

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

6/23/2022
Item No.: 2.3
CT/pcm

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ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AMENDMENTS TO THE U.S. GOVERNMENT LEASE FOR REAL PROPERTY NO. GS-09B-02611 WITH THE UNITED STATES OF AMERICA, GENERAL SERVICES ADMINISTRATION, ON BEHALF OF THE TRANSPORTATION SECURITY ADMINISTRATION ("TSA"), TO EXTEND THE U.S. GOVERNMENT LEASE FOR LEASED OFFICE SPACE USED BY THE TSA AT OAKLAND INTERNATIONAL AIRPORT BY ONE-YEAR INCREMENTS FOR UP TO TEN YEARS AT THE THEN CURRENT RATES AND CHARGES RENTAL RATE FOR CATEGORY II: OFFICE SPACE.

WHEREAS, the Port of Oakland ("Port") entered into a U.S. Government Lease for Real Property ("Lease") with the United States of America, General Services Administration, on behalf of the Transportation Security Administration ("TSA") for office space for the TSA at Oakland International Airport; and

WHEREAS, the Lease will expire on September 30, 2022; and

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.3, 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 categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15301 of the CEQA Guidelines because the proposed action consists of activities that involve negligible or no expansion of an existing use.

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 Amendments to the Lease with the United States of America, General Services Administration, on behalf of the TSA, which extends the Lease for one-year increments for up to ten years at the then current rates and charges rental rate for Category II: Office Space, as described in the Agenda Report.

Section 4. The Board hereby authorizes the Executive Director to (i) execute Amendments to the Lease with the United States of America, General Services Administration, on behalf of the TSA, subject to approval as to form and legality by the Port Attorney, and (ii) to make such additions, modifications, or corrections as necessary to implement the Lease Amendment or to correct errors, subject to the limitations set forth herein and 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