

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

02/13/2025
Item No.: 6.1
LSM/pcm

McR

RESOLUTION NO. 25-11

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION FOR \$36.6 MILLION OF FISCAL YEAR 2022 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM FUNDING, WHICH REQUIRES \$12.2 MILLION IN MATCHING FUNDS, TO IMPLEMENT THE OUTER HARBOR REDEVELOPMENT PROJECT ("PROJECT"); AND ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION FOR THE PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.1, dated February 13, 2025 ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the proposed Outer Harbor Redevelopment Project ("Project") is subject to the California Environmental Quality Act ("CEQA") and adopts the Initial Study / Negative Declaration ("IS/ND") prepared for the proposed Project. In accordance with CEQA, the Port prepared a Negative Declaration when the Initial Study determined that no significant environmental impacts would result from the proposed Project. The IS/ND was circulated for public comment on August 12, 2024, comments were received and addressed, and the IS/ND was finalized on October 12, 2024.

Section 2. The Board hereby approves and authorizes the Executive Director of the Port to:

A. Accept a \$36,600,000 grant with \$12,200,000 of matching funds and execute a grant agreement and all other documents necessary to accept the grant and grant funds with the United States Department of Transportation Maritime Administration ("MARAD");

B. Execute all grant-related documents and ancillary agreements such as individual sub-grant agreements with project partners to enable grant funding.

C. Make any additions, modifications, or corrections necessary to execute the proposed action or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report and are approved as to form and legality by the Port Attorney.

Section 3. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on February 13, 2025

Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Leslie, Martinez, Myres, and President Colbruno – 6

Excused: Commissioner Lee – 1

Noes: – 0



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 25-12

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO SUBMIT TO THE CALIFORNIA ENERGY COMMISSION AN ATTESTATION OF THE VERACITY OF THE PORT OF OAKLAND'S POWER SOURCE DISCLOSURE REPORT AND THE POWER CONTENT LABEL FOR CALENDAR YEAR 2023; AND FINDING THAT THE ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.2 dated February 13, 2025, and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the information contained in the Agenda Report and in testimony received, the Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA"), because the proposed action is not subject to CEQA under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action, which relates to an attestation and disclosure of information, will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby finds and declares the following:

- a. Section 398.5 of the California Public Utilities Code requires retail suppliers in the State of California to annually report to the California Energy Commission ("CEC"), among other things, the sources of energy or electricity products offered to the retail suppliers' end-use customers. The Port is a retail supplier within the meaning of Section 398.5.

- b. Section 1394(a), Article 5, Title 20 of the California Code of Regulations requires an attestation, signed by an authorized agent of the retail supplier under penalty of perjury, that the electricity claimed by the retail supplier as a specified purchase during the previous calendar year was sold once and only once to retail customers of that retail supplier, and that information included in the report, is true and correct.

- c. Port staff have prepared the Report detailing the sources of generation, fuel type, and quantity of generation purchased from specified facilities in 2023. Also included in the Report is a schedule showing the amount of renewable energy credits used to meet compliancy that is unbundled from the energy the generator produces and the Power Content Label showing the mix of energy generation sources in the Port's power supply. Port staff submitted the Report to the CEC in August 2024.

Section 3. The Board hereby authorizes the Executive Director or his designee to submit to the CEC an attestation of the veracity of the Port's Power Source Disclosure Report and Power Content Label.

Section 4. This resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement, or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. This resolution does not approve and authorize the execution of any agreement(s).

Section 5. This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on February 13, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Lee, Leslie, Martinez, Myres, and President Colbruno – 7
Noes: – 0

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

2/13/2025
Item No.: 6.3
DSC/pcm

McK

RESOLUTION NO. 25-13

RESOLUTION APPROVING THE APPOINTMENT OF KRISTI MCKENNEY AS EXECUTIVE DIRECTOR OF THE PORT OF OAKLAND EFFECTIVE MARCH 1, 2025 THROUGH AND INCLUDING DECEMBER 31, 2027 WITH AN ANNUAL BASE SALARY OF \$455,000 PLUS BENEFITS AND AUTHORIZING THE PRESIDENT OF THE BOARD OF PORT COMMISSIONERS TO EXECUTE AN EMPLOYMENT AGREEMENT WITH MS. MCKENNEY CONSISTENT WITH SUCH TERMS AS DESCRIBED IN THE AGENDA REPORT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.3 dated February 13, 2025 and related agenda materials ("Agenda Report"), has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act ("CEQA") because the proposed action does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment as further defined in Section 21065 of the Public Resources Code.

Section 2. The Board hereby:

A. Appoints **Kristi McKenney** as Executive Director of the Port of Oakland effective March 1, 2025 with an annual base salary of \$455,000 plus benefits, as described in the Agenda Report.

B. Authorizes the President of the Board to execute an employment agreement with Ms. McKenney consistent with the terms and conditions as set forth in the Agenda Report and subject to the Port Attorney's approval as to form and legality.

Section 3. This resolution shall be effective immediately upon adoption by the Board.

At the Regular Meeting held on February 13, 2025
Passed by the following vote:

Ayes: Commissioners Cluver, Dominguez Walton, Lee, Leslie, Martinez, Myres, and President Colbruno – 7
Noes: – 0