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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING AND AUTHORIZING THE PORT RISK MANAGER TO RENEW THE PORT OF OAKLAND'S CONTRACTORS POLLUTION LIABILITY INSURANCE POLICY WITH NAVIGATORS SPECIALITY INSURANCE COMPANY, ARRANGED AND PAID THROUGH ALLIANT INSURANCE SERVICES, FOR AN AMOUNT NOT TO EXCEED \$232,000 AND DELEGATE AUTHORITY TO THE PORT RISK MANAGER TO EXECUTE ANY NECESSARY DOCUMENTS.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Board Agenda Report Item No. 2.6, dated June 8, 2023, (the "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 finds 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. In addition, the proposed action is not subject to CEQA under Section 15378(b)(4) of the CEQA Guidelines because the "creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project" are not considered a "project" and, therefore, the proposed action is not subject to CEQA.

Section 2. The Board hereby approves the placement of a contractors pollution liability insurance policy with Navigators Specialty Insurance Company, in an amount not to exceed \$232,000 ("New CPL Policy") as further described in the Agenda Report.

Section 3. The Board hereby authorizes the Port Risk Manager to execute any necessary documents in connection with the New CPL Policy.

Section 4. The New CPL Policy shall be subject to the Port Attorney's review as to form and legality all as further described in the Agenda Report.

Section 5. 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 other contracting party, there shall be no valid or effective agreement.

Section 6. This resolution shall become effective immediately upon adoption by the Board.

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