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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE PORT OF OAKLAND RISK MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO RENEW THE PORT OF OAKLAND POLLUTION LEGAL LIABILITY INSURANCE WITH BEAZLEY EXCESS AND SURPLUS INSURANCE, INC. AND MARKEL SPECIALTY AS EVANSTON INSURANCE CO. ARRANGED AND PAID THROUGH AN INSURANCE BROKER, ALLIANT INSURANCE SERVICES, INC., AS DESCRIBED HEREIN, FOR A THREE-YEAR TERM, SUBJECT TO MINOR ADJUSTMENTS UPON PLACEMENT, AND IN AN AMOUNT NOT TO EXCEED \$1,250,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.4, dated October 24, 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, 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; and

WHEREAS, the Executive Director has delegated authority to the Risk Manager to execute insurance policies;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. 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 Port of Oakland Risk Manager to execute all necessary documents to renew the Port's PLL policy with Beazley Excess and Surplus Insurance, with excess insurance provided by Markel Specialty as Evanston Insurance Co., arranged and paid through an insurance broker, Alliant Insurance

Services, Inc., generally covering all Port-owned property, in an amount not to exceed \$1,250,000 for a 3-year term commencing on December 2024 to December 2027 ("New PLL Policy"), as further described in the Agenda Report.

Section 3. The New PLL Policy shall be subject to the Port Attorney's review as to form and legality.

Section 4. 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 other contracting party, there shall be no valid or effective contract.

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

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