



BOARD OF PORT COMMISSIONERS

SEPTEMBER 28, 2016

CONSENT AGENDA ITEM D

**APPROVAL OF FIRST AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
WITH PLAUCHE & CARR, LLP**

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

CONSENT AGENDA ITEM D
Meeting Date: September 28, 2016

TO: Board of Port Commissioners
FROM: Brian Pendleton, Business Operations Manager
SUBJECT: Approval of First Amendment to Professional Services Agreement with Plauché & Carr, LLP

RECOMMENDATION:

That the Board of Port Commissioners approve the First Amendment to Professional Services Agreement with *Plauché & Carr, LLP* in the total amount of \$25,000 to provide legal services for the Ventura Shellfish Enterprise Program (VSE) subject to final approval of the form of agreement by District staff and legal counsel.

SUMMARY:

The Ventura Port District has been awarded a two year, approximately \$300,000 Sea Grant fund (approximately \$265,000 to the District) to contract with qualified consultant(s) that will enable development of a permitting strategy, necessary permitting components, environmental reports and public outreach required for sustainably cultivated shellfish production to occur through Ventura Harbor.

Staff believes it is clearly in the District's best interest to ratify the amended agreement with *Plauché & Carr, LLP* to meet the objectives of the grant by providing outside legal counsel on the Task 1 - Strategic Permitting Analysis and Task 2 – Environmental Reports and Permitting as further detailed in the Sea Grant and Professional Services Agreements.

BACKGROUND:

Plauché & Carr, LLP is a Seattle-based law firm with a practice focused on environmental, land use, and natural resource-based issues. *Plauché & Carr, LLP* has represented a number of non-profit, private, and governmental entities regarding environmental and regulatory matters ranging from regulatory compliance/permitting, to administrative litigation, to litigation in state and federal courts, to conservation land acquisition.

If the District approves the First Amendment to Professional Services Agreement with *Plauché & Carr, LLP* to continue to assist with the project, Robert Smith will continue to serve as lead counsel. Robert is an attorney with ten years' experience working in California on land use and environmental issues, on behalf of both private and public clients. During his previous employment at two Los Angeles-based firms, Robert advised and represented numerous clients regarding compliance with the California Environmental Quality Act ("CEQA") and National Environmental Policy Act ("NEPA") and represented several coastal cities and private clients before the California Coastal Commission ("CCC"), California Department of Fish and Wildlife ("CDFW"), Los Angeles County, and U.S. Army Corps of Engineers ("Corps").

FISCAL IMPACT:

The grant is for a two year period on a one-plus-one basis and is contingent upon funding availability. Funding has been made available for both years. Year 1 funding is in the amount not to exceed \$5,000 for outside legal counsel. Year 2 funding is in the amount not to exceed \$20,000 for outside legal counsel. The combined Year 1 and Year 2 funding is \$25,000 for *Plauché & Carr, LLP* to provide outside legal services.