



AGENDA REPORT

PROPOSED ACTION: Ordinance: Adopt Various Chapters Within Titles 2, 5, 8, and 10 of the Port of Oakland Administrative Code (POAC); Repeal the Corresponding Uncodified Ordinances and Resolutions; and Find that the Proposed Action is Exempt Under the California Environmental Quality Act.	
Submitted By: Mary C. Richardson, Port Attorney; Kristi McKenney, Executive Director	
Parties Involved: Port of Oakland	Amount: N/A
EXECUTIVE SUMMARY: Port of Oakland (Port) Staff requests approval for various administrative amendments to the Port of Oakland Administrative Code (POAC) to adopt the following policies that are currently uncodified: (1) POAC Chapter 2.03 (Conflict of Interest Code); (2) POAC Chapter 5.11 (Financial Management Reserve Policies); (3) POAC Chapter 5.14 (Debt Policy); (4) POAC Chapter 8.04 (Terminal Concession Policy); (5) POAC Chapter 10.07 (Sanitary Sewer Standards); and (6) POAC Chapter 10.08 (Private Sewer Lateral Regulations). Port Staff also requests approval to repeal the corresponding uncodified Ordinances (Port Ordinances Nos. 3715, 4113, and 4474) and Resolutions (Port Resolutions Nos. 09056, 16-144, and 25-20). These updates codify existing uncodified laws and regulations and do not make substantive changes to those provisions.	

BACKGROUND & ANALYSIS

The proposed amendments will streamline the Port’s administration across a range of functions by transferring them from uncodified ordinances into the consolidated POAC, which is a publicly accessible municipal code organized by topic and function.

A. POAC Chapter 2.03 (Conflict of Interest Code)

The Port’s Conflict of Interest Code is currently contained in Port Ordinance No. 3715 adopted on September 3, 2002, which was approved by Oakland City Council Resolution No. 80856 on October 2, 2007. The proposed POAC Chapter 2.03, attached as **Attachment A**, would codify this Conflict of Interest Code. There are no major substantive changes¹ proposed, as the Designated Positions Appendix A, while updated regularly, is separately approved by the Port Attorney and is not itself part of the Ordinance.

B. POAC Chapter 5.11 (Financial Management Reserve Policies)

The Port adopted Resolution No. 09056 on April 22, 2009, revising and restating the Port’s Financial Management Reserve Policies. The proposed POAC Chapter 5.11, attached as **Attachment B**, would codify this existing resolution to establish and maintain

¹ The disclosure requirement for consultants to disclose pursuant to the broadest suitable disclosure category, however, was moved from the Appendix to the Ordinance.

necessary reserve funds to ensure Port access to capital markets when necessary, enable the Port to finance the construction of capital improvements for the harbor, Airport, and other authorized purposes under the Charter, and to lower the overall cost of financing to the Port. There are no major substantive changes made with this codification.

C. POAC Chapter 5.14 (Debt Policy)

The Port adopted Resolution No. 25-20 on February 27, 2025, revising and restating the Port's Debt Policy set forth in Administrative Procedure (AP) 514. The proposed Chapter 5.14, attached as **Attachment C**, would codify AP 514 and provides guidance for the management of Port debt, such as bonds. There are no major substantive changes made with this codification.

D. POAC Chapter 8.04 (Terminal Concession Policy)

The Port adopted Resolution No. 16-144 on December 15, 2016, approving a policy for awarding concession and customer service privileges in the Terminal buildings at the Airport. The proposed POAC Chapter 8.04, attached as **Attachment D**, would codify this existing resolution. There are no major substantive changes made with this codification.

E. POAC Chapter 10.07 (Sanitary Sewer Standards)

Port Ordinance No. 4113 (Ordinance Establishing Design, Construction, Testing and Inspection Standards for Sanitary Sewer Facilities, and Limits on the Type, Character, and Volume of Allowable Discharges to the Sanitary Sewer System) was adopted on November 17, 2009, "to regulate the design, construction, inspection, testing, and abandonment of the sanitary sewer system, and to define the allowable and prohibited discharges to the sanitary sewer system."

The proposed POAC Chapter 10.07, attached as **Attachment E**, would codify the Sanitary Sewer Standards Ordinance without any major substantive changes.

F. POAC Chapter 10.08 (Private Sewer Lateral Regulations)

Port Ordinance No. 4474 (Ordinance Adopting By Reference Oakland Municipal and Planning Code Sections 13.08.590 through 13.08.620 as Modified Herein, Requiring Port Tenants to Comply with Such Private Sewer Lateral Regulations, and Directing Port Staff to Prepare Plans to Assess and Repair Port-Owned Private Sewer Laterals) was adopted on May 10, 2018, to confirm the applicability and enforceability of the City of Oakland and East Bay Municipal Utility District ("EBMUD") private sewer lateral ordinances within the Port Area and on Port-owned property and to establish that Port tenants shall have compliance obligations for private sewer laterals.

The proposed POAC Chapter 10.08, attached as **Attachment F**, would codify the Private Sewer Lateral Regulations without any major substantive changes. Ordinance No. 4474 included some requirements for the Port to prepare and adopt a condition assessment

plan and a corrective action work plan for the Port’s sewer lines, and those tasks were completed², so these completed tasks are now being described in the ordinance recitals.

OTHER FINDINGS AND PROVISIONS

<p><u>ENVIRONMENTAL REVIEW</u></p> <p>The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:</p> <p><input type="checkbox"/> Categorically exempt under the following CEQA Guidelines Section: <u>Choose an item.</u></p> <p><input checked="" type="checkbox"/> “Common Sense” exemption under CEQA Guidelines Section 15061(b)(3).</p> <p><input type="checkbox"/> Other/Notes:</p>	
<p><u>BUDGET</u></p> <p><input checked="" type="checkbox"/> Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR</p> <p style="padding-left: 40px;"><input type="checkbox"/> Operating <input type="checkbox"/> Non-Operating <input type="checkbox"/> Capital</p> <p><u>Analysis:</u> Proposed action is administrative in nature and does not impact the Board approved FY 2026 Budget.</p>	
<p><u>STAFFING</u></p> <p><input checked="" type="checkbox"/> No Anticipated Staffing Impact.</p> <p><input type="checkbox"/> Anticipated Change to Budgeted Headcount.</p> <p style="padding-left: 20px;"><u>Reason:</u></p> <p><input type="checkbox"/> Other Anticipated Staffing Impact (e.g., Temp Help).</p> <p style="padding-left: 20px;"><u>Reason:</u></p>	
<p><u>MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA):</u></p> <p><u>Applies?</u> No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port’s Capital Improvement Program in Aviation or Maritime areas above the threshold cost.</p>	<p><u>LIVING WAGE</u> (City Charter § 728):</p> <p><u>Applies?</u></p> <p>No (No Covered Agreement) – proposed action is not an agreement, contract, lease, or request to provide financial</p>

² The Port adopted a condition assessment plan on June 13, 2019, and adopted a corrective action work plan describing the type, quantity and schedule of work needed to bring all Port-owned sewer lines on Port Controlled Property into compliance on June 8, 2023.

<input type="checkbox"/> <u>Additional Notes:</u>	assistance within the meaning of the Living Wage requirements. <input type="checkbox"/> <u>Additional Notes:</u>
<p><u>SUSTAINABLE OPPORTUNITIES:</u></p> <p><u>Applies?</u> No.</p> <p><u>Reason:</u> Updates allow for revenue generation.</p>	<p><u>GENERAL PLAN</u> (City Charter § 727):</p> <p><u>Conformity Determination:</u></p> <p>Not Required – conformity determination not required because proposed action does not change use of or make alterations to an existing facility, or create a new facility.</p>
<p><u>STRATEGIC PLAN.</u> The proposed action would help the Port achieve the following goal(s) in the Port’s Strategic Plan:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Capture Our Market and Grow the Economic Base <input checked="" type="checkbox"/> Modernize and Upgrade Infrastructure <input type="checkbox"/> Transition to Zero-Emissions and Build Climate Resilience <input checked="" type="checkbox"/> Maximize Land Use Value and Revenues <input type="checkbox"/> Workforce Training and Jobs Development <input type="checkbox"/> Create Opportunities for Local Businesses and Community Economic Development 	