

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

09/11/2025
Item No.: 5.1
EJP/pcm



**ORDINANCE AMENDING VARIOUS ADMINISTRATIVE
PROVISIONS OF TITLES 1 AND 2 OF THE PORT OF OAKLAND
ADMINISTRATIVE CODE, AND FINDING THAT THE PROPOSED
ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.1, dated September 11, 2025, 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") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board further finds and determines as follows:

A. Approves various administrative portions of the Port of Oakland Administrative Code ("POAC") - including Sections 1.02.010, 2.01.010, 2.01.090, 2.01.100, 2.01.110, 2.05.020, and 2.05.030 - as reflected in **Attachment A**, and as further described in the Agenda Report.

B. Authorizes the Executive Director or her 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.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney

Attachment A

Chapter 1.02 Definitions

Section 1.02.010 Definitions

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"Person" shall mean and include any of the following (including the assignees, heirs, beneficiaries, executors, trustees, receivers, legal representatives, administrators, managers, agents, officers, or employees thereof): a natural person, company, corporation, partnership, joint venture, trust, limited liability company, limited partnership, joint stock company, body politic, association, club, business, or organization.

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Attachment A
Chapter 2.01 By-Laws and Administrative Rules

Section 2.01.010 Definitions

The following words and phrases whenever used in this Chapter shall be construed as defined in this Section.

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"Master Fee Schedule" means ~~Port Ordinance No. 3859, as amended, and as it may be further amended or superseded, or incorporated into this Code~~ Chapter 5.10 and Appendix G.

"Parliamentary Procedures" means the ~~Robert's Rules of Order~~ American Institute of Parliamentarians Standard Code of Parliamentary Procedure 2012, as it may be updated from time to time.

* * *

"Purchasing Ordinance" means ~~Port Ordinance No. 4576, as it may be amended or superseded, or adopted into this Code~~ Chapter 5.12.

"Rules for Public Participation" means Chapter 2.05 ~~of this Code.~~

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"Sunshine Ordinance" means Chapter 2.06 ~~of this Code.~~

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Section 2.01.090 Secretary of the Board

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- F. The Secretary of the Board shall, in the Secretary of the Board's official capacity, ~~sign or attest such documents and official papers relating to the Port, and affix the official seal thereto, when and as may be directed by the Board;~~ execute agreements related to procurements for the Board, subject to the same limits set forth in Section 5.12.030 A., and provided that such agreements are approved as to form and legality by the Port Attorney; and perform such other duties as may be assigned to the Secretary of the Board by the Board or be required by Law.

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Section 2.01.100 Executive Director

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- O. Except as otherwise may be required by the Charter, other applicable Law, or resolution or ordinance of the Board, the Executive Director shall be and he or she is hereby authorized to negotiate and execute for and on behalf of the Board, indemnification agreements ~~regarding removal of underground petroleum or similar tanks with~~ any third party Port tenants; provided, however, that each of said agreements shall be upon a form prepared and approved by the Port Attorney and shall not be effective unless and until signed by the Port Attorney.

Attachment A

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- R. When acting pursuant to authority or responsibilities delegated or assigned to him or her pursuant to this Section 2.01.100 or pursuant to the Development Code (as the "permit hearing officer"), the Executive Director shall have the authority to act as the designated decision maker with respect to CEQA on all projects for which the Port is the lead agency. As the decision maker with respect to such delegated action, the Executive Director or his or her designee(s) shall have the authority to adopt and certify Environmental Impact Reports and to approve Mitigated Negative Declarations and Negative Declarations, and where appropriate, the Executive Director shall have the authority to file a Notice of Exemption. Consideration of such environmental review documents for approval shall be conducted at noticed public hearings, if and when required by CEQA, chaired by the Executive Director or his or her designee(s). The Executive Director or his or her designee(s) shall take expert testimony (including that of Port staff) and public testimony, consider the issues and concerns presented by the public, and consider the environmental review documents. Any decision to issue, adopt, or approve the CEQA documents shall be announced in a Notice of Decision. Absent an administrative appeal, the decision announced in the Notice of Decision shall become final fifteen (15) calendar days after issuance of the Notice of Decision. Any Person may appeal such decision to the Board by filing a written notice of appeal directed to the Secretary of the Board. The written notice shall set forth the specific grounds of the appeal, and the appellant shall pay the associated administrative appeal fee as established in the Master Fee Schedule, as it may be amended from time to time. Such administrative appeal shall be filed within fourteen (14) calendar days after issuance of the Notice of Decision. Any failure to timely file an administrative appeal shall be a complete bar to judicial review. Review by the Board of any administrative appeal filed shall be limited to those issues specifically raised in the administrative appeal. The decision by the Board to affirm or to overturn the decision of the Executive Director or his or his designee(s) shall be final. Judicial review of the final decision of the Board shall be limited to those issues raised on administrative appeal.

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- AA. The Executive Director shall have the authority to enter into agreements for the purchase or sale of Greenhouse Gas Compliance Instruments (as defined in Chapter 10.02), including, but not limited to, Low Carbon Fuel Standard ("LCFS") credits established under California Code of Regulations, title 17, sections 95480 et seq., as such sections may be amended or superseded, provided that:

1. The Executive Director determines such sale is in the best interests of the Port; and
2. Such agreements are in accordance with Chapter 10.02.

- BB. The Executive Director shall perform such other services, and assume such other responsibilities and duties, as the Board may require from time to time.

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Section 2.01.110 Port Attorney

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- G. The Port Attorney shall have the sole authority to file suit, to prosecute to judgment, and to settle any such civil and criminal actions in law, in equity, or in special proceedings concerning the Port Entities where the principal amount in dispute is One Hundred Thousand Dollars (\$100,000.00) or less. Where the principal amount exceeds such amount, the Port Attorney shall obtain Board approval by motion or resolution prior to filing or settling such an action. Where urgency requires immediate filing and prosecution, the Port Attorney shall proceed with such filing and prosecution and seek Board ratification by motion or resolution after filing of suit. The Port Attorney shall also have the sole authority to file and amend proofs of claim and otherwise act in bankruptcy, receivership, or other court proceedings, as well as for insurance, claims, or other means of recovery for the Port, so long as such actions are reasonable in light of the proposed benefit to the Port and are done in consultation with the relevant Port division or department.

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Attachment A
Chapter 2.05 Board Rules for Public Participation

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Section 2.05.020 Definitions

The following words and phrases whenever used in this Chapter shall be construed as defined in this Section:

"Board Room" means that area or those areas of the Port Headquarters Building that may be designated, from time to time, by the Secretary of the Board for Public Meetings.

* * *

"Public Meeting" means a Regular Meeting or a Special Meeting.

Section 2.05.030 Safety

The Port has been designated as a "High Security Area" and strives to ensure the safety of its employees, visitors and the public while on Port premises and facilities. The Port Headquarters is subject to the requirements of the Customs-Trade Partnership Against Terrorism Initiative and the Port is committed to ensuring the integrity of its security practices.

A. Access to the Port Headquarters Building

All non-badged visitors to the Port Headquarters Building shall sign in at the Lobby Security desk, present photo identification and obtain a visitor's pass. The visitor's pass shall be worn on the front of the torso and shall be visible at all times, while in the building. All visitors to the Port Headquarters Building are required to remain in Public Areas at all times. Public Areas are limited to the following areas during the dates and times designated by the Executive Director: (1) designated portions of the ground floor lobby, and (2) the Exhibit Room, and (3) the Board Room on the second floor and the any adjacent entry corridor, restrooms, and elevator lobby. Visitors are not allowed in secure Port-controlled areas such as staff office areas, conference rooms and other work areas, unless accompanied, at all times, by a Port employee and for a specific invited business purpose.

B. Access to the Ground Floor Lobby

Access to the ground floor lobby at the Port Headquarters Building shall be limited to those portions open to the public for conducting business with the Port during posted hours. Any portion of the lobby designated by signage as being off limits to public access and/or marked by physical barriers such as locked doors, gates, or security screening stations and/or other visible physical demarcations, including floor or wall markings, tape lines, or similar indicators, shall be a restricted area. Entry into or remaining in any restricted area and/or entry into the ground floor lobby outside of posted hours without authorization shall be a violation of this Chapter.

CB. Access to the Board Room

Access to the Board Room shall be limited to those times when the Board Room is open to the public for attending Public Meetings. Public Meeting attendees shall be authorized to access the Board Room up to thirty (30) minutes prior to the start of a duly scheduled Public Meeting and shall be required to leave the Port Headquarters Building within ten (10) minutes after the Public Meeting is adjourned and shall exit from the ground floor lobby. Entry into or remaining in the Board Room outside of these hours without authorization shall be a violation of this Chapter.

Attachment A

D. Visitor's Passes

Visitors to the Port Headquarters Building who desire to attend meetings of the Board or Standing Committees in the Board Room shall not be required to register their names or to otherwise provide any other information to enter the Board room. Pursuant to the Port's Policies and Procedures for Building Access, Use and Security for 530 Water Street, non-badged ~~P~~public ~~M~~meeting attendees shall display a visitor's pass. However, where a ~~P~~public ~~M~~meeting attendee wishes to maintain his or her anonymity, he or she will not be required to write his or her name on the visitor's pass and such pass may remain blank. ~~Public meeting attendees shall be required to leave the Port Headquarters Building within ten (10) minutes after the public meeting is adjourned and shall exit the building from the ground floor lobby.~~

E. Prohibited Objects

All persons entering the Board Room, except badged Commissioners and Port staff, are subject to a search of their person and possessions for weapons (as defined in the California Penal Code) and other potentially dangerous, disruptive, or destructive objects as reasonably determined by law enforcement officials and security personnel. Persons found in possession of such items when seeking admission to the meeting will not be permitted to enter the Board Room. Port staff is authorized to remove individuals from the Board Room if a threat exists or is reasonably perceived to exist. Prohibited objects include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting or puncturing tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol or other spray containers; machine tools or tools with sharp edges; glass containers; paint, and large backpacks and suitcases that are incapable of being opened for examination.

F. Capacity of the Board Room

Whenever the Presiding Officer anticipates that the number of persons attending a Board or Standing Committee meeting may exceed the legal capacity of the Board Room, an alternate room within the Port Headquarters Building (overflow room), equipped with live audio and/or video of the meeting, will be opened to the public. Opportunities to address the Board or Standing Committee will be made equally available to members of the public in both rooms. Members of the public will have the right to address the Board where the Board is present when providing any in-person public comment, but must otherwise comply with requests by Port staff and/or security personnel for the Port Headquarters Building to move to the overflow room when they determine that: (1) the legal capacity limits are exceeded; or (2) it is necessary for health, safety, or to preserve the orderly conduct of the meeting.

G. Conduct Constituting Trespass

It shall be unlawful for any person to: (1) enter or remain in any portion of the Port Headquarters Building in violation of posted rules, hours of operation, or closure orders; (2) enter or remain in any restricted area without authorization; or (3) refuse to leave upon request by a peace officer, security officer, or other authorized Port representative.

H. Signage Requirements

Signs shall be conspicuously posted at or around public entrances to the Port Headquarters Building stating: (1) hours of operation; (2) designation of public and restricted areas; and (3) notice that violations may be prosecuted as trespassing.

I. Closure Authority

The Executive Director, or their designee, may declare any portion of the Port Headquarters Building closed to public access in whole or in part, temporarily or permanently, when necessary for public safety, maintenance, security, or operational reasons.