

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

10/10/2024
Item No.: 6.2
CLF/pcm

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RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO: (1) ACCEPT VOLKSWAGEN ENVIRONMENTAL MITIGATION TRUST ZERO EMISSION FREIGHT AND MARINE PROGRAM GRANT FUNDS IN THE AMOUNT OF \$4,998,144 FOR SHORE POWER INFRASTRUCTURE DEVELOPMENT TO SERVE BERTH 22; AND (2) EXECUTE BASELINE AGREEMENT WITH BAAQMD AND ALL OTHER RELATED DOCUMENTS NECESSARY FOR THE PORT TO RECEIVE THE GRANT FUNDS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.2, dated October 10, 2024, 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 August 2024, the California Air Resources Board ("CARB") awarded the Port \$4,998,144 of Volkswagen Environmental Mitigation Trust Zero Emission Freight and Marine Program Grant ("VW Grant") funds for shore power infrastructure development to serve Berth 22; and

WHEREAS, the CARB VW Grant program is administered by the Bay Area Air Quality Management District ("BAAQMD") and requires the execution of a grant agreement with BAAQMD; and

WHEREAS, the Port award of VW Grant funds will offset approximately one-third of the total estimated \$15.7 million cost to install shore power infrastructure at Berth 22 as required by the Eagle Rock Non-Exclusive Preferential Assignment Agreement; 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 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 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 approves and authorizes the Executive Director to:

A. Accept VW Grant funds in the amount of \$4,998,144 for the development of shore power infrastructure to serve Berth 22.

B. Execute the VW Mitigation Trust Fund Program Grant Baseline Agreement with BAAQMD and any other related documents necessary for the Port to receive the VW Grant funds.

C. Make any additions, modifications, or corrections necessary to execute the requested agreements, apply for and accept the grant awards 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. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 contract.

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