

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

2/22/2024
Item No.: 6.2
CLF/pcm



RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE BASELINE AGREEMENT AND ALL OTHER RELATED DOCUMENTS NECESSARY FOR THE PORT OF OAKLAND TO RECEIVE TRADE CORRIDOR ENHANCEMENT PROGRAM GRANT FUNDS FROM THE CALIFORNIA TRANSPORTATION COMMISSION IN THE AMOUNT OF \$41,635,000, WHICH REQUIRES \$17,841,000 OF MATCH FUNDS FROM THE PORT FOR THE GREEN POWER MICROGRID PROJECT ("PROPOSED ACTION"); AND FINDING THAT A NEGATIVE DECLARATION WAS ADOPTED FOR THE PROPOSED ACTION.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.2, dated February 22, 2024 ("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 finds and determines that pursuant to the California Environmental Quality Act ("CEQA") a Negative Declaration was adopted, and a Notice of Determination was filed on January 11, 2024, for the Proposed Action.

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

A. Execute the Baseline Agreement and any other related documents required for the Port of Oakland to receive \$41,635,000 in Trade Corridor Enhancement Program Grant Funds from the California Transportation Commission, which requires the Port to provide \$17,841,000 in matching funds for the proposed action, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. 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.

DRAFT