

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

2/19/2026
Item No. 2.1
CT/pcm

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**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO EXECUTE A LETTER
AGREEMENT WITH THE CITY OF OAKLAND FOR
MAINTENANCE, OPERATING RESERVE, AND CAPITAL
RESERVE COSTS RELATED TO COMMUNITY
FACILITIES DISTRICT NO. 2015-1, PROVIDING
FOR A PAYMENT NOT TO EXCEED \$562,918.50 FOR
FISCAL YEAR 2025-26.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 2.1, dated February 19, 2026 ("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; and

WHEREAS, the City of Oakland (the "City") has established Community Facilities District No. 2015-1 (Gateway Industrial District) (the "CFD") to provide funds to maintain certain City-owned and City-maintained public improvements within the former Oakland Army Base ("OAB"); and

WHEREAS, the City and the Port staff have been in discussions for the CFD to annex certain Port owned OAB property, whereby the Port tenants on such Port-owned property would be assessed a special tax; and

WHEREAS, for Fiscal Year 2025-26, the City budgeted \$628,400 for maintenance costs, \$314,200 for the Operating Reserve, and \$853,500 for the Capital Reserve, for a total of \$1,796,100, and the City has requested the Port contribute 50% of these costs; and

WHEREAS, the \$1,796,100 total budget is reduced by credits for unspent maintenance and reserve funds from the prior year, resulting in net budget of \$1,125,837.00, of which the Port's share is 50%, or \$562,918.50;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The proposed action is not subject to the California Environmental Quality Act ("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. In addition, continuing administrative or maintenance activities, personnel-related actions, general policy and procedure making are not projects pursuant to Section 15378(b)(2) of the CEQA Guidelines.

Section 2. Based upon the information contained in the Agenda Report and testimony received, the Board hereby:

A. Authorizes the payment of an amount not to exceed \$562,918.50 for maintenance, operating reserve, and capital reserve costs related to the CFD for Fiscal Year 2025-26; and

B. Authorizes the Executive Director to enter into a letter agreement with the City to pay maintenance, operating reserve, and capital reserve costs related to the CFD for an amount not to exceed \$562,918.50 for Fiscal Year 2025-26, 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.