



VENTURA
PORT DISTRICT
Established 1952

BOARD OF PORT COMMISSIONERS

JANUARY 24, 2018

STANDARD AGENDA ITEM 2

APPROVAL OF PLAUCHE & CARR, LLP
SECOND AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT
FOR SPECIAL SERVICES

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 2
Meeting Date: January 24, 2018

TO: Board of Port Commissioners
FROM: Brian Pendleton, Deputy General Manager
SUBJECT: Approval of Plauche & Carr, LL Second Amendment to Professional Services Agreement for Special Services

RECOMMENDATION:

That the Board of Port Commissioners approve the second amendment to the professional services agreement with *Plauché & Carr, LLP* in the amount of \$28,000 for continued legal services provided for the Ventura Shellfish Enterprise project.

SUMMARY:

The Board previously approved \$23,500 in District funds for special legal services regarding the Ventura Shellfish Enterprise (VSE) project through *Plauché & Carr, LLP*. These services were provided in 2016 and 2017 included analyzing leasing alternatives, drafting lease documents, identifying potential VSE operational structures and grant application work. The additional tasks that are necessary through June 30, 2018 include review of required environmental studies prepared as part of shellfish growing permit applications, permit application review, outreach with FDA and California Department of Public Health, and coordination with VPD and other public agencies before and after permit submission.

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. On October 14, 2015, the District selected *Plauché & Carr, LLP* and Robert Smith as lead counsel to provide legal services for the VSE project.

Mr. Smith 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 special legal services PSA for *Plauché & Carr, LLP* will total \$51,500. This includes the previously contracted amount of \$23,500 plus the recommended second amendment amount of \$28,000. The District has funds available for the PSA in the FY17-18 budget.