

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION PROVIDING FOR THE PAYMENT TO THE CITY OF OAKLAND ("CITY") FOR GENERAL SERVICES PROVIDED TO THE PORT OF OAKLAND ("PORT") IN FISCAL YEAR 2016-2017 AND FOR THE REIMBURSEMENT OF CERTAIN CITY EXPENDITURES FOR LAKE MERRITT TIDELAND TRUST PURPOSES IN FISCAL YEAR 2016-2017, AND MAKING CERTAIN DETERMINATIONS IN CONNECTION THEREWITH.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 4.1, dated November 9, 2017, ("Agenda Report") and related materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; now, therefore, be it

RESOLVED, that the Board, subject to the terms and conditions hereinafter described, hereby authorizes the transfer, from the Port Revenue Fund to the General Fund of the City, of a total amount not greater than \$2,378,882, said transfer to be made from any funds available in the Port Revenue Fund in accordance with the Ninth purpose of Section 717(3) of the Charter of the City, subject and subordinate to all payments required by the First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth purposes of Section 717(3) of the Charter of the City; and be it

FURTHER RESOLVED, that the Board does hereby determine that moneys, sufficient to make the \$2,378,882 maximum transfer hereinabove specified, exist in said Port Revenue Fund which are not needed for any of the First through Eighth purposes of said Section 717(3) of said Charter; and be it

FURTHER RESOLVED, that the General Services payments and Lake Merritt reimbursements are conditioned upon and subject to the terms and conditions contained in the Memorandum of Understanding effective July 1, 1983 between the Board and the City of Oakland, acting by and through its City Council, as amended by the Eleventh Supplemental Agreement (General Services) effective July 1, 1993 and as amended by the Twelfth Supplemental Agreement (Lake Merritt Tidelands) effective July 1, 1993; and be it

FURTHER RESOLVED, that the action taken by this resolution does not constitute a commitment by the Board with respect to any other determination of moneys being available for the Ninth purpose of Section 717(3) of the Charter of the City; and be it

FURTHER RESOLVED, that in acting upon the matters contained herein, 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 materials and in testimony received.

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