

**PORT ORDINANCE NO. 4725
ORDINANCE AMENDING APPENDIX C-1 OF THE PORT OF
OAKLAND ADMINISTRATIVE CODE (POAC) TO ADJUST THE
NORTH FIELD GENERAL AVIATION T-HANGAR, RAMP SPACE,
AND TIEDOWN RATES.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated November 9, 2023, 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") 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. Amends Appendix C-1 of the Port of Oakland Administrative Code ("POAC") to adjust the North field General Aviation T-hangar, ramp space, and tiedown rates, as set forth in the attachment to this Ordinance and as further described in the Agenda Report.

B. Authorizes the Executive Director or his 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, November 9, 2023. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Dominguez Walton, Lee, Martinez, Myres, and President Leslie - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board

POAC Appendix C-1, Section B.3

The following provisions shall be effective December 1, 2023:

Hangar Area (Port-owned Hangars)	Monthly Rates
Port-A-Port (760 square feet)	\$365.00
Port-A-Port (1,000 square feet)	\$441.00
T-Hangar (840 square feet)	\$373.00
T-Hangar (960 square feet)	\$426.00
T-Hangar (1,110 square feet)	\$495.00
T-Hangar (1,152 square feet)	\$513.00
T-Hangar (1,596 square feet)	\$707.00

Hangar Area Between Hangar 6 & 7, and South of Building L-606 (Port-owned Hangars)	Monthly Rates
T-Hangar (1,060 square feet)	\$574.00
T-Hangar (1,340 square feet)	\$723.00

Hangar Area (Privately owned Port-a-Port)	Monthly Rates
Ramp Space (780 square feet)	\$196.00
Ramp Space (1,060 square feet)	\$267.00
Ramp Space (1,340 square feet)	\$339.00
Ramp Space (2,050 square feet)	\$513.00

On July 1, 2024, and July 1, 2025 (each the “Fee Adjustment Date”), the Executive Director shall adjust each fee in the tables in this Section B.3 by 100 percent of the then Consumer Price Index for All Urban Consumers (CPI-U, All Items, San Francisco-Oakland-Hayward, CA (formerly San Francisco-Oakland-San Jose)) increase for the one-year period before the last CPI reported prior to that Fee Adjustment Date. If said Index is changed so that the base year differs from the base year used in the last index published, the former Index shall be converted to the new Index in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. Each such increase shall be reflected in appropriate revisions to the tables in this Section B.3.

POAC Appendix C-1, Section B.2.a

The following provisions shall be effective December 1, 2023:

Tiedowns	Monthly Rate
40 feet or less	\$95.00
50 feet or less	\$115.00

On July 1, 2024, and July 1, 2025 (each the "Fee Adjustment Date"), the Executive Director shall adjust each fee in the above table by 100 percent of the then Consumer Price Index for All Urban Consumers (CPI-U, All Items, San Francisco-Oakland-Hayward, CA (formerly San Francisco-Oakland-San Jose)) increase for the one-year period before the last CPI reported prior to that Fee Adjustment Date. If said Index is changed so that the base year differs from the base year used in the last index published, the former Index shall be converted to the new Index in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. Each such increase shall be reflected in appropriate revisions to the above table.

POAC Appendix C-1, Section B.2.a

The following provisions shall be effective December 1, 2023:

Tiedowns	Monthly Rate	First 8 Hours or Fraction Thereof	Each Additional 8 Hours or Fraction Thereof	Maximum Daily Rate
40 feet or less	See Table in <u>POAC Appendix C-1, Section B.2.a</u> Above	\$ 7.00	\$ 4.00	\$ 15.00
50 feet or less	See Table in <u>POAC Appendix C-1, Section B.2.a</u> Above	\$ 9.00	\$ 5.00	\$ 19.00
75 feet or less	\$ 201.00	\$ 15.00	\$ 6.00	\$ 27.00
100 feet or less	\$ 226.00	\$ 22.00	\$ 7.00	\$ 36.00
125 feet or less	\$ 351.00	\$ 36.00	\$ 15.00	\$ 66.00
150 feet or less	\$ 512.00	\$ 50.00	\$ 22.00	\$ 94.00
175 feet or less	\$ 678.00	\$ 64.00	\$ 35.00	\$ 134.00
200 feet or less	\$ 837.00	\$ 79.00	\$ 41.00	\$ 161.00
Over 200 Feet	\$1,012.00	\$ 95.00	\$ 48.00	\$ 191.00
Blimp, 40 Feet or less	\$1,560.00	\$104.00	\$ 50.00	\$ 204.00
Taxi-in/Taxi-out	\$ 136.00	\$ 9.00	\$ 5.00	\$ 19.00

Beginning on July 1, 2026, and every five (5) years thereafter (“Fee Adjustment Date”), the Executive Director shall adjust each fee in the above table by 100 percent of the then Consumer Price Index for All Urban Consumers (CPI-U, All Items, San Francisco-Oakland-Hayward, CA (formerly San Francisco-Oakland-San Jose)) increase for the five-year period before the last CPI reported prior to that Fee Adjustment Date. If said Index is changed so that the base year differs from the base year used in the last index published, the former Index shall be converted to the new Index in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. Each such increase shall be reflected in appropriate revisions to the above table.