

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

12/19/2024
Item No.: 6.4
LSM/pcm

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RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT AND EXECUTE A GRANT AGREEMENT WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR THE CLEAN HEAVY-DUTY VEHICLES GRANT PROGRAM FOR A GRANT AMOUNT OF \$10,499,274 WITH \$5,158,500 IN MATCHING FUNDS AND EXECUTE ALL ANCILLARY AGREEMENTS SUCH AS INDIVIDUAL SUB-GRANT AGREEMENTS WITH PROJECT PARTNERS TO ENABLE GRANT FUNDING; 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 December 19, 2024 ("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 proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Sections 15301, 15302 and 15303 of the CEQA Guidelines because (a) the proposed action consists of activities that involve negligible or no expansion of an existing use, (b) the proposed structure(s) will have substantially the same purpose and capacity as the existing structure(s) on the property, and (c) the proposed action consists of: construction of new, small facilities or structures; installation of small new equipment and facilities; and/or conversion of existing small structures.

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

A. Accept and execute a grant agreement with the United States Environmental Protection Agency for the Clean Heavy-Duty Vehicles Grant Program for a grant amount of \$10,499,274 with \$5,158,500 of matching funds;

B. Execute all grant-related documents and ancillary agreements such as individual sub-grant agreements with project partners to enable grant funding; and

C. Make any additions, modifications, or corrections necessary to execute 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. 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 the other contracting party, there shall be no valid or effective agreement.

Section 4. This resolution shall be effective immediately upon adoption by the Board.