

PORT ORDINANCE NO. 4758
ORDINANCE APPROVING THE PROPOSED FISCAL YEAR 2025
AIRLINE LANDING FEE RATES, TERMINAL SPACE RENTAL
RATES, AND OTHER FEES GENERATING \$102.3 MILLION IN
REVENUE AT SAN FRANCISCO BAY OAKLAND INTERNATIONAL
AIRPORT, AND AMENDMENT TO APPENDIX C-1 OF THE PORT
OF OAKLAND ADMINISTRATIVE CODE TO ADJUST THE
PROPOSED FISCAL YEAR 2025 FEES.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 4.1, dated June 27, 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, Section 706 of the City of Oakland ("City") Charter gives to the Board the complete and exclusive power and duty for and on behalf of the City to exercise various powers and duties relating to the Port's jurisdiction, including, but not limited to, the power and duty to "adopt and enforce such ordinances, orders, regulations and practices as are necessary for the proper administration and discharge of its duties and powers, or for the management and government of the port, and its facilities" (City Charter, Sec. 706(27)); and

WHEREAS, 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; now, therefore

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

Section 1. The Board hereby finds and determines that 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:

A. Approves and amends the Port of Oakland Administrative Code ("POAC") establishing the charges for use of facilities and the provision of aviation fuel at the San Francisco Bay Oakland International Airport ("Rates and Charges"), which shall be effective July 1, 2024, for signatory airlines and will be effective September 1, 2024, for non-signatory airlines and other non-airline tenants and users of the Airport, as further described in the Agenda Report.

B. Adopts the Rates and Charges by amending Appendix C-1 of the POAC, as set forth in the attachment to this Ordinance.

C. Authorizes the Executive Director or his designee to take all actions necessary to implement these amendments into the POAC, provided that such actions do not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance 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 Ordinance, 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 Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, June 27, 2024.
Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Dominguez Walton, Lee, Martinez, Myres, and President Leslie - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board

ATTACHMENT
CHANGES TO POAC, APPENDIX C-1 (RATES AND CHARGES)

A. Landing Fees (Section 5.02.020)

1. Signatory Airline; Based Tenant, Engaged in Commercial Operations:

a. Aircraft having a Maximum Gross Landing Weight of less than 12,500 pounds:

\$62.51 minimum landing charge

b. Aircraft having a Maximum Gross Landing Weight of 12,500 pounds or more:

\$5.00 per 1,000 pounds of Maximum Gross Landing Weight

2. All Other Aircraft:

a. Aircraft having a Maximum Gross Landing Weight of less than 12,500 pounds:

\$78.13 minimum landing charge

b. Aircraft having a Maximum Gross Landing Weight of 12,500 pounds or more:

\$6.25 per 1,000 pounds of Maximum Gross Landing Weight

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C. Terminal Rates and Fees

1.Terminal Space Rental Rates (Section 5.02.100 A.)

| Category | Rate (per square foot per month) |
|---|----------------------------------|
| Category I: Preferential Use Ticket Counter Space | \$30.629 |
| Category II: Exclusive Office and Preferential Use Holdroom Space | \$27.566 |
| Category III: Baggage Claim Space | \$24.503 |
| Category IV: Baggage Make-Up Space | \$21.440 |
| Category V: Common Use Ticket Counter Space | \$15.314 |
| Category VI: Common Use Office Space | \$13.783 |
| Category VII: Common Use Baggage Make-Up Space | \$10.720 |

2.Preferential Holdroom/Loading Bridge Monthly Charge (Section 5.02.100 A.)

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|---|
| \$73,715 per month per Preferential Holdroom/Loading Bridge |
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3.Baggage Claim Monthly Charges—Signatory Airline (Section 5.02.100 B.)

| | |
|---|------------------------|
| Terminal 1 (Shared by all Terminal 1 Airlines, allocated by % deplaning passengers in Terminal 1) | \$501,971.00 per month |
| Terminal 2 (Shared by all Terminal 2 Airlines, allocated by % deplaning passengers in Terminal 2) | \$381,317.00 per month |

4. Baggage Claim Fee per Deplaned Passenger—Non-Signatory Airline (Section 5.02.100 B.)

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|--------------------------------|
| \$6.07 per deplaning passenger |
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5. Common Use Fee per Operation—Signatory Airline (Section 5.02.100 C.)

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| \$754.00 per turn |
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6. Common Use Fee per Operation—Non-Signatory Airline (Section 5.02.100 C.)

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|-------------------|
| \$942.00 per turn |
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7. Secondary Use Fees per Operation (Section 5.02.100 D.)

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|----------------------------------|-------------------|
| Aircraft with over 90 seats | \$571.00 per turn |
| Aircraft with 31 to 89 seats | \$285.00 per turn |
| Aircraft with 30 seats and fewer | \$143.00 per turn |

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D. Space Rental Charges

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2. Concession Fees (Section 5.02.100 J.)

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| Airline Service Providers Concession Fee | 10% of Gross Receipts (as defined in applicable agreement between Port and Airline Services Provider) subject to Minimum Monthly Fee set forth below: |
| Minimum Monthly Fee | |
| Operating at the South Field | \$250.00 |
| In-Flight Catering Services Providers | \$500.00 |
| Operating at the North Field | \$500.00 |
| Airport Tenants Construction Contractor Administrative Fee | \$500.00 annually |
| Concession Office/Storage Space | \$5.360 per square foot per month |