

PORT ORDINANCE NO. 4835
ORDINANCE AMENDING AND ADOPTING THE CONFLICT OF
INTEREST CODE AS CHAPTER 2.03 OF THE PORT OF OAKLAND
ADMINISTRATIVE CODE (POAC), AND FINDING THAT THE
PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.1, dated April 23, 2026, 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, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to exercise various powers and duties relating to the Port's jurisdiction, including, but not limited to, the power and duty to "adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities" (City Charter, Sec. 706(27)); 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 testimony received; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is not subject to the California Environmental Quality Act ("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 will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby:

A. Approves, amends, and adopts the Conflict of Interest Code as Chapter 2.03 of the Port of Oakland Administrative Code ("POAC"), as reflected in **Attachment A**, and as further described in the Agenda Report.

B. Repeals all former Port ordinances and/or resolutions containing the Conflict of Interest Code, including, without limitation, Port Ordinance Nos. 2392 and 3715.

C. Authorizes the Executive Director or her designee to take all actions necessary to implement this adoption into the POAC, provided that such actions do not materially differ from the terms and conditions

set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance 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 Ordinance, 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 Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, April 23, 2026. Passed to print for one day by the following vote: Ayes: Commissioners Dominguez Walton, Leslie, Martinez, Myres, Wong and President Cluver - 6. Noes: 0. Excused: Commissioner Muhammad - 1.

Daria Edgerly,

Secretary of the Board

Attachment A

Chapter 2.03 Conflict of Interest Code

Section 2.03.010 Adoption of Code

In compliance with the Political Reform Act, the Board has adopted the Conflict of Interest Code set forth in this Chapter, as specifically required by California Government Code § 87300, as such section may be amended or superseded. In accordance with Title 2, Division 6 of the California Code of Regulations § 18730, the terms of said regulation, as they may be amended or superseded, have been adopted and are incorporated by reference into this Code.

Section 2.03.020 Definitions

The definitions contained in the Political Reform Act, and regulations lawfully adopted pursuant thereto, including regulations of the Fair Political Practices Commission (Title 2, Division 6 of the California Code of Regulations § 18110, et seq.), are hereby incorporated by reference into this Chapter. The following words and phrases whenever used in this Chapter shall be construed as defined in this Section:

“Disclosure Category Appendix” means the Port’s official list of designated employees of the Board which shall be maintained on file by the Secretary of the Board and which shall be amended from time to time by the Secretary of the Board to add or delete designated employee positions, as approved by the Port Attorney, and shall be maintained on file with the Secretary of the Board and available for public review upon request.

“Political Reform Act” means the Political Reform Act, California Government Code § 81000, et seq., as it may be amended or superseded.

Section 2.03.030 Designated Positions

The Commissioners, and all positions specifically enumerated in the Disclosure Category Appendix, are deemed to be in a position to make or participate in the making of decisions which may foreseeably have a material effect on the economic interest of such person and are designated positions. Any consultant retained by the Port shall disclose pursuant to the broadest applicable disclosure category in this Chapter unless the Executive Director determines in writing that any particular such consultant performs duties that are limited in scope and therefore is not required to comply with some or all of the disclosure requirements, subject to the written determination requirements set forth in the Disclosure Category Appendix. This determination is a public record and shall be maintained on file with the Disclosure Category Appendix.

Section 2.03.040 Disclosure Categories

For purposes of this Chapter, the Port’s disclosure categories shall be:

A. Category 1

Persons in this category shall disclose all interests in real property in the City of Oakland as well as all investments, business positions and sources of income (including gifts, loans, and travel payments).

B. Category 2

Persons in this category shall disclose all investments, business positions, and sources of income (including gifts, loans, and travel payments).

C. Category 3

Persons in this category shall disclose all investments, business positions, and sources of income (including gifts, loans, and travel payments) from sources that provided leased facilities, goods, equipment, vehicles, machinery, or services, including training or consulting services of the type utilized by the Port.

D. Category 4

Persons in this category shall disclose all investments and business positions and sources of income (including gifts, loans, and travel payments), from sources that provide leased facilities, goods, equipment, vehicles, machinery, or services, including training or consulting services of the type utilized by the employee's division.

E. Category 5

Persons in this category shall disclose all investments business positions and sources of income, including gifts, loans, and travel payments, from sources that are subject to the regulatory permit licensing or leasing authority of or have an application for a license permit or lease pending before the Port.

Section 2.03.050 Filing Statements of Economic Interests

Designated employees shall file their statements of economic interests with the Secretary of the Board who will make the statements available for public inspection and reproduction as required by the Political Reform Act. Statements for all designated employees will be retained by the Secretary of the Board.