

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

5/8/2025  
Item No.: 6.4  
CT/pcm

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**RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR EXTERNAL AUDITING SERVICES WITH MACIAS GINI & O'CONNELL LLP FOR THE FISCAL YEARS ENDING JUNE 30, 2025, 2026, AND 2027, WITH TWO POSSIBLE ONE YEAR EXTENSIONS FOR AUDIT SERVICES FOR FISCAL YEARS ENDING JUNE 30, 2028, AND 2029, FOR A TOTAL NOT TO EXCEED AMOUNT OF \$1,777,223, 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 Item No. 6.4, dated May 8, 2025 ("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") 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 hereby:

A. Approves the professional services agreement with **MACIAS GINI & O'CONNELL LLP** to provide external auditing services for three fiscal years ending June 30, 2025, 2026, and 2027, with the option for two additional one year extensions for fiscal years ending June 30, 2028, and 2029, at a compensation that shall not exceed \$1,777,223 and subject to additional material terms and conditions as further described in the Agenda Report.

B. Authorizes the Executive Director to (i) execute such professional services agreement, subject to approval as to form and legality by the Port Attorney, and (ii) make such additions, modifications, or corrections as necessary to implement the agreement or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification or correction does 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 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 4.** This resolution shall be effective immediately upon adoption by the Board.