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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO ENTER INTO A GRANT
AGREEMENT WITH THE FEDERAL EMERGENCY
MANAGEMENT AGENCY FOR \$247,500 OF FEDERAL
FISCAL YEAR 2025 PORT SECURITY GRANT
PROGRAM FUNDING TO OFFSET THE COST OF A
MARITIME SECURITY ENHANCEMENT PROJECT
ESTIMATED TO COST \$330,000, 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 for Agenda Item No. 2.3, dated November 20, 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, the Federal Emergency Management Agency ("FEMA") is a U.S. Federal agency under the Department of Homeland Security ("DHS"); and

WHEREAS, on September 24, 2025, a U.S. Federal District Court held that certain terms and conditions DHS sought to impose for its grants, including a condition requiring recipients to cooperate with the U.S. Immigration and Customs Enforcement ("ICE"), were unconstitutional; and

WHEREAS, the Court's holding applies to the Port as a subdivision of the State of California; and

WHEREAS, DHS is amending its grant terms and conditions and grant agreements to remove the enjoined grant conditions, including the one requiring cooperation with ICE; 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Board finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act

("CEQA") under Section 15311 of the CEQA Guidelines because the proposed action is limited to construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities.

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

A. Enter into a Grant Agreement with FEMA for \$247,500 for Federal Fiscal Year 2025 Port Security Grant Program Funding, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and

B. Enter into any agreements or make any additions, modifications, or corrections necessary to implement 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. 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 4. This resolution shall be effective immediately upon adoption by the Board.