



BOARD OF PORT COMMISSIONERS

JULY 15, 2020

STANDARD AGENDA ITEM 4

APPROVAL OF NEW PROFESSIONAL
SERVICES AGREEMENT WITH K&L
GATES FOR LEGAL CONSULTING
SERVICES

**VENTURA PORT DISTRICT
BOARD COMMUNICATION**

STANDARD AGENDA ITEM 4
Meeting Date: July 15, 2020

TO: Board of Port Commissioners
FROM: Brian D. Pendleton, General Manager
SUBJECT: Ventura Shellfish Enterprise: Professional Services Agreement with K&L Gates for Legal Consulting Services

RECOMMENDATION:

That the Board of Port Commissioners approve a Professional Services Agreement with K&L Gates in the amount of \$75,000 for FY2020-2021 in support of the proposed Ventura Shellfish Enterprise (VSE) project and related 2018 Sea Grant tasks.

SUMMARY:

The proposed Professional Service Agreement (PSA) with K&L Gates is for legal representation, permit assignment strategy, environmental review and shellfish sanitation for the VSE project and related 2018 NOAA Sea Grant for FY 2020-21.

BACKGROUND:

On September 26, 2018, the Board of Port Commissioners (Board) authorized the General Manager of the Ventura Port District (VPD) to prepare and submit a permit application to the U.S. Army Corps of Engineers (Corps) for use of 2,000 acres of sea water bottom in federal waters near Ventura Harbor in Block 664 and 665, the area generally depicted and described as National Oceanic and Atmospheric Administration (NOAA) Coastal Aquaculture Siting and Sustainability (CASS) Report Alternative 1 for the VSE project. The Board also authorized staff to prepare and submit all other applications to state and federal agencies as required for the VSE project including the California Coastal Commission (Coastal Commission) and prepare all necessary surveys, studies, reports and federal environmental review documents as directed by state and federal agencies as required for the VSE project.

For a detailed discussion of the project origins, goals, objectives, grant history, team members and volunteer partners please see the Board Report dated July 17, 2019 Ventura Shellfish Enterprise Status Report. The report can be found at the District's website at <https://venturaharbor.com/board-meetings-minutes-archive/>.

The VPD is the recipient of a NOAA 2018 California Sea Grant (2018 CA Sea Grant) sub-award of \$266,660. The 2018 CA Sea Grant is a two-year grant, with the following deliverables:

- Task 4 - Permit Assignment Strategy
- Task 5 - Environmental Review
- Task 6 - Shellfish Sanitation
- Task 7 - Grower/Producer Compliance Training Program and Information Dissemination
- Task 8 - Project Summary

On November 20, 2019, the Board of Port Commissioners authorized the General Manager to sign the *Cost Reimbursement Research Subaward Agreement* for \$96,800, which reflected the terms and conditions of the CA Sea Grant Subaward for Year 2.

The 2018 CA Sea Grant is a two-year period on a one-plus-one yearly basis. The Year 1 grant period was from September 1, 2018 to August 31, 2019 and the VPD received \$169,860, which the Board approved on November 14, 2018. The Year 2 grant period is from September 1, 2019

to August 31, 2020 and the VPD received \$96,800 which the Board approved on November 20, 2019. The total two-year sub-award is \$266,660. The VPD has requested a 1-year, no-cost extension to complete the tasks. Staff will return to the Board for related 2018 CA Sea Grant contract extension approvals as necessary.

K&L Gates Scope (Summary)

Robert Smith, a partner at K&L Gates LLP, will continue to provide special legal counsel to the VPD for the proposed VSE project, broadly including developing the project permit strategy, conducting a legal review of environmental review documents, assisting with establishing shellfish sanitation protocols, and collaborating with VPD general counsel on the LAFCo matter. On-going coordination with VPD includes participation at weekly and monthly team meetings as well as Board meetings as necessary. Service also includes regular communication and engagement with federal and state agencies including the Corps, NOAA, FDA, CA Coastal Commission and related regulatory agencies, committees and subcommittees.

FISCAL IMPACTS:

The Board approved \$75,000 in the FY20-21 budget on July 1, 2020 for the described services to supplement the 2018 CA Sea Grant funding described above for the proposed VSE project.

ATTACHMENTS:

None.