



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION AUTHORIZING THE RENEWAL OF THE EXPIRING PORT OF OAKLAND OWNER PROTECTIVE PROFESSIONAL INDEMNITY ("OPPI") INSURANCE WITH BERKLEY ASSURANCE COMPANY (PRIMARY CARRIER) AND INDIAN HARBOR INSURANCE COMPANY ("AXA XL") (EXCESS CARRIER) ARRANGED AND PAID THROUGH PRIME INSURANCE BROKER (ALLIANT INSURANCE SERVICES) FOR A 5-YEAR TERM COMMENCING ON JANUARY 1, 2022, AND TERMINATING ON JANUARY 1, 2027, IN AN AMOUNT NOT TO EXCEED \$800,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Board Agenda Report Item No. 6.3, dated December 2, 2021, (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; 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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The proposed action is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that the proposed action will not have a significant effect on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby authorizes the renewal of the expiring owner protective professional indemnity ("OPPI") insurance policy with Berkley Assurance Company, with excess insurance provided by Indian Harbor Insurance Company (AXA XL), generally covering all damages arising from design errors and omissions related to the Port's capital improvement projects, in an amount not to exceed \$800,000 for a 5-year term commencing January 1, 2022, to January 1, 2027 ("New OPPI Policy") as further described in the Agenda Report.

Section 3. The New OPPI Policy shall be subject to the Port Attorney's review as to form and legality all as further described in the Agenda Report.

Section 4. 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 5. This resolution shall become effective immediately upon adoption by the Board.

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