

PORT ORDINANCE NO. 4332

**ORDINANCE APPROVING AN OTHER TRANSACTION AGREEMENT WITH
THE UNITED STATES OF AMERICA, ACTING THROUGH THE
TRANSPORTATION SECURITY ADMINISTRATION AT OAKLAND
INTERNATIONAL AIRPORT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.4, dated April 23, 2015 ("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; now, therefore

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

Section 1. The Board hereby approves the terms and conditions of the Other Transaction Agreement, which would replace the existing Utility and Janitorial Agreement, with the United States of America, acting through the Transportation Security Administration ("TSA") at Oakland International Airport to provide for the TSA's continued reimbursement of electrical charges and janitorial services utilized in checkpoint and bag screening operations at a janitorial reimbursement rate of \$5.04 per square foot per year (\$9,679 per month), subject to annual adjustment, plus variable electrical charges, as more fully described in the Agenda Report.

Section 2. The Board hereby authorizes the Executive Director to execute the Other Transaction Agreement with the TSA, subject to approval as to form and legality by the Port Attorney.

Section 3. 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.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, lease 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 Board. Unless and until a separate written contract 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 other contracting party, there shall be no valid or effective contract.

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

The Board of Port Commissioners, Oakland, California, April 23, 2015. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Hamlin, Parker and President Yee - 4. Excused: Commissioners Butner, Head and Uno - 3. Noes: 0.

John T. Betterton
Secretary of the Board

