").

6.2. The term "Certified Payroll Records" shall include all required documentation to comply with the mandates set forth in the Prevailing Wage Laws, as well as any

additional documentation requested by the District or its designee; including, but not limited to: (i) fringe benefit statements and backup documentation, such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable); and (ii) apprenticeship forms, such as DAS-140 and DAS-142, for itself and all applicable Subcontractors for the time period covering such payment request (collectively, "Verification Records").

- 6.3. Except as otherwise provided in Section 5.4 above, in addition to submitting (i) Certified Payroll Records on DIR form "A-131" or an equivalent document and (ii) any requested Verification Records to the **District** electronically on a weekly basis (eCPRs filed with the DIR are NOT an acceptable substitute for Certified Payroll Records to be submitted to the District), Contractor and all Subcontractors shall submit "electronic certified payroll records" ("eCPRs") directly to the Labor Commissioner using DIR's online eCPR system, on and through the DIR's website, in the format prescribed by the DIR, and no hard copy of these records will be accepted. In addition, Contractor shall require and cause all Subcontractors to prepare and submit all records required by LC § 1771.4, LC § 1776, and this Agreement to the District and the DIR in accordance with the Prevailing Wage Laws and this Agreement's terms.
- 6.4. If either Contractor or a Subcontractor is exempt from the DIR registration requirement under Section 5.4 above, then Contractor or each such Subcontractor is not required to furnish eCPRs directly to the Labor Commissioner but shall (i) submit Certified Payroll Records and any requested Verification Records to the District and (ii) retain the records for at least three (3) years after completion of their work on the Project, pursuant to LC § 1771.4(a)(4).
- 6.5. If progress payments are contemplated under the Contract or any agreement for the Project, as a condition to receiving progress payments, final payment, and payment of retention on the Project, Contractor must present to the District, along with its request for payment, all applicable and necessary Certified Payroll Records and Verified Records (for itself and all applicable Subcontractors) for the time period covering such payment request.
- 6.6. Contractor acknowledges that (i) the submission of eCPRs directly to the DIR pursuant to LC § 1771.4.(a)(3) is a requirement *separate and distinct* from (ii) the obligation in LC § 1776(d) "to file a certified copy of the records with the entity that requested the records enumerated in subdivision (a) [of LC § 1776] within 10 days after receipt of a written request" for such records. For the avoidance of doubt, Contractor and Subcontractors shall comply with the requirements in both LC § 1771.4(a)(3) and LC § 1776(d), and Contractor and Subcontractors that have electronically furnished eCPRs are not excused from timely furnishing to the Labor Commissioner (or any entity described under this Section 6.6 below) "a certified copy of all payroll records," consisting of Certified Payroll Records and Verification Records requested by an entity authorized to request such under LC § 1776, no later than 10 calendar days after receipt of such a written request ("*Record Request Deadline*"). Certified Payroll Records for any employee of Contractor or Subcontractors requested pursuant to LC § 1776(d) shall be made available for inspection and copying by the District's representatives at all reasonable hours at Contractor's principal office, and Contractor and Subcontractor shall provide copies

ATTACHMENT 1

of these materials, or permit inspection of them, as follows:

- a. An employee's Certified Payroll Records shall be made available for inspection or furnished to the employee or the employee's authorized representative upon written request pursuant to LC § 1776(b)(1) no later than the applicable Record Request Deadline.
- b. All Certified Payroll Records enumerated in Section 6 above shall be made available for inspection or furnished upon request to a representative of the District, the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the DIR no later than the applicable Record Request Deadline, and all such records shall not be altered or obliterated by Contractor or its Subcontractors. Unless required to be furnished directly to the Labor Commissioner as eCPRs in accordance with LC § 1771.4(a)(3), all Certified Payroll Records shall be on forms provided by the Division of Labor Standards Enforcement or shall contain the same information as the forms provided by the DIR.
- c. If a request for Certified Payroll Records is made by the public pursuant LC § 1776(b)(3), the public shall **not** be given access to Certified Payroll Records by the Contractor or its Subcontractors at their principal office. Contractor and all Subcontractors are required to forward any such requests by the public to the District representative designated in the Contract for the Project by both e-mail and regular mail on the business day following receipt of the request. Any copy of Certified Payroll Records made available for inspection as copies and/or furnished upon request to the public or any public agency by the District will be marked or obliterated in such a manner as to prevent disclosure of each individual employee's name, address, and social security number. The name and address of Contractor and Subcontractors performing the work shall not be marked or obliterated.

7. Working Hours. Contractor and Subcontractors shall comply with LC §§ 1810 through 1815, including but not limited to: (i) restricting working hours on the Project to eight (8) hours a day and forty hours a week, unless all hours worked by their employees in excess of 8 hours up to and including twelve (12) hours in any workday are compensated at not less than 1½ times the basic rate of pay; and (ii) specifying penalties to be imposed on contractors and subcontractors of \$25 per worker, per day, for each day the worker works more than 8 hours per day and 40 hours per week in violation of LC §§ 1810 through 1815. Special prevailing wage rates generally apply to work performed on weekends, holidays, and for certain shift work. Depending on the location(s) of the Project and the amount of travel incurred by workers on the Project, certain travel and subsistence payments may also be required. Contractors and Subcontractors are on notice that information about such special rates, holidays, premium pay, shift work and travel and subsistence requirements can be found at www.dir.ca.gov, including Industrial Welfare Commission Order No. 16-2001.

8. Required Provisions for Subcontracts. The Contractor shall include, at a minimum, a copy of the following provisions in any contract they enter into with a Subcontractor: Labor Code Sections 1771, 1771.1, 1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.

9. Labor Code section 1861 Certification. In accordance with LC § 3700, Contractor is required to secure the payment of compensation of its employees. By signing the incorporated Contract, Contractor certifies that:

“I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Agreement.”

10. Compliance Monitoring and Enforcement. This public works Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations, and Contractor shall (i) comply with and (ii) cause all Subcontractors to comply with all Regulations and requirements from the DIR relating to labor compliance monitoring and enforcement. In executing the Contract, Contractor acknowledges that it has reviewed all applicable labor compliance requirements and included the cost of complying with such requirements in its bid.

11. Stop Order. Contractor acknowledges and understanding that if Contractor or its Subcontractors engage in the performance of any work on the Project without having been registered in violation of LC § 1725.5 or LC § 1771.1, the Labor Commissioner may issue and serve a stop order prohibiting the use of the unregistered Contractor or Subcontractor on the Project, until the unregistered Contractor or Subcontractor is registered. Failure to observe a stop order is a misdemeanor.

12. Indemnification. Contractor shall defend, indemnify, and hold the District, its elected officials, officers, employees, agents, and volunteers free and harmless from any claims, liabilities, costs, penalties, or interest arising out of any failure or alleged failure of Contractor or Subcontractors to comply with the Prevailing Wage Laws or the terms of this Agreement. To the fullest extent permitted by law, Contractor hereby specifically waives and agrees not to assert, in any manner, any past, present, or future claim for indemnification under LC § 1781. The foregoing indemnity shall survive termination of this Agreement.

13. No Additional Compensation. Full compensation for conforming to the requirements in this Agreement shall be considered as included in the Contract price, and no additional compensation will be paid to Contractor or Subcontractors to abide by these requirements.

13.1. The District may require Contractor and all Subcontractors to submit certified payroll through an electronic portal. No additional compensation will be paid to the Contractor or Subcontractors if the District decides to use this collection method.

14. Penalties for Violations. The District or the DIR may impose penalties upon Contractor and Subcontractors for failure to comply with the Prevailing Wage Laws applicable to the Project.

14.1. Wage Violations. These penalties are up to (i) \$200 per day, per worker, for each wage violations identified pursuant to LC § 1775. In the event a worker of Contractor or Subcontractors performing work on the Project is paid less than the prevailing wage rate for the work or craft in which the worker is employed, Contractor and Subcontractors shall comply with LC § 1775. Any penalties authorized under LC § 1775 shall be in addition to any other applicable penalties allowed under the Prevailing Wage Laws, the Contract, or this Agreement.

14.2. Overtime Violations. These penalties are up to \$25 per worker, per day, for each day the worker works more than 8 hours per day and 40 hours per week. Penalties may also be imposed for failing to pay premium pay that may be required when Contractor's or Subcontractors' workers perform work on weekends, holidays, and during shift work.

14.3. Apprenticeship Violations. Contractors and all Subcontractors that fail to comply with the specific apprenticeship requirements on the Project may be fined \$100 to \$300 for each calendar day of non-compliance pursuant to LC § 1777.7.

14.4. Failure to Submit eCPRs to DIR. Any Contractor or Subcontractor that fails to submit eCPRs directly to the Labor Commissioner as required is subject to a monetary penalty by the Labor Commissioner under LC § 1771.4(a)(3)(B) of \$100 for each day of non-compliance, up to a total of \$5,000 per public work project. These penalties only accrue against the actual contractor or subcontractor that failed to furnish eCPRs and are enforced through the process discussed in LC § 1741.

14.5. Failure to Respond to Request for Certified Payroll Records. In addition to any penalties that may be imposed by the Labor Commissioner under Section 14.4 above, in the event Contractor or any Subcontractor fails to furnish the requested Certified Payroll Records to any party authorized to request such under Section 6.6 above [and as specified in LC § 1776(d)] by the applicable Record Request Deadline, he, she, or it shall, as a penalty to the District, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Upon the request of the Division of Labor Standards Enforcement, these penalties shall be withheld from any progress payments then due. Contractor is not subject to a penalty assessment pursuant to this subsection due to the failure of a Subcontractor to comply with a written notice requesting Certified Payroll Records pursuant to LC § 1776(d).

14.6. Withholding of Payments. Failure to submit Certified Payroll Records to the Labor Commissioner when mandated by this Agreement or the Project's parameters will also result in the withholding of progress, retention, and final payment. The District shall withhold any portion of a payment, including the entire payment amount, until the: (i) Certified Payroll Records; and (ii) any Verification Records requested under this Agreement are properly submitted, reviewed, and found to be in full compliance with the law. If the records in this subsection do not comply with the requirements of LC § 1720 et seq., the District may continue to hold sufficient funds to cover estimated wages and penalties under the Contract.

EXHIBIT E-2
PREVAILING WAGE REQUIREMENTS FOR SMALLER PUBLIC WORKS PROJECTS

1. Prevailing Wages. Any project that constitutes a “public works” under California Labor Code section 1720 et seq., is subject to the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code⁷ and its implementing regulations set forth in Title 8 of the California Code of Regulations (“Regulations”) (collectively, “Prevailing Wage Laws”), which require the payment of prevailing wages, the training of apprentices, and compliance with other applicable requirements. Prevailing wages apply to all projects defined as a “public works” project by the State of California that cost more than \$1,000 and are performed under a contract “paid for in whole or in part out of public funds,” excluding work done by a public agency itself (collectively, “Public Work”).⁸ This includes construction, demolition, repair, alteration, maintenance,⁹ and the installation of photovoltaic systems under a power purchase agreement when certain conditions are met under California Labor Code (on occasion, “LC §”) section 1720.6. This also includes (i) service and warranty work on public buildings and structures and land surveying; (ii) surveying, material testing, or inspection services provided for a Public Work construction project during the design, site assessment, feasibility study, and other preconstruction phases of construction; (iii) concrete deliveries and certain delivery of paving materials which are incorporated into the project at the time of delivery; and (iv) work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite and the hauling of refuse from a Public Work jobsite to an outside disposal location pursuant to LC § 1720.3.

2. Incorporation by Reference. The Prevailing Wage Laws require that certain provisions be included in all contracts for a public works. If the contract (the “Contract”) with the Ventura Port District (the “District”) this exhibit and agreement (this “Agreement”) is attached to, which is incorporated herein by this reference, is for the performance of any Public Work project (the “Project”), the contractor (“Contractor”) and any subcontractor or subconsultant performing any work on that Project (collectively, “Subcontractor”) must comply with all applicable requirements under the Prevailing Wage Laws, including, but not limited to, the requirements in this Agreement. In addition, it is the intent of the parties to the Contract to effectuate the requirements of Labor Code sections 1771, 1774, 1775, 1776, 1777.5, 1813, and 1815 within this Agreement, and Contractor and Subcontractors shall therefore comply with those sections of the Labor Code, and the Prevailing Wage Laws, to the fullest extent required by law.

3. Apprentices. If the prime contract or any subcontract for the Project exceeds thirty thousand dollars (\$30,000), Contractor and Subcontractors shall comply with all applicable requirements of LC § 1777.5, LC § 1777.6, LC § 1777.7, and the Regulations concerning the employment and wages of apprentices. Contractor and Subcontractors are responsible for compliance with this Section 3 for all apprenticeable occupations. Only bona fide apprentices actively enrolled in a California Division of Apprenticeship Standards approved program may be employed on a public works project as an apprentice and receive the applicable apprenticeship prevailing wage rates. Apprentices who are not properly supervised and employed in the appropriate ratio shall be paid the full journeyman wages for the classification of work performed.

⁷ See Labor Code sections 1720 through 1861.

⁸ The definition of “public works” triggering Labor Code compliance can be found in Labor Code sections 1720 and 1771. “Maintenance” is defined at 8 CCR section 16000 of the Regulations.

4. Public Works Contractor Registration. Subject to the exceptions in Section 4.1 below and LC § 1771.1(a), all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform a public works project must be registered with the DIR as a “public works contractor” **at the time of bid**. No bid will be accepted, and no contract will be awarded or entered into with Contractor, Subcontractors, or any professional service provider or firm that will be performing any surveying, material testing, or inspection services, including any Subcontractor performing this work for the Project, without proof of current registration with the DIR to perform a public works project at the time of bid (even if the professional service provider or firm is not doing the work, if they will be subcontracting any of that work to others, then the professional service provider also needs to be registered). Contractor shall (i) maintain active registration and (ii) cause Subcontractors to maintain active registration with the DIR for the duration of their work on the Project and provide proof of such to the District no later than ten (10) calendar days of the District’s request.

4.1. Exception to Contractor Registration Requirement. Pursuant to LC § 1725.5(f) and LC § 1771.1(n), the requirements in Section 4 do **not** apply to work performed on (i) a public works project of twenty-five thousand dollars (\$25,000) or less when the project is for construction, alteration, demolition, installation, or repair work, or (ii) a public works project of fifteen thousand dollars (\$15,000) or less when the project is for maintenance work.

5. Working Hours. Contractor and Subcontractors shall comply with LC §§ 1810 through 1815, including but not limited to: (i) restricting working hours on the Project to eight (8) hours a day and forty (40) hours a week, unless all hours worked by their employees in excess of 8 hours up to and including twelve (12) hours in any workday are compensated at not less than 1½ times the basic rate of pay; and (ii) specifying penalties to be imposed on contractors and subcontractors of \$25 per worker per day for each day the worker works more than 8 hours per day and 40 hours per week in violation of LC §§ 1810 through 1815. Special prevailing wage rates generally apply to work performed on weekends, holidays, and for certain shift work. Depending on the location(s) of the Project and the amount of travel incurred by workers on the Project, certain travel and subsistence payments may also be required. Contractors and Subcontractors are on notice that information about such special rates, holidays, premium pay, shift work and travel and subsistence requirements can be found at www.dir.ca.gov, including Industrial Welfare Commission Order No. 16-2001.

6. Payroll Records. Pursuant to LC § 1776, Contractor and Subcontractors shall maintain weekly certified payroll records (as defined in 8 CCR section 16000) showing the name, address, social security number, work classification, straight time and overtime hours paid each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker or other employee employed in connection with the work on the Project. Contractor shall (i) certify under penalty of perjury that records maintained and submitted by Contractor are true and accurate; and (ii) cause Subcontractors to certify weekly payroll records under penalty of perjury and submit all materials required under this Section 6 to each applicable party. In addition to submitting the certified payroll records to the District on a weekly basis on DIR form “A-131” or an equivalent document (eCPRs are NOT an acceptable substitute for certified payroll records to be submitted to the District), pursuant to LC § 1771.4, Contractor and Subcontractors shall furnish certified payroll records directly to the Department of Industrial Relations (“DIR”) on a weekly basis as “electronic certified payroll records” (“eCPRs”), in the format prescribed by the DIR, using DIR’s online eCPR system, on and through the DIR’s website, and no hard copy of these records will be accepted. If either Contractor or a Subcontractor is exempt from the DIR registration requirement under Section 4.1 above, then Contractor or each such Subcontractor is not required to furnish eCPRs directly to the Labor Commissioner but shall (i) submit Certified Payroll Records

and any requested Verification Records to the District and (ii) retain the records for at least three (3) years after completion of their work on the Project, pursuant to LC § 1771.4(a)(4).

7. In the event of noncompliance with the requirements of this Section 6, Contractor and Subcontractors shall have ten (10) calendar days after receiving written notice (“Record Request Deadline”) from a party authorized under LC § 1776 to request such certified payroll records and all supporting documentation needed to comply with this Section 6.

8. **Labor Code section 1861 Certification.** In accordance with LC § 3700, Contractor is required to secure the payment of compensation of its employees. By signing the incorporated Contract, Contractor certifies that:

“I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Agreement.”

9. **Labor Compliance.** Copies of such prevailing rate of per diem wages are on file at the office of the District and are available for inspection to any interested party on request. Copies of the prevailing rate of per diem wages also may be found at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. The Contractor and all Subcontractors shall post a copy of the prevailing rate of per diem wages determination at appropriate conspicuous points at each job site for the Project and shall make them available to any interested party upon request. These wage rates are made a specific part of this Agreement by reference pursuant to LC § 1773.2 and will be applicable to all work performed at all Project sites.

10. **Compliance Monitoring and Enforcement.** This public works Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations, and Contractor shall (i) comply with and (ii) cause all Subcontractors to comply with all Regulations and requirements from the DIR relating to labor compliance monitoring and enforcement. In executing the Contract, Contractor acknowledges that it has reviewed all applicable labor compliance requirements and included the cost of complying with such requirements in its bid.

11. **Required Provisions for Subcontracts.** The Contractor shall include, at a minimum, a copy of the following provisions in any contract they enter into with a Subcontractor: Labor Code sections 1771, 1771.1, 1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.

12. **Indemnification.** Contractor shall defend, indemnify, and hold the District, its elected officials, officers, employees, agents, and volunteers free and harmless from any claims, liabilities, costs, penalties, or interest arising out of any failure or alleged failure of Contractor or Subcontractors to comply with the Prevailing Wage Laws or the terms of this Agreement. To the fullest extent permitted by law, Contractor hereby specifically waives and agrees not to assert, in any manner, any past, present, or future claim for indemnification under LC § 1781. The foregoing indemnity shall survive termination of this Agreement.

13. **No Additional Compensation.** The District may require Contractor and all Subcontractors to submit certified payroll through an electronic portal. Full compensation for conforming to the requirements in this Section 12 and Agreement shall be considered as included in the Contract price, and no additional compensation will be paid to Contractor or Subcontractors

to abide by these requirements.

14. Penalties for Violations. The District or the DIR may impose penalties upon Contractor and Subcontractors for failure to comply with the Prevailing Wage Laws applicable to the Project. These penalties are up to (i) \$200 per day, per worker, for each wage violations identified pursuant to LC § 1775; (ii) \$100 per day, per worker, for failure to provide the required certified payroll records and documentation requested pursuant to LC § 1776 by the Records Request Deadline in Section 6 above; (iii) \$25 per day, per worker, for any overtime violation pursuant to LC § 1813 (penalties may also be imposed for failing to pay premium pay that may be required when Contractor's or Subcontractors' workers perform work on weekends, holidays, and during shift work); and (iv) \$100 to \$300 for each calendar day of non-compliance with the specific apprenticeship requirements pursuant to LC § 1777.7. In the event a worker of Contractor or Subcontractors performing work on the Project is paid less than the prevailing wage rate for the work or craft in which the worker is employed, Contractor and Subcontractors shall comply with LC § 1775. Any penalties authorized under LC § 1775 shall be in addition to any other applicable penalties allowed under the Prevailing Wage Laws, the Contract, or this Agreement.



RESOLUTION NO. 3519

**A RESOLUTION BY THE BOARD OF PORT COMMISSIONERS
OF THE VENTURA PORT DISTRICT ADOPTING A REVISED
PROCUREMENT AND PURCHASING POLICY**

WHEREAS, California Public Contract Code Section 20750 et seq. requires certain District contracts in excess of certain prescribed amounts to be let by the Board of Port Commissioners (the "Board") upon competitive bidding.

WHEREAS, the District's Procurement and Purchasing Policy was first adopted by the Board on April 25, 2012, by Resolution No. 3183, establishing the District's competitive bidding procedures as required under the Public Contract Code.

WHEREAS, Public Contract Code Section 22000 et seq. establishes the Uniform Public Construction Cost Accounting Act (the "UPCCA"), which establishes a uniform cost accounting standard for construction work performed or contracted by local public agencies, and authorizes local public agencies to perform public projects or maintenance work by force account, negotiated contract, or purchase order, and to use informal and formal bidding procedures when contracting for public projects or maintenance work, in accordance with the statutory limits set forth in the UPCCA.

WHEREAS, on February 27, 2013, the Board adopted Resolution No. 3213 electing to become subject to the UPCCA, and further elected to utilize the bidding procedures in the UPCCA when contracting for public projects.

WHEREAS, on March 27, 2013, the Board adopted Ordinance No. 48 to provide informal bidding procedures under the Uniform Public Construction Cost Accounting Act (California Public Contract Code Section 2200 et seq.).

WHEREAS, on May 8, 2013, the Board adopted Resolution No. 3219 amending Resolution No. 3213 to authorize the use of the UPCCA's bidding procedures when contracting for maintenance work.

WHEREAS, the Procurement and Purchasing Policy also reflects that the competitive bidding requirements of Public Contract Code Section 20751 only apply to purchases by the District of supplies exceeding \$25,000.00 that are used in connection with or consumed on any work or project not subject to the UPCCA.

ATTACHMENT 2

NOW, THEREFORE, BE IT RESOLVED, that the Board of Port Commissioners of the Ventura Port District hereby rescinds Resolution No. 3450, which was previously passed, approved and adopted by the Board on May 4, 2022, and adopts in its place the amended Procurement and Purchasing Policy attached hereto as Exhibit A.

PASSED, APPROVED and ADOPTED at a Regular Meeting of the Board of Port Commissioners of the Ventura Port District held on this 18th day of December 2024, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Michael Blumenberg, Chair

ATTEST:

Anthony Rainey, Secretary



Ventura Port District
Procurement
and Purchasing
Policy

Effective October 22, 2014

Revised
March 22, 2017
May 1, 2019
June 17, 2020
September 15, 2021
May 4, 2022
December 18, 2024

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ATTACHMENT 2

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I. STATEMENT OF GENERAL POLICY

The District’s Board of Port Commissioners (the “Board”) has adopted this Procurement and Purchasing Policy to establish the authority, limits, and procedures relating to the District’s procurement and purchasing activities in connection with such contracts. All such procurement and purchasing activities for the District shall be administered in accordance with the provisions of this policy, and with the express intent to promote open and fair conduct in all aspects of the procurement and purchasing process.

Except as otherwise provided in Section III-D below, the goal of this Procurement and Purchasing Policy is to enable the Ventura Port District (the “District”) to (i) obtain contracts for the purchasing of materials or supplies not used in connection with or consumed on any work or project that falls within the definition of “public projects” or “maintenance work” subject to the California Uniform Public Construction Cost Accounting Act (“UPCCA”) as defined in Public Contract Code Section 22002, and (ii) procure services for the District at the best value and in a timely manner, while maintaining fairness to vendors, suppliers, service providers, and contractors, and abiding by applicable laws. Section III-D of this policy also establishes staff purchasing authority levels for contracts for the doing of any work or project which does fall within the definition of “public projects” or “maintenance work” subject to the UPCCA as defined in Public Contract Code Section 22002.

The District intends to maintain a cost-effective purchasing system conforming to good management practices. The Procurement and Purchasing Policy is intended to accomplish the following objectives:

- A. Provide all vendors, suppliers, service providers, and contractors with full, fair, prompt and courteous consideration.
- B. Keep competition open and fair.
- C. Observe strict truthfulness and highest ethics in all transactions.

In order to be successful, the system must be supported by the cooperation of all District personnel. Prior planning and the timely submission of requisitions are essential to expedite the District’s procurement and purchasing process and to ensure that this process is conducted in an orderly and lawful manner.

II. ETHICS IN PROCUREMENT AND PURCHASING

In dealing with the District’s procurement and purchasing needs, District personnel shall be mindful of the following:

- A. That public office is a public trust and to give primary consideration to the District’s interests as well as the interests of the public.
- B. Procurement and purchasing decisions shall be made without prejudice and to try to maximize the value of each dollar expended.
- C. District personnel must avoid unfair business practices or decisions and to give all qualified vendors, suppliers, service providers, and contractors an equal opportunity to participate in the procurement and purchasing process.

- D. We shall promote positive relationships with the District's vendors, suppliers, service providers, and contractors through courteous and impartial treatment in all phases of the purchasing cycle.
- E. We shall conduct ourselves with fairness and dignity, and demand honesty and truth in the purchasing process.
- F. We must avoid the appearance of unethical or compromising practice in relationships, actions, and communications in the procurement and purchasing process.
- H. We must refrain from soliciting or accepting money, loans, credits, prejudicial discounts, gifts, favors, or services from past, present or future suppliers, vendors, service providers, or contractors that might influence, or appear to influence, purchasing decisions.
- I. All District personnel shall discharge their duties impartially so as to ensure competitive access to governmental procurement by responsible contractors.
- J. All District personnel shall conduct themselves in such a manner as to foster public confidence in the integrity of District procurement and purchasing.

III. THE PROCUREMENT AND PURCHASING PROCESS

A. Contract Administration

The District routinely utilizes the services of vendors, suppliers, service providers, and contractors for a variety of operational needs. These include, but are not limited to, the acquisition of equipment, supplies, materials, goods, maintenance services, and construction or renovation of District facilities. All contracts should include, but shall not be limited to, the following provisions:

- (1) The term or length of contract.
- (2) Description of work to be performed or services/products to be provided.
- (3) Schedule for performance.
- (4) Indemnity, insurance and bonding requirements.
- (5) Warranties and/or guarantees if applicable.
- (6) Payment schedule.
- (7) Conditions for termination of contract.
- (8) District's contracts for public works projects that are subject to California's prevailing wage laws, shall also be subject to the District's applicable contract addendum with these requirements, as discussed in Section VII, below.

Except as otherwise provided in Section III-D of this Procurement and Purchasing Policy, this policy shall not apply to the performance of, contracting for, or the doing of any "public project" or "maintenance work" subject to the UPCCA as such terms are defined under the UPCCA in Public Contract Code Section 22002. Any such "public project" or "maintenance work" shall be subject to (i) Resolution No. 3213 adopted by the Board on February 27, 2013; (ii) the procedures, terms, and conditions set forth in the UPCCA pursuant to California Public Contract Code Section 22000 et seq.; (iii) the California Uniform Construction Cost Account Commission's (the "Commission") policies and procedures manual and cost accounting review procedures; (iv) Ordinance No. 48 adopted by the Board on March 27, 2013; (v) Resolution No. 3219 adopted by

the Board on May 8, 2013;(vi) Ordinance No. 52 adopted by the Board on May 1, 2019; and (vii) any other resolutions, policies, and procedures that may be adopted or promulgated by the Board from time to time, and until such time as the Board has adopted a resolution electing to discontinue the District's participation under the UPCCA.

B. Purchasing of Supplies and Vendor Services Not Used in Connection with or Consumed on any Work or Project Subject to the UPCCA. (The policies in this Section III-B are further summarized in the procurement limits chart attached to this policy as **Exhibit "A"** and the decision tree attached as **Exhibit "C-1."**)

(1) Purchases totaling up to \$1,000.00

The General Manager and any Level 1, Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price less than or equal to \$1,000.00, without competitive bidding. Level 1 employees shall not be authorized to execute any such contract or to make any such purchase until such employee has obtained the prior approval of his/her immediate supervisor.

(2) Purchases totaling up to \$2,500.00

The General Manager and any Level 2, Level 3, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price less than or equal to \$2,500.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least one (1) quote is obtained from a vendor, supplier, service provider, or contractor concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or to make any such purchase until such employee's immediate supervisor has reviewed and approved the written quote and proposed contract/order.

(3) Purchases totaling up to \$10,000.00

The General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price less than or equal to \$10,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least one (1) quote is obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least one (1) quote has not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board. Level 3 employees shall not be authorized to execute any such contract or to make any such purchase until the General Manager has reviewed and approved the written quotes and proposed contracts/orders.

(4) Purchases totaling up to \$25,000.00

The General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any orders or contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price less than or equal to \$25,000.00, without competitive bidding, so long as such contract or purchase has been included in the District's then-current fiscal budget and at least two (2) quotes are obtained from competing vendors, suppliers, service providers, or contractors concerning the price and terms and conditions of the proposed contract or purchase. If such contract or purchase has not been previously included in the District's then-current fiscal budget or at least two (2) quotes have not been obtained, such contract or purchase shall require prior approval from the Board at a regular or special meeting of the Board.

(5) Purchases Over \$25,000.00

Any order or contract for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA with a contract price or purchase price greater than \$25,000.00 is subject to the competitive bidding procedures set forth in Section III(C), below, unless an applicable exception under Section IV, below, applies.

C. Competitive Bidding Procedures for Work or Projects Not Subject to the UPCCA.

As provided, among other things, in Public Contract Code Section 20751, contracts for the purchasing of supplies or vendor services not used in connection with or consumed on any District work or project subject to the UPCCA must be let by competitive bidding where the amount of the contract exceeds \$25,000.00. This subsection sets out the competitive bidding procedures for such contracts.

When the supplies or vendor services are within the current approved fiscal year's budget, the General Manager shall cause to be prepared the appropriate plans, specifications, scope of work, or other descriptive information for the publication of a notice inviting sealed bids for performance for the proposed purchase. When those supplies or vendor services are not within the current fiscal year's budget, the General Manager will make a recommendation to the Board with a cost estimate and other supporting documentation appropriate for the size and scope of the proposed purchase in order for the Board to approve a change to the budget prior to publishing a competitive bid.

Once the competitive bid plans, specifications, scope of work or other information has been prepared, the notice advertising the competitive bid shall be published in a newspaper of general circulation in accordance with the Public Contract Code.

The contract documents shall be prepared utilizing the District's standard forms, with such modifications as may be appropriate for the particular supplies or materials to be acquired and purchased. In the event of an emergency, applicable Public Contract Code provisions will be followed.

All bids shall be presented under sealed cover on forms furnished by the District. Sealed bids shall be opened at the time and place stated in the advertisement for bid with no less than two representatives of the District in attendance. When all bids have been evaluated, the General Manager shall make a recommendation to the Board regarding award of the contract to the lowest responsible bidder.

If the lowest bidder is disqualified for any reason, or if the bids exceed the cost estimates previously approved, the General Manager shall evaluate the options available and make a recommendation to the Board, which may include, but not be limited to, a recommendation of no award. The Board will make the final decision regarding the award of contract under this Section III-C. At the direction of the Board and after legal counsel review, the General Manager shall execute any such contract.

D. Contracts for the Doing of Any Public Project or Maintenance Work that is Subject to the UPCCA. (The following policies in this Section III-D are at the discretion of the Board of Commissioners. They are equal to or above and beyond that which is required by the UPCCA. The policies in this Section III-D are further summarized in the decision trees attached to this policy as **Exhibit “C-1”** and **Exhibit “C-2.”** The UPCCA’s definitions of (i) a “public project” and (ii) the type of “maintenance” work that is subject to the UPCCA and this Section III-D are set forth in the “UPCCA Summary Sheet” attached as **Exhibit “B.”**)

(1) *Contracts totaling up to \$1,000.00*

The doing of any “public project” or “maintenance” work of the District that is subject to the UPCCA (as defined in the UPCCA Summary Sheet) or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$1,000.00 can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 1 employee, Level 2 employee, Level 3 employee, or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. Level 1 employees shall not be authorized to execute any such contract or purchase order until such employee has obtained the prior approval of his/her immediate supervisor. No notice inviting informal bid for any such public project or maintenance work need be provided.

(2) *Contracts totaling up to \$2,500.00*

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$2,500.00 can be performed (i) by the District’s employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District’s then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 2, Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District’s then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order), shall require prior approval from the Board at a regular or special meeting of the Board. Level 2 employees shall not be authorized to execute any such contract or purchase order until such employee’s immediate supervisor has reviewed and approved the proposed contract or purchase order. No notice inviting informal bid for any such public project or maintenance work need be provided.

(3) Contracts totaling up to \$10,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$10,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 3 or Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(4) Contracts totaling up to \$25,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$25,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager and any Level 4 employee of the District shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(5) Contracts totaling up to \$75,000.00

The doing of any public project or maintenance work of the District that is subject to the UPCCA, or any contract for the doing of any such public project or maintenance work, with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) less than or equal to \$75,000.00 can be performed (i) by the District's employees by force account, (ii) by negotiated contract, or (iii) by purchase order, so long as such public project or maintenance work has been included in the District's then-current fiscal budget. If the doing of any such public project or maintenance work is to be performed by negotiated contract or by purchase order, the General Manager shall be authorized to approve and to execute on behalf of the District any such negotiated contract or purchase order. If such public project or maintenance work has not been previously included in the District's then-current fiscal budget, the doing of any such public project or maintenance work (whether by force account, negotiated contract, or purchase order) shall require prior approval from the Board at a regular or special meeting of the Board. No notice inviting informal bid for any such public project or maintenance work need be provided.

(6) Contracts totaling \$75,000.01 - \$220,000.00

Any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$75,000.00 but less than or equal to \$220,000.00, must go through the UPCCA's informal bid process as set forth in the District's Ordinance No. 48 adopted March 27, 2013, as amended by the District's Ordinance No. 52 adopted May 1, 2019, as may be further amended from time to time, and as summarized in the UPCCA Summary Sheet. The General Manager shall be authorized to send out a notice inviting informal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The informal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA as summarized in the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account. If all bids received are greater than \$220,000.00, the Board can adopt by resolution by a four-fifths (4/5) vote and award the contract at \$235,000.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting informal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

(7) Contracts over \$220,000.00

Unless otherwise provided in Section III-D(6), above, any contract for the doing of any public project or maintenance work of the District that is subject to the UPCCA with a total contract price (which includes all cost elements – personnel, materials, supplies, subcontracts, equipment and overhead – associated with the proposed public project or maintenance work) greater than \$220,000.00 is subject to the UPCCA's formal bidding procedures (including the notice inviting formal bids, adoption of plans, and the awarding of bid) as summarized in the attached UPCCA Summary Sheet. The General Manager shall be authorized to send out a notice inviting formal bid on the proposed public project or maintenance work without prior Board approval so long as such project or work has been included in the District's then-current fiscal budget. The formal bid results will be brought before the Board to consider whether to reject any and all bids or to award a bid to the lowest responsible bidder in the manner required by the UPCCA, as summarized in the attached UPCCA Summary Sheet. If no bids are received, the proposed public project or maintenance work may be performed by the District's employees by force account or by the informal bidding procedures detailed for public projects greater than \$75,000.00 but less than or equal to \$220,000.00. If the proposed public project or maintenance work has not been previously included in the District's then-current fiscal budget, the General Manager may not send out a notice inviting formal bid on the proposed public project or maintenance work without first obtaining the Board's prior approval at a regular or special meeting of the Board.

E. Change Orders.

The General Manager shall have the authority to approve and execute on behalf of the District any change order to a contract (i) awarded by District personnel (including the General Manager) or the Board pursuant to Section III of this Procurement and Purchasing Policy; or (ii) awarded by the Board (or by any person who the Board has delegated authority to) for a public project or maintenance work under the UPCCA, as follows:

- (1) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (2) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) less than or equal to \$10,000.00 that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manger has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (3) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that does not cause the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager may authorize such change order without having to obtain prior approval of the Board.
- (4) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a public project or maintenance work under the UPCCA) greater than \$10,000.00 (but within ten percent (10%) of the original contract amount) that causes the total contract amount to exceed the amount budgeted for that particular contract in the District's then-current fiscal budget, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board at a regular or special meeting of the Board.
- (5) For change orders (including any change order to a contract awarded by the Board or by any person who the Board has delegated authority to for a "public project" or "maintenance work" under the UPCCA) greater than \$10,000.00 that are more than ten percent (10%) of the original contract amount, the General Manager shall be prohibited from authorizing such change order until such time as the General Manager has obtained the prior approval of the Board.

F. Professional Service Agreements.

Professional services are defined as unique, technical and/or infrequent functions performed by an independent contractor/vendor qualified by education, experience, certification and/or technical ability to provide services. Typical District services that are obtained through professional services contracts include architectural, landscape architectural, professional engineering, environmental, land surveying, construction and project management, information technology, consulting, marketing, legal, and financial services. Professional services contracts shall be awarded to professional service providers on the basis of demonstrated competence and qualifications for the types of services to be performed, and at fair and reasonable prices to the District, using the District's standard Professional Services Agreement. The Board shall approve all Professional Services Agreements over the amount of \$25,000.00. The General Manager and/or Deputy General Manager is authorized to enter into a Professional Services Agreement in an amount of \$25,000.00 or less without prior Board approval provided the services have been included in the District's then-current fiscal budget. Any Professional Services Agreement not included in the District's then-current fiscal year budget requires the prior approval of the Board. The representative for the District identified in the Professional Service Agreement is authorized to approve routine invoices for contracts and services that have already been authorized by the Board or the General Manager and/or Deputy General Manager. The policies in this Section III-D(F) are further summarized in the decision tree attached to this policy as **Exhibit "C-1."**

G. Prohibition against Serial or Cumulative Expenditures.

The authority for making expenditures or executing contracts as provided in this policy is intended to enable the General Manager and District staff to understand the scope of this authority in procurement activities made on behalf of the District. The structuring of transactions in a serial or cumulative manner so as to avoid the requirement of approval by the Board is strictly prohibited and will not be tolerated. In addition, for public projects or maintenance work of the District that is subject to the UPCCA, the UPCCA prohibits a local agency to split or separate into smaller work orders or projects any such public project or maintenance work for purposes of avoiding the UPCCA's formal bidding requirements, as summarized in the attached UPCCA Summary Sheet. Thus, the costs associated with the purchase of materials or supplies, when purchased or used as part of a public project or maintenance work subject to the UPCCA, become part of the project cost and must be considered when applying the bid limits set forth in Section III-D above. For example, on a public project subject to the UPCCA that will pay a contractor \$110,000.00 for construction services and a separate vendor \$110,001.00 for the purchase of materials or supplies to be used on the project, such project will have a total contract price of \$220,001.00 and the contracting services and the separate purchase of materials and supplies will each be subject to the UPCCA's formal bidding procedures applicable to public projects or maintenance work of more than \$220,000.00. Likewise, as an example, if maintenance work subject to the UPCCA will have a total cost of \$100,000.00 (e.g., \$50,000.00 to be paid for maintenance services to one contractor and \$50,000.00 to be paid to a separate vendor for materials and supplies for that maintenance project), the maintenance services contract and the purchasing contract will each be subject to the UPCCA's informal bidding procedures for public projects and maintenance work that costs more than \$75,000.00 in total.

H. Future Modifications of Bid Limit Thresholds.

In the event the bid limit thresholds proscribed in Public Contract Code Section 22032 are later modified, District staff is hereby authorized and directed to revise this Procurement and Purchasing Policy to conform with the maximum bid threshold limits permitted by law. Upon such an event, District staff shall notify the Board of the bid threshold limit modifications and the corresponding amounts.

IV. **EXCEPTIONS TO COMPETITIVE BIDDING**

The following exceptions shall apply to the competitive bidding procedures set forth in Section III-C above:

A. **Sole Source Procurement.**

There may be limited situations where the District requires particular contracts for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, for which there is no substantial equivalent and which are, in fact, available from only one vendor, supplier, service provider, or contractor, and therefore, in such situations, the use of competitive bidding may be impractical.

The Board has determined that it is in the District's best interests to authorize the General Manager to engage in sole source procurement under limited circumstances. The General Manager, on behalf of the District, may execute a contract for the purchasing of supplies used in connection with or consumed on any project or work not subject to the UPCCA, on a sole source basis, and without competitive bidding, on the following conditions:

- (1) The General Manager determines, after conducting a good faith review of available sources, that there is only one source for such supplies required by the District.
 - (a) Examples of sole source procurements include, but shall not be limited to, the following:
 - (i) ***Licensed or Patented Applications:*** The vendor, supplier, service provider, or contractor is the sole provider of a licensed, patented, or proprietary application, product, material, supplies, or item required by the District that has unique design or performance features providing superior utility not obtainable from similar vendors, suppliers, service providers, or contractors.
 - (ii) ***Authorized Service Provider, Repair and Warranty Services:*** The District requires service or repair support for such supplies and the vendor, supplier, service provider, or contractor is either a factory authorized warranty service provider or such vendor, supplier, service provider, or contractor is required for warranty services pursuant to the terms and conditions of an existing District contract.
 - (iii) ***Unique Design:*** The District has a specialized need and the vendor, supplier, service provider, or contractor is the sole provider of such supplies that can meet the District's specialized needs or to perform the intended functions. This includes products with special features essential for the completion of a task or project, or with physical or artistic design characteristics that satisfy aesthetic requirements.

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- (iv) ***Trial and Evaluation Projects:*** A limited duration, limited scope, pilot, trial or evaluation of a product, range of products or services. A trial or evaluation project would typically be part of establishing a standard for a District department, or to pilot a particular product or services for a District need.
 - (v) ***Grant Funded Approved Products and/or Vendors:*** Where a granting authority is providing funding for the procurement of products and/or services and the granting authority requires that those products and/or services must be selected from an approved list of products and/or vendors at the time of application, the District may procure the approved product and/or services, provided that:
 - 1. The grantor has approved the grant to the District.
 - 2. The products and/or services procured are from the grantor's approved products/services list.
 - 3. That such procurements in excess of \$25,000 be approved by the Board.
- (2) Such sole-source contract has been included in the District's then-current fiscal budget.
 - (3) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the sole source procurement, and the need for immediate acquisition.
 - (b) A statement and/or justification of the General Manager's good faith determination that a sole source opportunity has been presented to the District.
 - (c) A brief description of the supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the sole-source vendor, supplier, service provider, or contractor.
 - (4) The Board approves the sole-source contract at the next scheduled workshop or regular or special meeting of the Board.

If such sole source contract has not been previously included in the District's then-current fiscal budget or such contract exceeds the amount budgeted for that particular contract in the District's then-current fiscal budget, such contract shall require prior Board approval.

B. Piggybacking.

Piggyback contracting occurs when a public agency enters into a contract, without competitive bidding, with a particular supplier, vendor, service provider, or contractor who has already been awarded a contract for the purchase of the same or similar materials or supplies by another public agency or governmental entity pursuant to that agency's or entity's competitive

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bidding process. Piggybacking on other public agency or governmental entity contracts can reduce administrative and project costs and achieve greater efficiency and economies of scale.

The Board has determined that it is in the District's best interests to authorize the General Manager to participate in piggybacking opportunities whenever possible. The District may piggyback on other public agency or governmental entity contracts for the purchase of the same or similar materials or supplies and the General Manager is authorized to execute on behalf of the District a contract for the purchasing of such materials or supplies used in connection with or consumed on any project or work not subject to the UPCCA without separate competitive bidding by the District, on the following conditions:

- (1) The General Manager has determined that it is in the District's best interest to engage in a piggybacking opportunity for the purchase or contract of such materials or supplies with a particular vendor, supplier, service provider, or contractor if such opportunity will result in significantly reduced costs to the District (administrative costs, project costs, or otherwise), or will achieve greater efficiency or economies of scale for District projects.
- (2) Such vendor, supplier, service provider, or contractor has been previously awarded a contract with another local, state, or federal agency or governmental entity pursuant to that agency's or entity's competitive bidding process to provide materials or supplies that are same or similar or related to the District's proposed contract or purchase.
- (3) Such piggybacking contract has been included in the District's then-current fiscal budget.
- (4) The General Manager provides a written report to the Board containing the following information:
 - (a) A brief description of the circumstances surrounding the piggybacking opportunity;
 - (b) A brief description of the benefits and cost savings the District will receive as a result of the piggybacking opportunity; and
 - (c) A brief description of the materials or supplies to be purchased or contracted for, the cost of such purchase or contract, and the name of the vendor, supplier, service provider, or contractor.
- (5) The Board has approved the piggybacking contract at the next scheduled workshop or regular or special meeting of the Board.

Notwithstanding anything contained in Section III or this Section IV-B to the contrary, the District's dredging projects located within the Ventura Harbor will be subject to Public Contract Code Section 20751.2, which authorizes the District to award a contract for the performance of dredging work within the District's boundaries without competitive bidding, provided each of the following apply: (a) the dredging contractor was selected through a federal competitive bidding process for a federal dredging project then underway in the County of Ventura; and (b) the Board makes written findings, based on substantial evidence in the record, that the contract awarded

pursuant to such section 20751.2 is likely to cost less than a contract awarded pursuant to Public Contract Code Section 20751.

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 (4/5) 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 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.

D. Local Vendor Preference.

In determining the lowest responsible bid pursuant to the District’s competitive bidding procedures set forth in Section III-C, above, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, and as summarized in the attached UPCCA Summary Sheet, the Board finds it desirable and in the best interests of the District to establish a local business preference program in order to reduce the competitive barriers faced by local businesses (the “Local Business Preference Program”).

This Local Business Preference Program shall be taken into account in determining the lowest responsible bid in awarding a contract subject to the District’s competitive bidding procedures set forth in Section III-C, or in determining the lowest responsible bid pursuant to the formal bidding procedures set forth in the UPCCA, and as summarized in the attached UPCCA Summary Sheet.

(1) Local Business Preference Program.

In determining the lowest responsible bid, the General Manager shall include the following:

- (a) For (i) any District contract for the purchasing of materials or supplies used in connection with or consumed on any work or project subject to the UPCCA reasonably estimated by the General Manager to have a contract amount greater than \$25,000.00; or (ii) any public project or maintenance work subject to the UPCCA’s formal bidding procedures, the District shall assign a five percent (5%) bid price reduction “preference” during the bid evaluation process (the “Local Business Preference”) to any bid from any person or entity that is determined by the General Manager to be a Local Business (as defined in subsection (b) of this Section IV-D(1)).

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- (b) “Local Business” shall mean a person or entity that has for at least twelve (12) months immediately preceding submittal of its bid maintained its principal business office within the geographic boundaries of Ventura County, California.
- (c) Except as otherwise provided in this Section IV-D, the provisions set forth in this Section IV-D shall not supersede the other provisions set forth in this Procurement and Purchasing Policy or the uniform public construction cost accounting procedures set forth in the UPCCA, whichever shall apply. If any inconsistency or conflict exists or arises between the terms of this Section IV-D and the other provisions set forth in this Procurement and Purchasing Policy or the UPCCA, whichever shall apply, such other provisions shall control.
- (d) This Local Business Preference Program shall not be applied under the following circumstances:
 - (i) National contracts;
 - (ii) Revolving fund (petty cash) purchases;
 - (iii) Credit card purchases;
 - (iv) Contracts not subject to the District’s competitive bidding procedures;
 - (v) Any contracts funded by the federal government where there are conflicting requirements for minority or women-owned business participation.
 - (vi) Where such preference is otherwise prohibited by law;
 - (vii) Emergency procurements;
 - (viii) Piggybacking or sole source procurements; or
 - (ix) Contracts or projects relating to dredging or dock rehabilitation and/or replacement.

(2) Procedures for the Local Business Preference Program

- (a) Once all bids are opened, the bids of those bidders who are Local Businesses shall be reduced by five percent (5%) for purposes of determining the lowest responsible bidder. If the bid of a Local Business, after applying the Local Business Preference, is then the lowest responsible bidder (the “Lowest Local Business Bidder”), that Lowest Local Business Bidder shall have the opportunity to reduce its bid to match the bid of the actual lowest responsible bidder, in writing, within one (1) business day, whereupon the General Manager shall make a recommendation to the Board to award that Lowest Local Business Bidder with the contract if the

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General Manager determines, in his or her sole discretion, that such bid is responsive to all of the terms and conditions stated in the District's previously published notice inviting bids.

- (b) If the Lowest Local Business Bidder does not elect to reduce its bid to match the bid of the actual lowest responsible bidder, then the next lowest Local Business bidder (the "Second Lowest Local Business Bidder") shall be given the opportunity to match the bid of the actual lowest responsible bidder in the time and manner set forth in subsection (a) of this Section IV-D(2), above; *provided, however*, the bid of such Second Lowest Local Business Bidder must also be within five percent (5%) of the actual lowest responsible bid.
- (c) An award may be made to the lowest aggregate responsible bidder for all items on the invitation to bid, on a group or an individual basis, whichever is found to be in the best interest of the District.
- (d) All bids are subject to rejection by the Board in its absolute and sole discretion, and in those instances where evaluation dictates the rejection of the lowest bid as not meeting the requirements established in the invitation to bid, the vendor shall be notified of the reason for rejection.

V. FEDERALLY FUNDED PROCUREMENT POLICY

A. Purpose and Applicability.

This section pertains to federally funded projects and purchases. The purpose of this section is to ensure compliance with all applicable federal requirements when federal financial assistance is being expended by the District. Procurements funded in whole or in part with federal funds must comply with Code of Federal Regulations (CFR), Title 2 – Grants and Agreements, Subtitle A – Office of Management and Budget Guidance for Federal Financial Assistance, Subpart D (Procurement Standards) of Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR §§ 200.317 to 200.327).

To the extent that any provisions of this policy are inconsistent with any other District regulations, the provisions of this policy shall prevail with respect to federally funded procurements. If any provisions of this policy become inconsistent with federal requirements, whether due to a change in federal law or regulations, through judicial precedent, or for any other reason, then the District shall not be required to comply with the inconsistent provision.

B. Methods of Procurement.

In addition to the District's purchasing policy approval limits, one of the following methods should be used:

- (1) **Micro-purchase:** Purchases where the aggregate dollar amount does not exceed \$10,000, or the current limitation set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1, where this threshold is periodically adjusted for inflation. No bid or quote process is required. No cost or price analysis is required. Purchases should be distributed among a range of qualified vendors.

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- (2) **Small purchase:** Purchases up to the Simplified Acquisition threshold (the dollar amount below which a non-Federal entity may purchase property or services using small purchase methods), which is currently \$250,000, and is adjusted from time to time. Informal purchasing procedures are acceptable, but price or rate quotes must be obtained from an adequate number of sources. Purchases made should be distributed among a range of qualified vendors.
- (3) **Sealed bid:** Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. Under this purchase method, formal and public solicitation is required, and the fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price. This method is the preferred procurement method for construction contracts if the following conditions apply:
- (a) A complete, adequate, and realistic specification or purchase description is available;
 - (b) Two or more responsible bidders are willing and able to compete effectively for the business, and,
 - (c) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price.

If this method is used, the following requirements shall apply:

- (i) The invitation for bids will be publicly advertised, including through electronic advertising, and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date for opening the bids.
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the terms or services in order for the bidder to properly respond.
- (iii) All bids will be publicly opened at the time and place prescribed in the invitation for bids.
- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts will only be used in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.
- (v) Any or all bids may be rejected if there is a sound documented reason.

- (4) **Competitive proposals:** Purchases over the Simplified Acquisition threshold, which is currently \$250,000, and is adjusted from time to time. This procurement method requires formal solicitation, fixed price, or cost-reimbursement contracts, and is used when sealed bids are not appropriate. The contract should be awarded to the responsible firm whose proposal is most advantageous to the program, with price being one of the various factors. If this method is used, the following requirements apply:
- (a) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
 - (b) Proposals must be solicited from an adequate number of qualified sources.
 - (c) The methods for conducting technical evaluations of the proposals received and for selecting recipients may include, but not be limited to: oral interviews, references, past performance, availability to perform work, and certifications as determined by project scope.
 - (d) Any response that takes exception to any mandatory items in this proposal process may be rejected and not considered.
 - (e) Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
 - (f) Competitive proposal procedures may be used for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services, though A/E firms are a potential source to perform the proposed effort.
- (5) **Noncompetitive proposals:** Also known as sole-source procurement, this may be appropriate only when one or more of the following criteria are met:
- (a) The item is available only from a single source;
 - (b) The public emergency for the requirement will not permit a delay resulting from competitive solicitation;
 - (c) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the nonfederal entity; or

- (d) After solicitation of a number of sources, competition is determined inadequate.

C. Contract Cost and Price.

A cost or price analysis shall be performed in connection with every procurement action in excess of the Simplified Acquisition threshold (\$250,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, independent estimates shall be made prior to receiving bids and proposals.

- (1) Profit shall be negotiated as a separate element of the price for each contract in which there is a no price competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
- (2) Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the District under Subpart E – Cost Principles of 2 CFR Part 200 –Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- (3) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall be used.

D. Single Audit Threshold.

If the District, as a non-Federal entity, expends \$1,000,000 or more in federal awards during its fiscal year, the District must have a single or program-specific audit conducted for that year in accordance with the provisions of 2 C.F.R. §§ 200.501-200.507.

VI. VENDOR AND CONTRACTOR REGISTRATION DIRECTORY

The District invites vendors to express their interest in doing business with the District. Vendors and contractors to which this Procurement and Purchasing Policy apply may download registration forms from the District's website located at <https://venturaharbor.com/public-bidding/>. To properly register with the District, all such vendors and contractors interested in doing business with the District shall be required to complete a registration form and submit it to the District by email or mail.

VII. PREVAILING WAGES AND VENDOR AND CONTRACTOR REGISTRATION REQUIREMENTS

A. Prevailing Wages.

Any project that constitutes a “public works” under California Labor Code section 1720 et seq., is subject to the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code¹ and its implementing regulations set forth in Title 8 of the California Code of Regulations (collectively, “Prevailing Wage Laws”), which require the payment of prevailing wages, the training of apprentices, and compliance with other applicable requirements. Prevailing wages apply to all projects defined as a “public works” project by the State of California that cost more than \$1,000 and are performed under a contract “paid for in whole or in part out of public funds,” excluding work done by a public agency itself (collectively, “Public Work”).² This includes construction, demolition, repair, alteration, maintenance,³ and the installation of photovoltaic systems under a power purchase agreement when certain conditions are met under California Labor Code section 1720.6. This also includes (i) service and warranty work on public buildings and structures and land surveying; (ii) surveying, material testing, or inspection services provided for a Public Work construction project during the design, site assessment, feasibility study, and other preconstruction phases of construction; (iii) concrete deliveries and certain delivery of paving materials which are incorporated into the project at the time of delivery; and (iv) work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite and the hauling of refuse from a Public Work jobsite to an outside disposal location.

Accordingly, most contracts between the District and vendors or contractors (collectively, in this Section VII, “Contractor”) for construction-related services that are subject to this Procurement and Purchasing Policy will trigger the prevailing wage requirements applicable to a Public Work project. This Section VII discusses these requirements.

B. Application to District Leases and Contracts for Tenant Improvements.

Applying these definitions and concepts to tenant improvements that may be required and contracted for at the outset of a lease where the landlord is a public agency and the tenant is a private entity, if the tenant is required to do tenant improvements and pays for those improvements itself, then the tenant improvements are typically **not** a Public Work project. Conversely, if any portion of the tenant improvements that constitute a Public Work will be paid for using District funds, then the **entire project** is Public Work project, and laborers must be paid prevailing wages.

This can happen, and Contractor and any subcontractors must abide by all applicable Prevailing Wage Laws, if **any portion** of a Public Work project will be paid for using District funds. Such as, for example, tenant improvements required under a District lease agreement that will be: (i) paid for by the District directly but performed by the tenant’s contractor (regardless of whether the District or the tenant contracts for the contractor’s services); (ii) paid for by the District in the form of a direct payment to the tenant or its contractor before, during, or after completing the tenant improvements (as a reimbursement), and/or as a credit for some future expense, such as rent; (iii) paid for by way of a tenant improvement allowance established under a written lease or other contract with the District; or (iv) part of a larger project undertaken by the District.

¹ See Labor Code sections 1720 through 1861.

² The definition of “public works” triggering Labor Code compliance can be found in Labor Code sections 1720 and 1771. “Maintenance” is defined at 8 CCR section 16000.

Based on these considerations, with respect to any tenant improvements authorized or required under a District lease or other contract, the Board has determined that it is in the District's best interests to either (a) have the District's own workforce construct the tenant improvements, in which case prevailing wages would not be required; (b) have the tenant perform the work itself, or contract and pay for the improvements using its own funds (without any reimbursements or credits from the District); or (c) have the District contract for the tenant improvement project, and require Contractor to pay prevailing wages and meet the other requirements of the DIR that are summarized in this Section VII below. This determination will be decided by the Board on a case-by-case basis, and any resulting obligations concerning such will be clearly set out in a written lease agreement or other form of contract between the District and the tenant.

C. Excluded Workers and Projects.

The Prevailing Wage Laws apply to "work performed under contract" and not to work carried out by the District's own workforce. In addition, and with respect to the above example involving tenant improvements, if tenant improvements are being performed by a tenant directly or on behalf of a tenant and **no** District funds, reimbursements, or credits are provided in exchange for the tenant improvements, the prevailing wage requirements applicable to a Public Work project will **not** be triggered and laborers do not need to be paid prevailing wage for that project.

D. Prevailing Wage Information and Requirements.

- (1) **Prevailing Wage Rates.** The applicable California prevailing wage rate(s) can be found at www.dir.ca.gov and are on file with the District's principal office. Contractor is required to have a copy of the applicable wage determination posted and/or available at each jobsite. Overtime must be paid for work in excess of 8 hours per day or 40 hours per week pursuant to Labor Code Sections 1811-1813. Special prevailing wage rates generally apply to work performed on weekends, holidays, and for certain shift work. Depending on the location of the project and the amount of travel incurred by workers on the Public Work project, certain travel and subsistence payments may also be required. Contractors and subcontractors are on notice that information about such special rates, holidays, premium pay, shift work and travel and subsistence requirements can be found at www.dir.ca.gov, including Industrial Welfare Commission Order No. 16-2001.
- (2) **Registration and Labor Compliance.** Pursuant to Labor Code Sections 1725.5 and 1771.1, all Contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract with the District to perform a Public Work project must be registered with the Department of Industrial Relations ("DIR") as a "public works contractor" **at the time of bid**; *provided, however*, where a prime contract is less than (i) \$15,000 for maintenance work or (ii) \$25,000 for construction, alternation, demolition or repair work, registration is **not** required. No bid will be accepted, and no contract will be entered into, without proof of the Contractor's and subcontractors' current registration with the DIR to perform a public works project. The Contractor and its subcontractors, of any tier, must maintain active registration with the DIR for the duration of any contracted Public Work project. If a contract with the District is for a Public Work project, it will be Contractor's and its subcontractors' sole responsibility to comply with all applicable Prevailing Wage Laws and registration and labor

compliance requirements, including the submission of certified payroll records directly to (a) the District and (b) the DIR, pursuant to the Prevailing Wage Laws and the terms of the District’s contract addendum with the prevailing wage requirements, which is attached to this policy as “**Exhibit E.**”

E. District Verification and Monitoring Requirements.

If a contract between the District and any Contractor is for a Public Work project that is subject to the Prevailing Wage Laws, the representative for the District identified in the contract for the project should complete the applicable sections in the District’s “Contractor Notice to Proceed” form attached to this policy as **Exhibit “D”** and (i) verify that the Contractor and all subcontractors have registered with the DIR at the time of the bid award (unless one of the exemptions in Section VII-D(2) applies); (ii) verify whether a “PWC-100” form must be filed with the DIR; (iii) obtain certified payroll documents from the Contractor and any subcontractors performing work on the project within the first two (2) weeks of the project’s start date; and (iv), at the conclusion of the project, record a Notice of Completion with the Ventura County Recorder’s office for each Prevailing Wage project by the required deadline.

F. Interaction and Application of California’s Prevailing Wage Laws for Purely Federal Projects Under the Davis-Bacon Act.

The California law restricting the reduction of the “basic hourly rate” under California’s Prevailing Wage Laws is distinct from the federal prevailing wage laws under the Davis-Bacon Act. The Davis Bacon Act does not prohibit the crediting of employer payments or benefit contributions towards fulfilling the hourly wage rate listed in the contract wage determination on federally funded projects. Contractors performing work on projects which are governed by *both* the federal Davis-Bacon Act and the California prevailing wage requirements must, however, continue to comply with state requirements in order to be in compliance with California law.

When (i) contractors perform work on a Public Work project that has mixed funding (both federal and state); or (ii) federally funded projects are controlled or carried out by the District (or California awarding bodies of any sort), the application of state prevailing wage rates is required when those rates are *higher* than the federal prevailing wage laws under the Davis-Bacon Act.

VIII. BUDGETING FOR CAPITAL IMPROVEMENT PROJECTS

In developing the District’s fiscal budget, District staff shall use the following guidelines in identifying, managing, administering, and budgeting for capital projects for the following fiscal year:

- A. Start early in the fiscal year to clearly define a project; involve a range of staff levels; take into consideration aesthetics, marketing, and maintenance issues in developing projects.
- B. Provide any reports, plans, drawings, specifications, design ideas, cost benefit studies and analysis, and other related materials that may be necessary or useful in assisting the Board in determining whether a particular capital improvement project should be approved in connection with the Board’s approval of the District’s proposed budget for a particular fiscal year.
- C. Work diligently with any ad hoc committees of the Board for purposes of making recommendations of potential capital improvement projects.

ATTACHMENT 2

- D. After a particular project has been identified and budgeted, District staff should diligently engage in interviewing and selecting qualified design or engineering firms or consultants to assist the District in designing and preparing the plans and specifications of such project.
- E. District staff shall work with the design or engineering firm or consultant in establishing project targets and milestones in order to ensure that the project is proceeding according to schedule and to plan.

IX. EXHIBITS

The following exhibits that are attached to this policy are incorporated herein by reference:

Exhibit A – District Employee Procurement Limits Chart

Exhibit B – UPCCA Summary Sheet

Exhibit C-1 – Ventura Port District Procurement Policy Decision Tree: 2 of the 3 Service Types

Exhibit C-2 – Ventura Port District Procurement Policy Decision Tree: 1 of the 3 Service Types

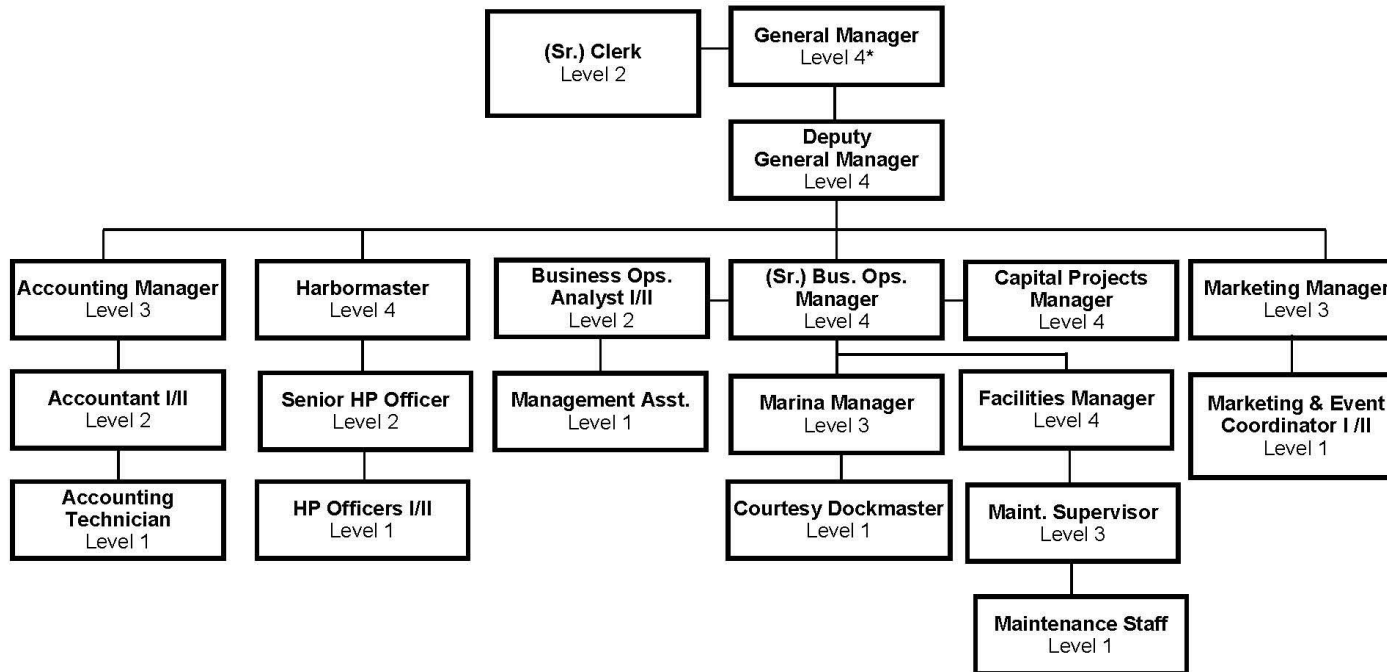
Exhibit D – Contractor Notice to Proceed

Exhibit E-1 – Prevailing wage requirements for larger public works projects

Exhibit E-2 – Prevailing wage requirements for smaller public works projects

EXHIBIT "A"

**Ventura Port District
Employee Procurement
Limits Chart
REV 12/2024**



Purchasing of Supplies Used in connection with or consumed on any work or project not subject to the UPCCA:

- Level 1: Purchases totaling up to \$1,000
- Level 2: Purchases totaling up to \$2,500.00
- Level 3: Purchases totaling up to \$10,000.00
- Level 4: Purchases totaling up to \$25,000.00

Contracts for the Doing of any Public Project or Maintenance Work that is subject to the UPCCA:

- Level 1: Contracts totaling up to \$1,000
- Level 2: Contracts totaling up to \$2,500.00
- Level 3: Contracts totaling up to \$10,000.00
- Level 4: Contracts totaling up to \$25,000.00
- GM: Contracts totaling up to \$75,000.00*

**EXHIBIT “B”
VENTURA PORT DISTRICT
UPCCA SUMMARY SHEET**

Contracts for the Doing of “Public Projects”

- “Public Project” means any of the following:
 - Construction, reconstruction, erection, alteration, renovation, improvement, demolition, installation and repair work involving any publicly owned, leased or operated facility.
 - Painting or repainting of any publicly owned, leased, or operated facility. A “facility” means any plant, building, structure, ground facility, utility system, real property, streets and highways, or other public work of improvement.

- Public Projects totaling up to \$75,000.00
 - Can be performed by the District’s employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.

- Public Projects greater than \$75,000.01 but less than or equal to \$220,000.00
 - Must send out notice inviting informal bids
 - Contents of notice:
 - Describe project in general terms and how to obtain more detailed information about the project.
 - State the time and place for the submission of bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District’s contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Mailing of Notice:
 - Mail notice to all contractors for the category of work to be bid as shown on the qualified bidder’s list developed by the District.
 - Additional contractors and/or construction trade journals may be notified at the District’s discretion.
 - If no list of qualified contractors is maintained by the District for the particular category of work to be performed, the notice inviting informal bids shall be sent only to the construction trade journals specified by the California Uniform Construction Cost Accounting Commission’s (the “Commission”) current Cost Accounting Policies and Procedures Manual (last updated in 2021 and accessible here: https://www.sco.ca.gov/ard_cuccac.html).
 - If the product or service is proprietary in nature such that it can only be obtained from certain contractor(s), the notice inviting informal bids may be sent exclusively to such contractor(s).
 - All mailing of notices to contractors and construction trade journals inviting informal bids must be completed not less than 10 calendar days before bids are due.
 - Bids received in excess of \$220,000.00

ATTACHMENT 2

- If all bids received are greater than \$220,000.00, the Board can adopt by resolution by a four-fifths (4/5) vote and award the contract at \$235,000.00 or less to the lowest responsible bidder if the Board determines the cost estimate of the District was reasonable.
- Otherwise, formal bidding procedures must be used for public projects of more than \$220,000.00.
- Awarding of Bid
 - The District can reject any and **all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least 2 business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for informal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote (4/5) of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account.
- Public Projects greater than \$220,000.00. (Referred to in the District's Procurement and Purchasing Policy as the "UPCCA's **formal** bidding process.")
 - Must send out notice inviting formal bids
 - Contents of notice:
 - Describe project in distinct terms and how to obtain more detailed information about the project.
 - State the time and place for the receiving and opening of sealed bids.
 - Project title and contract number (if any).
 - Cost Range.
 - Location of project site.
 - District's contact information.
 - Bid bond/performance bond/payment bond requirements.
 - Publication of notice:
 - The notice inviting formal bids must be published in a newspaper of general circulation, printed and published in

ATTACHMENT 2

Ventura County, at least 14 calendar days before the date of the opening of the bids.

- Mailing/Emailing/Faxing of Notice:
 - The notice inviting formal bids must also be sent electronically, if available, by email or fax, and mailed to the construction trade journals specified in the Commission's current Cost Accounting Policies and Procedures Manual. (last updated in 2021 and accessible here: https://www.sco.ca.gov/ard_cuccac.html).
 - Note: The District is not required to mail a notice to any specified trade journal if that trade journal is charging for its services or is out of business. Instead, the District should find some other method of notifying potential contractors of published jobs providing information on how to be added to the District's informal bidding lists (e.g., through the District's website).
- Adoptions of Plans
 - The Board must adopt plans, specifications, and working details for all public projects exceeding \$220,000.00.
- Awarding of Bid
 - The District can reject any and **all** bids presented if the District, prior to rejecting all bids and declaring that the project can be more economically performed by the District's employees, provides a written notice to an apparent low bidder that does the following:
 - Informs the lowest responsible bidder of the District's intent to reject the bid; and
 - Is mailed at least 2 business days prior to the hearing at which the District intends to reject the bid.
 - If the District rejects all bids received after the first invitation for formal bids, the District, after reevaluating its cost estimates of the project, has one of the two following options available to it:
 - The District can abandon the project or re-advertise for bids in the manner described by the UPCCA.
 - The District can have the project done by force account without further compliance with the UPCCA by passage of a resolution by a four-fifths vote (4/5) of the Board declaring that the District's employees can perform the project more economically.
 - If a contract is awarded, it must be awarded to the lowest responsible bidder. If there are two bids that are the lowest responsible bids, then the District may accept the one it chooses.
 - If no bids are received, the project may be performed by employees of the District by force account or by the informal bidding procedures detailed for public projects greater than \$75,000.00 but less than or equal to \$220,000.00, as summarized above.

Contracts for the Doing of “Maintenance Work”

- “Maintenance Work” means any of the following:
 - Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.
 - Minor repainting.
 - Resurfacing of streets and highways at less than one inch.
 - Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
 - Work to be performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of 230,000 volts and higher.

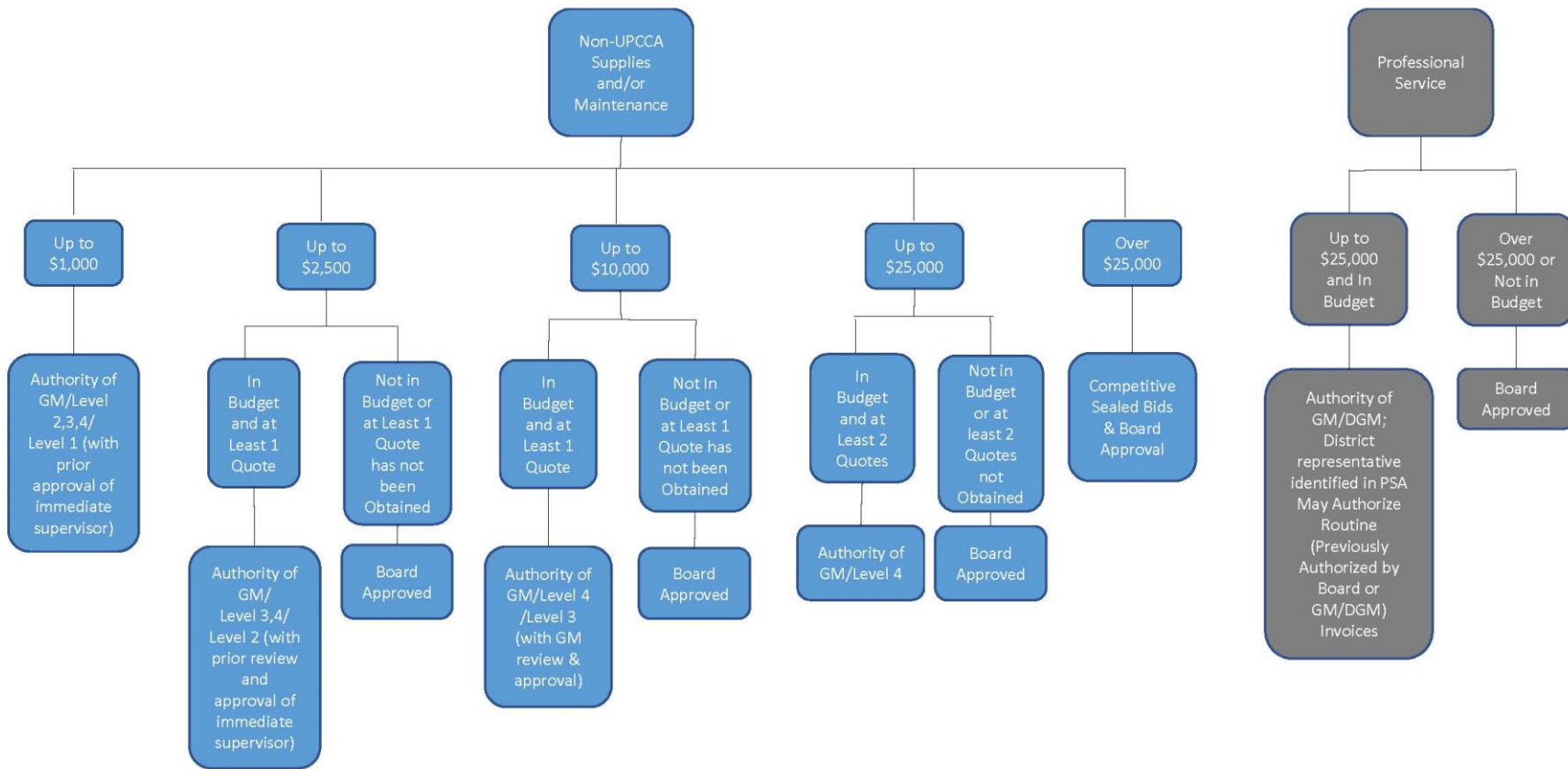
- Maintenance Work totaling up to \$75,000
 - Can be performed by the District’s employees by force account, negotiated contract, or purchase order.
 - No notice inviting informal bid required.

- Maintenance Work greater than \$75,000 but less than or equal to \$220,000
 - Same requirements as for public projects greater than \$75,000 but less than or equal to \$220,000 – see above.

- Maintenance Work greater than \$220,000 (referred to in the District’s Procurement and Purchasing Policy as the “UPCCA’s **formal** bidding process”)
 - Same requirements as for public projects greater than \$220,000 – see above.

Exhibit "C-1"

Ventura Port District Procurement Policy Decision Tree: 2 of the 3 Service Types

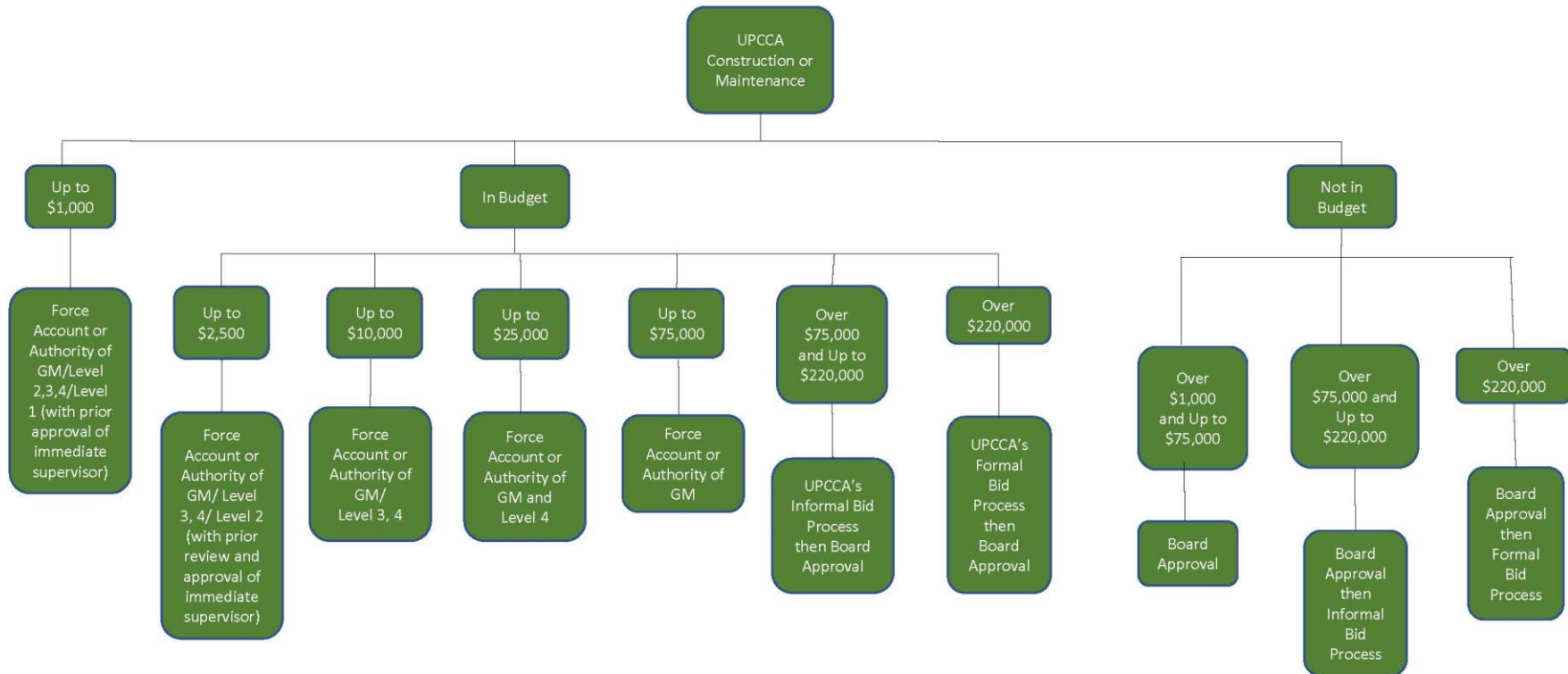


Ventura Port District Procurement and Purchasing Policy
 UPCCA: California Uniform Public Construction Cost Accounting Act (generally construction projects).
 Rev: March 29, 2022, December 18, 2024

Contract Notice to Proceed: Attachment Page 1 of 2

Exhibit "C-2"

Ventura Port District Procurement Policy Decision Tree: 1 of the 3 Service Types



Ventura Port District Procurement and Purchasing Policy
 UPCCA: California Uniform Public Construction Cost Accounting Act (generally construction projects).
 Rev: March 29, 2022, December 18, 2024

Contract Notice to Proceed: Attachment Page 2 of 2

EXHIBIT "D"
CONTRACTOR NOTICE TO PROCEED

Project: _____ Job Code: _____

Project Manager: _____ Start Date: _____

Contract Ceiling: \$ _____

Budgeted Value (if applicable): \$ _____

Change Order Limit (10% of contract or total budget): \$ _____

_____ Confirmation of procurement in conformance with Procurement Policy thresholds

_____ Verification of contract signatures

_____ Receipt of Certificate of Insurance including Endorsement

Is this job subject to Prevailing Wage? _____

If yes, all of these apply:

_____ Verification of contractor and subcontractor DIR registration at time of bid award (fine of up to \$100/day for us up to \$10k)

_____ Verification of Contractors State License Board (CSLB) and Worker's Comp registration

_____ Verification of whether a PWC-100 must be filed:
o Maintenance projects over \$15,000
o All other construction work over \$25,000
o within 30 days of award of contract or by 1st day worked, whichever is sooner – unless emergency work, then 30 days or completion, whichever is earlier
o \$100/day fine for us for each day late

_____ Obtain Certified Payroll within first two weeks of job start:
o Review classification of workers
o Verify training contributions
o Travel & subsistence if applicable
o Fringe Benefit Forms

_____ District must file Notice of Completion for each prevailing wage project (note this would include dredging)

Comments (e.g. Special Exception for competitive bidding; Federally funded Project; Project was completed by using the Local Business Preference Program):

EXHIBIT “E-1”
PREVAILING WAGE REQUIREMENTS FOR LARGER PUBLIC WORKS PROJECTS

1. Prevailing Wages. Any project that constitutes a “public works” under California Labor Code section 1720 et seq., is subject to the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code⁴ and its implementing regulations set forth in Title 8 of the California Code of Regulations (“*Regulations*”) (collectively, “*Prevailing Wage Laws*”), which require the payment of prevailing wages, the training of apprentices, and compliance with other applicable requirements. Prevailing wages apply to all projects defined as a “public works” project by the State of California that cost more than \$1,000 and are performed under a contract “paid for in whole or in part out of public funds,” excluding work done by a public agency itself (collectively, “*Public Work*”).⁵ This includes construction, demolition, repair, alteration, maintenance,⁶ and the installation of photovoltaic systems under a power purchase agreement when certain conditions are met under California Labor Code (on occasion, “*LC §*”) section 1720.6. This also includes (i) service and warranty work on public buildings and structures and land surveying; (ii) surveying, material testing, or inspection services provided for a Public Work construction project during the design, site assessment, feasibility study, and other preconstruction phases of construction; (iii) concrete deliveries and certain delivery of paving materials which are incorporated into the project at the time of delivery; and (iv) work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite and the hauling of refuse from a Public Work jobsite to an outside disposal location pursuant to LC § 1720.3.

2. Incorporation by Reference. The Prevailing Wage Laws require that certain provisions be included in all contracts for a public works. If the contract (the “*Contract*”) with the Ventura Port District (the “*District*”) this exhibit and agreement (this “*Agreement*”) is attached to, which is incorporated herein by this reference, is for the performance of any Public Work project (“*Project*”), the contractor or consultant (“*Contractor*”) and any subcontractor or subconsultant performing any work on that Project (collectively, “*Subcontractor*”) must comply with all applicable requirements under the Prevailing Wage Laws, including, but not limited to, the requirements in this Agreement below.

3. Apprentices. If the prime contract or any subcontract for the Project exceeds thirty thousand dollars (\$30,000), Contractor and Subcontractors shall comply with all applicable requirements of LC § 1777.5, LC § 1777.6, LC § 1777.7, and the Regulations concerning the employment and wages of apprentices. Contractor and Subcontractors are responsible for compliance with this Section 3 for all apprenticeable occupations. Only bona fide apprentices actively enrolled in a California Division of Apprenticeship Standards approved program may be employed on a public works project as an apprentice and receive the applicable apprenticeship prevailing wage rates. Apprentices who are not properly supervised and employed in the appropriate ratio shall be paid the full journeyman wages for the classification of work performed.

4. Compliance with Prevailing Wage Requirements. Pursuant to the Prevailing Wage Laws, the Contractor and all Subcontractors shall ensure that all workers employed by them who perform work on the Project are paid not less than the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations (“*DIR*”).

⁴ See Labor Code sections 1720 through 1861.

⁵ The definition of “public works” triggering Labor Code compliance can be found in Labor Code Sections 1720 and 1771. “Maintenance” is defined at 8 CCR section 16000 of the Regulations.

- 4.1. Copies of such prevailing rate of per diem wages are on file at the office of the District and are available for inspection to any interested party on request. Copies of the prevailing rate of per diem wages also may be found at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. The Contractor and all Subcontractors shall post a copy of the prevailing rate of per diem wages determination at appropriate conspicuous points each job site for the Project and shall make them available to any interested party upon request. These wage rates are made a specific part of this Agreement by reference pursuant to LC § 1773.2 and will be applicable to all work performed at all Project sites.
- 4.2. The wage rates determined by the DIR refer to expiration dates. If the published wage rate does not refer to a predetermined wage rate to be paid after the expiration date, then the published rate of wage shall be in effect for the life of this Agreement. If the published wage rate refers to a predetermined wage rate to become effective upon expiration of the published wage rate and the predetermined wage rate is on file with the DIR, such predetermined wage rate shall become effective on the date following the expiration date and shall apply to this Agreement in the same manner as if it had been published in said publication. If the predetermined wage rate refers to one or more additional expiration dates with additional predetermined wage rates, which expiration dates occur during the life of this Agreement, each successive predetermined wage rate shall apply to this Agreement on the date following the expiration date of the previous wage rate. If the last of such predetermined wage rates expires during the life of this Agreement, such wage rate shall apply to the balance of this Agreement.
5. **DIR Registration Requirements.** No Contractor or Subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations pursuant to LC § 1725.5 [with limited exceptions from this requirement for bid purposes only under LC § 1771.1(a)]. Except as otherwise provided in Section 5.4 below or LC § 1771.1(a), Contractor and Subcontractors shall **not** be qualified to bid on, be listed in a bid or proposal (subject to the requirements of California Public Contract Code section 4104), or engage in the performance of any contract for a public works project, unless currently registered and qualified to perform “public work” pursuant to LC § 1725.5 **at the time of bidding** on the contract for the project. It is not a violation of this Section 5 for an unregistered contractor to submit a bid that is authorized by California Business and Professions Code section 7029.1 or California Public Contract Code sections 10164 or 20103.5, provided the Contractor is registered to perform “public work” pursuant to LC § 1725.5 at the time the contract for the public works project is awarded.

Notwithstanding anything to the contrary in this Agreement, no bid will be accepted by the District, and no contract will be awarded or entered into for the Project, without proof of current registration with the DIR to perform “public work” from: (i) Contractor; (ii) Subcontractors; and (iii) any professional service provider, design consultant, architect, or engineer that will be performing any surveying, material testing, or inspection services, as well as any Subcontractor performing this work (even if the professional service provider or firm is not doing the work, if they will be subcontracting any of that work to others, then the professional service provider also needs to be registered). The applicable parties in provisions (i)-(iii) of this Section 5 shall maintain active registration with the DIR for the duration of their work on the Project, and it shall be these parties’ sole responsibility to comply with all applicable Prevailing Wage Laws and registration and labor compliance

requirements applicable to their work on the Project, including, but not limited to, the submission of Certified Payroll Records directly to the DIR in accordance with this Section 5, the Agreement, and the applicable Prevailing Wage Laws.

5.1. A Contractor's inadvertent error in listing a Subcontractor that is not registered with the DIR pursuant to LC § 1725.5 in response to a solicitation shall not be grounds for filing a protest or grounds for considering the bid or proposal non-responsive provided that any of the following apply: (i) the Subcontractor is registered prior to the proposal due date; (ii) within 24 hours after the proposal due date, the Subcontractor is registered and has paid the penalty registration fee specified in LC § 1725.5; or (iii) the Subcontractor is replaced by another registered Subcontractor pursuant to California Public Contract Code section 4107.

5.2. By submitting a bid or proposal to the District for the Project and signing the incorporated Contract, Contractor is certifying that Contractor has verified that all Subcontractors used on the Project are registered with the DIR in compliance with LC § 1771.1 and LC § 1725.5. Contractor shall provide proof of registration for themselves and all listed Subcontractors to the District (i) at the time of the bid or proposal due date or (ii) upon request.

5.3. The District may ask Contractor for the most current list of all Subcontractors, along with their DIR registration numbers, utilized on the Project at any time during performance of the contract for the Project, and Contractor shall provide the list within ten (10) calendar days of the District's request.

5.4. Pursuant to LC § 1725.5(f) and LC § 1771.1(n), the requirements in this Section 5 do **not** apply to work performed on (i) a public works project of twenty-five thousand dollars (\$25,000) or less when the project is for construction, alteration, demolition, installation, or repair work, or (ii) a public works project of fifteen thousand dollars (\$15,000) or less when the project is for maintenance work.

6. Payroll Record Maintenance and Submission Requirements. Contractor and Subcontractors shall maintain weekly certified payroll records showing the name, address, social security number, work classification, straight time and overtime hours paid each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker or other employee employed in connection with the Project as mandated by LC § 1776(a). The "payroll records" that must be maintained and certified weekly by Contractor and Subcontractors are defined in 8 CCR section 16000 of the Regulations to mean "[a]ll time cards, cancelled checks, cash receipts, trust fund forms, books, documents, schedules, forms, reports, receipts or other evidences which reflect job assignments, work schedules by days and hours, and the disbursement by way of cash, check, or in whatever form or manner, of funds to a person(s) by job classification and/or skill pursuant to a public works project."

6.1. Contractor and Subcontractors shall certify under penalty of perjury that (i) the payroll records enumerated under Section 6 above and specified in LC § 1776(a) are true and accurate and (ii) they have complied with the requirements of LC § 1771, LC § 1811, and LC § 1815 for any work performed by their employees on the Project (collectively, "*Certified Payroll Records*").

ATTACHMENT 2

- 6.2. The term “Certified Payroll Records” shall include all required documentation to comply with the mandates set forth in the Prevailing Wage Laws, as well as any additional documentation requested by the District or its designee; including, but not limited to: (i) fringe benefit statements and backup documentation, such as monthly benefit statements, employee timecards, copies of wage statements and cancelled checks, proof of training contributions (CAC2 if applicable); and (ii) apprenticeship forms, such as DAS-140 and DAS-142, for itself and all applicable Subcontractors for the time period covering such payment request (collectively, “*Verification Records*”).
- 6.3. Except as otherwise provided in Section 5.4 above, in addition to submitting (i) Certified Payroll Records on DIR form “A-131” or an equivalent document and (ii) any requested Verification Records to the **District** electronically on a weekly basis (eCPRs filed with the DIR are NOT an acceptable substitute for Certified Payroll Records to be submitted to the District), Contractor and all Subcontractors shall submit “electronic certified payroll records” (“eCPRs”) directly to the Labor Commissioner using DIR’s online eCPR system, on and through the DIR’s website, in the format prescribed by the DIR, and no hard copy of these records will be accepted. In addition, Contractor shall require and cause all Subcontractors to prepare and submit all records required by LC § 1771.4, LC § 1776, and this Agreement to the District and the DIR in accordance with the Prevailing Wage Laws and this Agreement’s terms.
- 6.4. If either Contractor or a Subcontractor is exempt from the DIR registration requirement under Section 5.4 above, then Contractor or each such Subcontractor is not required to furnish eCPRs directly to the Labor Commissioner but shall (i) submit Certified Payroll Records and any requested Verification Records to the District and (ii) retain the records for at least three (3) years after completion of their work on the Project, pursuant to LC § 1771.4(a)(4).
- 6.5. If progress payments are contemplated under the Contract or any agreement for the Project, as a condition to receiving progress payments, final payment, and payment of retention on the Project, Contractor must present to the District, along with its request for payment, all applicable and necessary Certified Payroll Records and Verified Records (for itself and all applicable Subcontractors) for the time period covering such payment request.
- 6.6. Contractor acknowledges that (i) the submission of eCPRs directly to the DIR pursuant to LC § 1771.4.(a)(3) is a requirement *separate and distinct* from (ii) the obligation in LC § 1776(d) “to file a certified copy of the records with the entity that requested the records enumerated in subdivision (a) [of LC § 1776] within 10 days after receipt of a written request” for such records. For the avoidance of doubt, Contractor and Subcontractors shall comply with the requirements in both LC § 1771.4(a)(3) and LC § 1776(d), and Contractor and Subcontractors that have electronically furnished eCPRs are not excused from timely furnishing to the Labor Commissioner (or any entity described under this Section 6.6 below) “a certified copy of all payroll records,” consisting of Certified Payroll Records and Verification Records requested by an entity authorized to request such under LC § 1776, no later than 10 calendar days after receipt of such a written request (“*Record Request Deadline*”). Certified Payroll Records for any employee of Contractor or Subcontractors requested pursuant to LC § 1776(d) shall be made available for

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inspection and copying by the District's representatives at all reasonable hours at Contractor's principal office, and Contractor and Subcontractor shall provide copies of these materials, or permit inspection of them, as follows:

- a. An employee's Certified Payroll Records shall be made available for inspection or furnished to the employee or the employee's authorized representative upon written request pursuant to LC § 1776(b)(1) no later than the applicable Record Request Deadline.
- b. All Certified Payroll Records enumerated in Section 6 above shall be made available for inspection or furnished upon request to a representative of the District, the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the DIR no later than the applicable Record Request Deadline, and all such records shall not be altered or obliterated by Contractor or its Subcontractors. Unless required to be furnished directly to the Labor Commissioner as eCPRs in accordance with LC § 1771.4(a)(3), all Certified Payroll Records shall be on forms provided by the Division of Labor Standards Enforcement or shall contain the same information as the forms provided by the DIR.
- c. If a request for Certified Payroll Records is made by the public pursuant LC § 1776(b)(3), the public shall **not** be given access to Certified Payroll Records by the Contractor or its Subcontractors at their principal office. Contractor and all Subcontractors are required to forward any such requests by the public to the District representative designated in the Contract for the Project by both e-mail and regular mail on the business day following receipt of the request. Any copy of Certified Payroll Records made available for inspection as copies and/or furnished upon request to the public or any public agency by the District will be marked or obliterated in such a manner as to prevent disclosure of each individual employee's name, address, and social security number. The name and address of Contractor and Subcontractors performing the work shall not be marked or obliterated.

7. Working Hours. Contractor and Subcontractors shall comply with LC §§ 1810 through 1815, including but not limited to: (i) restricting working hours on the Project to eight (8) hours a day and forty hours a week, unless all hours worked by their employees in excess of 8 hours up to and including twelve (12) hours in any workday are compensated at not less than 1½ times the basic rate of pay; and (ii) specifying penalties to be imposed on contractors and subcontractors of \$25 per worker, per day, for each day the worker works more than 8 hours per day and 40 hours per week in violation of LC §§ 1810 through 1815. Special prevailing wage rates generally apply to work performed on weekends, holidays, and for certain shift work. Depending on the location(s) of the Project and the amount of travel incurred by workers on the Project, certain travel and subsistence payments may also be required. Contractors and Subcontractors are on notice that information about such special rates, holidays, premium pay, shift work and travel and subsistence requirements can be found at www.dir.ca.gov, including Industrial Welfare Commission Order No. 16-2001.

8. Required Provisions for Subcontracts. The Contractor shall include, at a minimum, a copy of the following provisions in any contract they enter into with a Subcontractor: Labor Code Sections 1771, 1771.1, 1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.

9. Labor Code section 1861 Certification. In accordance with LC § 3700, Contractor is required to secure the payment of compensation of its employees. By signing the incorporated Contract, Contractor certifies that:

“I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers’ compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Agreement.”

10. Compliance Monitoring and Enforcement. This public works Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations, and Contractor shall (i) comply with and (ii) cause all Subcontractors to comply with all Regulations and requirements from the DIR relating to labor compliance monitoring and enforcement. In executing the Contract, Contractor acknowledges that it has reviewed all applicable labor compliance requirements and included the cost of complying with such requirements in its bid.

11. Stop Order. Contractor acknowledges and understanding that if Contractor or its Subcontractors engage in the performance of any work on the Project without having been registered in violation of LC § 1725.5 or LC § 1771.1, the Labor Commissioner may issue and serve a stop order prohibiting the use of the unregistered Contractor or Subcontractor on the Project, until the unregistered Contractor or Subcontractor is registered. Failure to observe a stop order is a misdemeanor.

12. Indemnification. Contractor shall defend, indemnify, and hold the District, its elected officials, officers, employees, agents, and volunteers free and harmless from any claims, liabilities, costs, penalties, or interest arising out of any failure or alleged failure of Contractor or Subcontractors to comply with the Prevailing Wage Laws or the terms of this Agreement. To the fullest extent permitted by law, Contractor hereby specifically waives and agrees not to assert, in any manner, any past, present, or future claim for indemnification under LC § 1781. The foregoing indemnity shall survive termination of this Agreement.

13. No Additional Compensation. Full compensation for conforming to the requirements in this Agreement shall be considered as included in the Contract price, and no additional compensation will be paid to Contractor or Subcontractors to abide by these requirements.

13.1. The District may require Contractor and all Subcontractors to submit certified payroll through an electronic portal. No additional compensation will be paid to the Contractor or Subcontractors if the District decides to use this collection method.

14. Penalties for Violations. The District or the DIR may impose penalties upon Contractor and Subcontractors for failure to comply with the Prevailing Wage Laws applicable to the Project.

14.1. Wage Violations. These penalties are up to (i) \$200 per day, per worker, for each wage violations identified pursuant to LC § 1775. In the event a worker of Contractor or Subcontractors performing work on the Project is paid less than the prevailing wage rate for the work or craft in which the worker is employed, Contractor and Subcontractors shall comply with LC § 1775. Any penalties authorized under LC § 1775 shall be in addition to any other applicable penalties allowed under the Prevailing Wage Laws, the Contract, or this Agreement.

- 14.2. Overtime Violations.** These penalties are up to \$25 per worker, per day, for each day the worker works more than 8 hours per day and 40 hours per week. Penalties may also be imposed for failing to pay premium pay that may be required when Contractor's or Subcontractors' workers perform work on weekends, holidays, and during shift work.
- 14.3. Apprenticeship Violations.** Contractors and all Subcontractors that fail to comply with the specific apprenticeship requirements on the Project may be fined \$100 to \$300 for each calendar day of non-compliance pursuant to LC § 1777.7.
- 14.4. Failure to Submit eCPRs to DIR.** Any Contractor or Subcontractor that fails to submit eCPRs directly to the Labor Commissioner as required is subject to a monetary penalty by the Labor Commissioner under LC § 1771.4(a)(3)(B) of \$100 for each day of non-compliance, up to a total of \$5,000 per public work project. These penalties only accrue against the actual contractor or subcontractor that failed to furnish eCPRs and are enforced through the process discussed in LC § 1741.
- 14.5. Failure to Respond to Request for Certified Payroll Records.** In addition to any penalties that may be imposed by the Labor Commissioner under Section 14.4 above, in the event Contractor or any Subcontractor fails to furnish the requested Certified Payroll Records to any party authorized to request such under Section 6.6 above [and as specified in LC § 1776(d)] by the applicable Record Request Deadline, he, she, or it shall, as a penalty to the District, forfeit one hundred dollars (\$100) for each calendar day, or portion thereof, for each worker, until strict compliance is effectuated. Upon the request of the Division of Labor Standards Enforcement, these penalties shall be withheld from any progress payments then due. Contractor is not subject to a penalty assessment pursuant to this subsection due to the failure of a Subcontractor to comply with a written notice requesting Certified Payroll Records pursuant to LC § 1776(d).
- 14.6. Withholding of Payments.** Failure to submit Certified Payroll Records to the Labor Commissioner when mandated by this Agreement or the Project's parameters will also result in the withholding of progress, retention, and final payment. The District shall withhold any portion of a payment, including the entire payment amount, until the: (i) Certified Payroll Records; and (ii) any Verification Records requested under this Agreement are properly submitted, reviewed, and found to be in full compliance with the law. If the records in this subsection do not comply with the requirements of LC § 1720 et seq., the District may continue to hold sufficient funds to cover estimated wages and penalties under the Contract.

EXHIBIT “E-2”
PREVAILING WAGE REQUIREMENTS FOR SMALLER PUBLIC WORKS PROJECTS

1. Prevailing Wages. Any project that constitutes a “public works” under California Labor Code section 1720 et seq., is subject to the requirements of Chapter 1 of Part 7 of Division 2 of the Labor Code⁷ and its implementing regulations set forth in Title 8 of the California Code of Regulations (“*Regulations*”) (collectively, “*Prevailing Wage Laws*”), which require the payment of prevailing wages, the training of apprentices, and compliance with other applicable requirements. Prevailing wages apply to all projects defined as a “public works” project by the State of California that cost more than \$1,000 and are performed under a contract “paid for in whole or in part out of public funds,” excluding work done by a public agency itself (collectively, “*Public Work*”).⁸ This includes construction, demolition, repair, alteration, maintenance,⁹ and the installation of photovoltaic systems under a power purchase agreement when certain conditions are met under California Labor Code (on occasion, “*LC §*”) section 1720.6. This also includes (i) service and warranty work on public buildings and structures and land surveying; (ii) surveying, material testing, or inspection services provided for a Public Work construction project during the design, site assessment, feasibility study, and other preconstruction phases of construction; (iii) concrete deliveries and certain delivery of paving materials which are incorporated into the project at the time of delivery; and (iv) work performed during the post-construction phases of construction, including, but not limited to, all cleanup work at the jobsite and the hauling of refuse from a Public Work jobsite to an outside disposal location pursuant to LC § 1720.3.

2. Incorporation by Reference. The Prevailing Wage Laws require that certain provisions be included in all contracts for a public works. If the contract (the “*Contract*”) with the Ventura Port District (the “*District*”) this exhibit and agreement (this “*Agreement*”) is attached to, which is incorporated herein by this reference, is for the performance of any Public Work project (the “*Project*”), the contractor (“*Contractor*”) and any subcontractor or subconsultant performing any work on that Project (collectively, “*Subcontractor*”) must comply with all applicable requirements under the Prevailing Wage Laws, including, but not limited to, the requirements in this Agreement. In addition, it is the intent of the parties to the Contract to effectuate the requirements of Labor Code sections 1771, 1774, 1775, 1776, 1777.5, 1813, and 1815 within this Agreement, and Contractor and Subcontractors shall therefore comply with those sections of the Labor Code, and the Prevailing Wage Laws, to the fullest extent required by law.

3. Apprentices. If the prime contract or any subcontract for the Project exceeds thirty thousand dollars (\$30,000), Contractor and Subcontractors shall comply with all applicable requirements of LC § 1777.5, LC § 1777.6, LC § 1777.7, and the Regulations concerning the employment and wages of apprentices. Contractor and Subcontractors are responsible for compliance with this Section 3 for all apprenticeable occupations. Only bona fide apprentices actively enrolled in a California Division of Apprenticeship Standards approved program may be employed on a public works project as an apprentice and receive the applicable apprenticeship prevailing wage rates. Apprentices who are not properly supervised and employed in the appropriate ratio shall be paid the full journeyman wages for the classification of work performed.

⁷ See Labor Code sections 1720 through 1861.

⁸ The definition of “public works” triggering Labor Code compliance can be found in Labor Code sections 1720 and 1771. “Maintenance” is defined at 8 CCR section 16000 of the Regulations.

4. Public Works Contractor Registration. Subject to the exceptions in Section 4.1 below and LC § 1771.1(a), all contractors and subcontractors that wish to bid on, be listed in a bid proposal, or enter into a contract to perform a public works project must be registered with the DIR as a “public works contractor” **at the time of bid**. No bid will be accepted, and no contract will be awarded or entered into with Contractor, Subcontractors, or any professional service provider or firm that will be performing any surveying, material testing, or inspection services, including any Subcontractor performing this work for the Project, without proof of current registration with the DIR to perform a public works project at the time of bid (even if the professional service provider or firm is not doing the work, if they will be subcontracting any of that work to others, then the professional service provider also needs to be registered). Contractor shall (i) maintain active registration and (ii) cause Subcontractors to maintain active registration with the DIR for the duration of their work on the Project and provide proof of such to the District no later than ten (10) calendar days of the District’s request.

4.1. Exception to Contractor Registration Requirement. Pursuant to LC § 1725.5(f) and LC § 1771.1(n), the requirements in Section 4 do **not** apply to work performed on (i) a public works project of twenty-five thousand dollars (\$25,000) or less when the project is for construction, alteration, demolition, installation, or repair work, or (ii) a public works project of fifteen thousand dollars (\$15,000) or less when the project is for maintenance work.

5. Working Hours. Contractor and Subcontractors shall comply with LC §§ 1810 through 1815, including but not limited to: (i) restricting working hours on the Project to eight (8) hours a day and forty (40) hours a week, unless all hours worked by their employees in excess of 8 hours up to and including twelve (12) hours in any workday are compensated at not less than 1½ times the basic rate of pay; and (ii) specifying penalties to be imposed on contractors and subcontractors of \$25 per worker per day for each day the worker works more than 8 hours per day and 40 hours per week in violation of LC §§ 1810 through 1815. Special prevailing wage rates generally apply to work performed on weekends, holidays, and for certain shift work. Depending on the location(s) of the Project and the amount of travel incurred by workers on the Project, certain travel and subsistence payments may also be required. Contractors and Subcontractors are on notice that information about such special rates, holidays, premium pay, shift work and travel and subsistence requirements can be found at www.dir.ca.gov, including Industrial Welfare Commission Order No. 16-2001.

6. Payroll Records. Pursuant to LC § 1776, Contractor and Subcontractors shall maintain weekly certified payroll records (as defined in 8 CCR section 16000) showing the name, address, social security number, work classification, straight time and overtime hours paid each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker or other employee employed in connection with the work on the Project. Contractor shall (i) certify under penalty of perjury that records maintained and submitted by Contractor are true and accurate; and (ii) cause Subcontractors to certify weekly payroll records under penalty of perjury and submit all materials required under this Section 6 to each applicable party. In addition to submitting the certified payroll records to the District on a weekly basis on DIR form “A-131” or an equivalent document (eCPRs are NOT an acceptable substitute for certified payroll records to be submitted to the District), pursuant to LC § 1771.4, Contractor and Subcontractors shall furnish certified payroll records directly to the Department of Industrial Relations (“DIR”) on a weekly basis as “electronic certified payroll records” (“eCPRs”), in the format prescribed by the DIR, using DIR’s online eCPR system, on and through the DIR’s website, and no hard copy of these records will be accepted. If either Contractor or a Subcontractor is exempt from the DIR registration requirement under Section 4.1 above, then Contractor or each such Subcontractor is not required

to furnish eCPRs directly to the Labor Commissioner but shall (i) submit Certified Payroll Records and any requested Verification Records to the District and (ii) retain the records for at least three (3) years after completion of their work on the Project, pursuant to LC § 1771.4(a)(4).

7. In the event of noncompliance with the requirements of this Section 6, Contractor and Subcontractors shall have ten (10) calendar days after receiving written notice ("*Record Request Deadline*") from a party authorized under LC § 1776 to request such certified payroll records and all supporting documentation needed to comply with this Section 6.

8. Labor Code section 1861 Certification. In accordance with LC § 3700, Contractor is required to secure the payment of compensation of its employees. By signing the incorporated Contract, Contractor certifies that:

"I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this Agreement."

9. Labor Compliance. Copies of such prevailing rate of per diem wages are on file at the office of the District and are available for inspection to any interested party on request. Copies of the prevailing rate of per diem wages also may be found at: <http://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>. The Contractor and all Subcontractors shall post a copy of the prevailing rate of per diem wages determination at appropriate conspicuous points at each job site for the Project and shall make them available to any interested party upon request. These wage rates are made a specific part of this Agreement by reference pursuant to LC § 1773.2 and will be applicable to all work performed at all Project sites.

10. Compliance Monitoring and Enforcement. This public works Project is subject to compliance monitoring and enforcement by the Department of Industrial Relations, and Contractor shall (i) comply with and (ii) cause all Subcontractors to comply with all Regulations and requirements from the DIR relating to labor compliance monitoring and enforcement. In executing the Contract, Contractor acknowledges that it has reviewed all applicable labor compliance requirements and included the cost of complying with such requirements in its bid.

11. Required Provisions for Subcontracts. The Contractor shall include, at a minimum, a copy of the following provisions in any contract they enter into with a Subcontractor: Labor Code sections 1771, 1771.1, 1775, 1776, 1777.5, 1810, 1813, 1815, 1860 and 1861.

12. Indemnification. Contractor shall defend, indemnify, and hold the District, its elected officials, officers, employees, agents, and volunteers free and harmless from any claims, liabilities, costs, penalties, or interest arising out of any failure or alleged failure of Contractor or Subcontractors to comply with the Prevailing Wage Laws or the terms of this Agreement. To the fullest extent permitted by law, Contractor hereby specifically waives and agrees not to assert, in any manner, any past, present, or future claim for indemnification under LC § 1781. The foregoing indemnity shall survive termination of this Agreement.

13. No Additional Compensation. The District may require Contractor and all Subcontractors to submit certified payroll through an electronic portal. Full compensation for conforming to the requirements in this Section 12 and Agreement shall be considered as included

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in the Contract price, and no additional compensation will be paid to Contractor or Subcontractors to abide by these requirements.

14. Penalties for Violations. The District or the DIR may impose penalties upon Contractor and Subcontractors for failure to comply with the Prevailing Wage Laws applicable to the Project. These penalties are up to (i) \$200 per day, per worker, for each wage violations identified pursuant to LC § 1775; (ii) \$100 per day, per worker, for failure to provide the required certified payroll records and documentation requested pursuant to LC § 1776 by the Records Request Deadline in Section 6 above; (iii) \$25 per day, per worker, for any overtime violation pursuant to LC § 1813 (penalties may also be imposed for failing to pay premium pay that may be required when Contractor's or Subcontractors' workers perform work on weekends, holidays, and during shift work); and (iv) \$100 to \$300 for each calendar day of non-compliance with the specific apprenticeship requirements pursuant to LC § 1777.7. In the event a worker of Contractor or Subcontractors performing work on the Project is paid less than the prevailing wage rate for the work or craft in which the worker is employed, Contractor and Subcontractors shall comply with LC § 1775. Any penalties authorized under LC § 1775 shall be in addition to any other applicable penalties allowed under the Prevailing Wage Laws, the Contract, or this Agreement.