

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

02/13/2025
Item No.: 6.1
LSM/pcm

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RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION FOR \$36.6 MILLION OF FISCAL YEAR 2022 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM FUNDING, WHICH REQUIRES \$12.2 MILLION IN MATCHING FUNDS, TO IMPLEMENT THE OUTER HARBOR REDEVELOPMENT PROJECT ("PROJECT"); AND ADOPT AN INITIAL STUDY/NEGATIVE DECLARATION FOR THE PROJECT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.1, dated February 13, 2025 ("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 hereby finds and determines that the proposed Outer Harbor Redevelopment Project ("Project") is subject to the California Environmental Quality Act ("CEQA") and adopts the Initial Study / Negative Declaration ("IS/ND") prepared for the proposed Project. In accordance with CEQA, the Port prepared a Negative Declaration when the Initial Study determined that no significant environmental impacts would result from the proposed Project. The IS/ND was circulated for public comment on August 12, 2024, comments were received and addressed, and the IS/ND was finalized on October 12, 2024.

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

A. Accept a \$36,600,000 grant with \$12,200,000 of matching funds and execute a grant agreement and all other documents necessary to accept the grant and grant funds with the United States Department of Transportation Maritime Administration ("MARAD");

B. Execute all grant-related documents and ancillary agreements such as individual sub-grant agreements with project partners to enable grant funding.

C. 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.