

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

6/23/2022
Item No.: 2.2
CT/pcm

MEP

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A FIFTH AMENDMENT TO LEASE WITH AVIS BUDGET CAR RENTAL, LLC AND A FIFTH AMENDMENT TO LEASE WITH DTG OPERATIONS, INC. FOR USE OF PROPERTY AT THE NORTH FIELD OF OAKLAND INTERNATIONAL AIRPORT WITH ANTICIPATED TOTAL REVENUES OF \$1,078,476 IN FISCAL YEAR 2023.

WHEREAS, the Port of Oakland ("Port") has entered into (i) a Lease dated November 1, 2006 (as amended, the "Avis Lease") with Avis Budget Car Rental, LLC (formerly known as Avis Rent A Car System, LLC) ("**Avis**"), and (ii) a Lease dated July 5, 2000 (as amended, the "DTG Lease") with DTG Operations, Inc. (formerly known as Dollar Rent A Car System, Inc.) ("**DTG**"), each for "Quick Turn Around" facilities located in the North Field at Oakland International Airport; and

WHEREAS, the Avis Lease and DTG Lease are both scheduled to expire on June 30, 2022; and

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.2, dated June 23, 2022 (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. The Board hereby finds and determines that 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. 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 3. The Board hereby approves the terms and conditions set forth in the Agenda Report for (i) the Fifth Amendment to Lease with **Avis**, extending the term through June 30, 2023, with monthly rental at \$61,502, and (ii) the Fifth Amendment to Lease with **DTG**, extending the term through June 30, 2023, with monthly rental at \$28,371, as described in the Agenda Report.

Section 4. The Board hereby authorizes the Executive Director of the Port to execute the Fifth Amendment to Lease with **Avis** and the Fifth Amendment to Lease with **DTG**, subject to approval as to form and legality by the Port Attorney, and make any additions, modifications, or corrections as necessary to implement the Fifth Amendment to Lease with **Avis** and the Fifth Amendment to Lease with **DTG**, provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

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 Port. 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 take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

DRAFT

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney