

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

5/28/15
Item: 2.3
CT/11/12/13
CT/14/15

**ORDINANCE APPROVING SPACE/USE PERMIT WITH PRIMEFLIGHT
AVIATION SERVICES, INC.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.3, dated May 28, 2015 (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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. 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.

Section 2. The Board hereby approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit with **PrimeFlight Aviation Services, Inc.** for a term of five years, commencing December 1, 2014, with the right of either party to terminate upon written 30-day notice, with consideration at a minimum monthly fee of \$250 or 10% of gross revenues, whichever is greater.

Section 3. The Board hereby ratifies the Executive Director's execution of the Space/Use Permit with **PrimeFlight Aviation Services, Inc.**, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that entering into the Space/Use Permit is not subject to CEQA under CEQA Guidelines Section 15301 (Existing Facilities), which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract(s), 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 Board. Unless and until a separate written contract is duly executed on behalf of the Board as authorized by this ordinance, 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 contract.

Section 6. This ordinance shall be effective immediately upon adoption by the Board.

DRAFT

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney