

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

11/07/2024
Item No. 6.5
CT/pcm

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RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO REIMBURSE THE CITY OF OAKLAND \$3,055,775 FOR GENERAL SERVICES AND LAKE MERRITT TRUST SERVICES RENDERED IN FISCAL YEAR 2024, AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH AND FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.5, dated November 7, 2024, ("Agenda Report") and related 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

RESOLVED, that the Board hereby determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use; and be it

FURTHER RESOLVED, that the Board, subject to the terms and conditions hereinafter described, hereby authorizes the Executive Director to transfer, from the Port Revenue Fund to the General Fund of the City, a total amount not greater than \$3,055,775, said transfer to be made from any funds available in the Port Revenue Fund in accordance with the Ninth purpose of Section 717(3) of the Charter of the City, subject and subordinate to all payments required by the First, Second, Third, Fourth, Fifth, Sixth, Seventh, and Eighth purposes of Section 717(3) of the Charter of the City; and be it

FURTHER RESOLVED, that the Board does hereby determine that moneys, sufficient to make the \$3,055,775 maximum transfer hereinabove specified, exist in said Port Revenue Fund which are not needed for any of the First through Eighth purposes of said Section 717(3) of said Charter; and be it

FURTHER RESOLVED, that the General Services payments and Lake Merritt reimbursements are conditioned upon and subject to the terms and conditions contained in the Memorandum of Understanding effective July 1, 1983, between the Port and the City of Oakland, acting by and through its City Council, as amended by the Eleventh Supplemental Agreement (General Services) effective July 1, 1993, and as amended by the Twelfth Supplemental Agreement (Lake Merritt Tidelands) effective July 1, 1993; and be it

FURTHER RESOLVED, that the action taken by this resolution does not constitute a commitment by the Board with respect to any other determination of moneys being available for the Ninth purpose of Section 717(3) of the Charter of the City; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, 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 materials and in testimony received; and be it

FURTHER RESOLVED, that 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; and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon adoption by the Board.

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