

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4526

ORDINANCE AMENDING PORT ORDINANCE NO. 4430 RELATING
TO LANDING AND TENANT TERMINAL SPACE RENTAL FEES AT
METROPOLITAN OAKLAND INTERNATIONAL AIRPORT, WAIVING
LANDING FEES FOR LANDINGS BY STUDENT PILOTS,
WAIVING AIRCRAFT PARKING FEES FOR SIGNATORY
AIRLINES AND ESTABLISHING NEW OUTSIDE STORAGE RATES
FOR INTERMITTENT CARGO OPERATIONS ON THE SOUTH
FIELD.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated June 27, 2019 (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:

The charges for use of facilities and the provision of Aviation Fuel at Metropolitan Oakland International Airport were established pursuant to Port Ordinance No. 4430 adopted by the Board on July 13, 2017, and are hereby amended, consistent with the Agenda Report, as follows:

Section 1. The landing fees and operation charges established under Section 2 and the space rental charges established under Section 10 of Port Ordinance No. 4430 are hereby amended as shown on the revised Rate Schedule attached to this Ordinance.

Section 2. Section 7 of Port Ordinance No. 4430 is hereby amended and restated as follows:

"Section 7. Except as otherwise provided in this Section 7, no landing fees shall be charged (a) for any Based Tenant Aircraft operations not engaged in Commercial Operations, (b) for any Aircraft chartered or operated by the federal government or by the State of California or any of their agencies, except in the event that an agreement between the Port and the federal government or the State of California or any of their agencies establishes such landing fees, (c) of federal government or State of California Aircraft being repaired or overhauled by an Airport-based company for which prior approval of the Director has been obtained, (d) for Angel

Flight operations, or (e) for landings by student pilots of schools providing Flight Instruction Services (as defined in Port Ordinance No. 4126, as amended - Oakland International Airport Minimum Standards for Providers of Aeronautical Services and Self Fueling at the North Field). "Angel Flight" means a flight operation by a volunteer pilot using his/her own personal aircraft and time to transport patients and family members to a medical facility for no charge."

Section 3. The last sentence of Section 9 of Port Ordinance No. 4430 is hereby amended to read as follows: "For Fiscal Year 2019-2020, for Signatory Airlines, the South Field Aircraft storage fees set forth in Sections 9.a.(1), 9.a.(3), 9.b.(1) and 9.b.(2) shall be held in abeyance."

Section 4. Section 9 of Port Ordinance No. 4430 is hereby amended by adding the following new Section 9.b.(5):

"(5) **Signatory Airlines/Based Tenant Aircraft in Commercial Cargo and Handling Operations.** For paved or improved heavy Aircraft apron in the South Field utilized by Based Tenant Aircraft for air cargo operations, including the loading and unloading of cargo on the apron in and around each such Aircraft, and for paved or improved individual air cargo apron parking and staging area in the South Field designated to accommodate all Aircraft Types at the fees detailed below.

Aircraft Type	Monthly Rate	First 8 Hours or Fraction Thereof	Each Additional 8 Hours or Fraction Thereof	Maximum Total Daily Rate
All	\$10,734.46	\$1,073.45	\$461.58	\$1,996.61

The fees provided for in this Section 9.b.(5) shall not be available to an operator of Based Tenant Aircraft that has not signed and returned the Port's Space/Use Permit or similar agreement covering such Aircraft apron, and that does not sign and return such Space/Use Permit or similar agreement within 60 days after its receipt of such Space/Use Permit or similar agreement. The fees provided for in this Section 9.b.(5) shall be subject to a 25% surcharge for non-Signatory Airlines and/or an operator that has not signed and returned the Port's Space/Use Permit or similar agreement. These rates are also subject to Sections 9.b.(3), and 9.b.(4)."

Section 5. The last sentence of Section 10.14 of Port Ordinance No. 4430 is hereby amended to read as follows: "The rental rate for concession office and storage space is \$5.656 per square feet per month."

Section 6. The Board hereby finds and determines that this Ordinance is exempt pursuant to California Environmental Quality Act Guidelines Section 15273(a).

Section 7. This Ordinance shall be effective July 1, 2019 for Signatory Airlines, and October 1, 2019 for all others, except that the exception set forth in new Section 7(e) of Port Ordinance No. 4430 shall be retroactive to October 1, 2017.

Section 8. 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.

The Board of Port Commissioners, Oakland, California, June 27, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and President Butner - 6. Excused: Commissioner Colbruno - 1. Noes: 0.

Daria Edgerly

Secretary of the Board

Adopted at a Regular Meeting held July 11, 2019
by the following vote:

Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, and
President Butner - 6

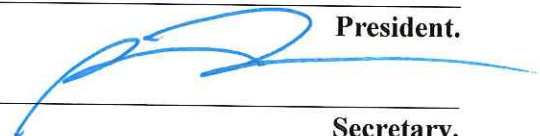
Excused: Commissioner Story - 1

Noes: 0



President.

Attest:



Secretary.

Approved as to form and legality:



Acting Port Attorney

**EXHIBIT A
RATE SCHEDULE**

	Rate Ord Section		FY2019-20
LANDING FEES			
Signatory Airline; Based Tenant, Engaged in Commercial Operations			
Minimum Charge per Landing	2 (a)	\$	37.74
Landing Fee	2 (b) (i)		3.02
All Other Aircraft			
Minimum Charge per Landing	2 (a)	\$	47.18
Landing Fee	2 (b) (ii)		3.77
No landing fee shall be charged for landings of:			
1 Any Aircraft which, after taking off from the Airport, and without making a landing at any other airport, returns to land at the Airport because of meteorological conditions, mechanical or operating causes, or any other reason of emergency;	3	\$	-
2 Any Based Tenant Aircraft not engaged in Commercial Operations;	7 (a)	\$	-
3 Aircraft chartered or operated by the federal government or by the State of California or any of their agencies, except in the event that an agreement between the Port and the federal government or the State of California or any of their agencies establishes such landing fees;	7 (b)	\$	-
4 Federal government or State of California Aircraft being repaired or overhauled by an Airport-based company for which prior approval of the Director has been obtained.	7 (c)	\$	-
5 Angel Flight operations	7 (d)	\$	-
6 Student pilots of schools providing Flight Instruction Services	7 (e)	\$	-

TERMINAL RATES AND FEES

Terminal Space Rental Rates (psf/per month)	10.1		
Category I - Preferential Ticket Counter Space	10.1 (a)	\$	32.323
Category II - Exclusive Office and Preferential Holdroom Space	10.1 (b)		29.090
Category III - Baggage Claim Space	10.1 (c)		25.858
Category IV - Preferential Baggage Make-up Space	10.1 (d)		22.626
Category V - Common Use Ticket Counter Space	10.1 (e)		16.161
Category VI - Common Use Office Space	10.1 (f)		14.545
Category VII - Common Use Baggage Make-up Space	10.1 (g)		11.313
Preferential Holdroom Monthly Charge (per each Holdroom)	10.1	\$	72,009
Baggage Claim Monthly Charges - Signatory Airline	10.2		
Allocated based on % deplaning passengers			
Terminal 1		\$	529,732
Terminal 2		\$	402,406
Baggage Claim Fee per Deplaned Passenger- Non-Signatory Airline	10.2	\$	2.02
Common Use Fee per Operation - Signatory Airline	10.3	\$	686
Common Use Fee per Operation - Non-Signatory Airline			858
Secondary Use Fees per Operation:	10.4		
Applicable to Signatory Based Airline only			
Aircraft with 90 seats or more		\$	511
Aircraft with 31 to 89 seats			255
Aircraft with 30 seats or fewer			128
Airline Self-Service Kiosk - per unit per month	10.5	\$	50.00
Federal Inspection Services (FIS) Facility Fee	10.7	\$	12.00

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4527

ORDINANCE APPROVING (I) A LEASE WITH SEASTRAND ENGINEERING LLC FOR AN INITIAL FIVE YEAR TERM, WITH ONE FIVE YEAR OPTION, WITH FIRST YEAR ANNUAL RENT AT APPROXIMATELY \$92,935, AND (II) A FIFTH SUPPLEMENT AND AMENDMENT TO LEASE AND OPTION TO LEASE TO A LEASE DATED SEPTEMBER 1, 2011 WITH PIEDMONT HAWTHORNE AVIATION, LLC DBA SIGNATURE FLIGHT SUPPORT TO AMEND THE PREMISES AND ADJUST ANNUAL RENT OPERATING AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board has reviewed and evaluated the Agenda Report for Agenda Item 6.3, dated June 27, 2019 (the "Agenda Report") and related agenda materials, has received the expert testimony of 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 (i) the Lease with Seastrand Engineering LLC ("Seastrand"), for an initial term of five years commencing August 1, 2019 and expiring July 31, 2024, with an option for an additional five years to July 31, 2029 upon mutual agreement, for first year annual rent of approximately \$92,935, as described in the Agenda Report, and (ii) the Fifth Supplement and Amendment to Lease and Option to Lease to a Lease dated September 1, 2011 with Piedmont Hawthorne Aviation, LLC dba Signature Flight Support ("Signature") to amend the Premises and adjust rent based on such amended Premises, as described in the Agenda Report.

Section 3. The Board hereby authorizes the Executive Director to execute the Lease with Seastrand and the Fifth Supplement and Amendment to Lease and Option to Lease with Signature, and any other necessary documents to effect the proposed transactions, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that this action is categorically exempt from requirements of the California Environmental Quality Act (CEQA) Guidelines pursuant to 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. No changes to the premises or use are proposed.

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.


The Board of Port Commissioners, Oakland, California, June 27, 2019. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Lee, Leslie, Martinez, Story and President Butner - 6. Excused: Commissioner Colbruno - 1. Noes: 0.

Daria Edgerly

Secretary of the Board

Adopted at a Regular Meeting held July 11, 2019
by the following vote:

Ayes: Commissioners Cluver, Colbruno, Lee, Leslie, Martinez, and
President Butner -- 6
Excused: Commissioner Story -- 1
Noes: 0



President.

Attest: _____



Secretary.

Approved as to form and legality:



Acting Port Attorney