

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

6/23/2022
Item No.: 4.2
CT/pcm

hck

**ORDINANCE AMENDING PORT OF OAKLAND
ORDINANCE NO. 4430 RELATING TO LANDING
AND TENANT TERMINAL SPACE RENTAL FEES AT
OAKLAND INTERNATIONAL AIRPORT, AND
WAIVING AIRCRAFT PARKING FEES FOR
CERTAIN SIGNATORY AIRLINES AT OAKLAND
INTERNATIONAL AIRPORT.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 4.2, dated June 23, 2022 (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 Oakland International Airport were established pursuant to Port Ordinance No. 4430 adopted by the Board on July 13, 2017, as amended, and are hereby further amended, consistent with the Agenda Report, 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 15273 of the CEQA Guidelines because the proposed action is for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges for: (1) meeting operating expenses, including employee wage rates and fringe benefits; (2) purchasing or leasing supplies, equipment, or materials; (3) meeting financial reserve needs and requirements; (4) obtaining funds for capital projects, necessary to maintain service within existing service areas; or (5) obtaining funds necessary to maintain intra-city transfers as authorized under the City charter.

Section 2. 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 3. The last sentence of Section 9 of Port Ordinance No. 4430 is hereby amended to read as follows: "For Signatory Airlines, the Aircraft storage fees set forth in Sections 9.a.(1), 9.a.(3), 9.b.(1), 9.b.(2), 9.d.(1), 9.e.(1), and 9.e.(2) shall be waived, provided that such Signatory Airline is concurrently operating scheduled passenger or cargo service at the Airport, and the length of time the aircraft parking fee is waived is limited to 72 hours."

Section 4. 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 \$4.761 per square feet per month."

Section 5. This Ordinance shall take effect on the date of its final adoption, and shall be retroactively effective July 1, 2022, for Signatory Airlines, and effective October 1, 2022 for all others; 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.

Section 6. 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.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney

**EXHIBIT A
RATE SCHEDULE**

**Rate Ord
Section FY2022-23**

LANDING FEES

Signatory Airline; Based Tenant, Engaged in Commercial Operations

Minimum Charge per Landing	2 (a)	\$ 46.78
Landing Fee	2 (b) (i)	\$ 3.74

All Other Aircraft

Minimum Charge per Landing	2 (a)	\$ 58.47
Landing Fee	2 (b) (ii)	\$ 4.68

No landing fee shall be charged for landings of:

- | | | |
|---|--------------|-------------|
| <p>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;</p> | 3 | \$ 0 |
| <p>2 Any Based Tenant Aircraft not engaged in Commercial Operations;</p> | 7 (a) | \$ 0 |
| <p>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;</p> | 7 (b) | \$ 0 |
| <p>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.</p> | 7 (c) | \$ 0 |
| <p>5 Angel Flight operations</p> | 7 (d) | \$ 0 |
| <p>6 Student pilots of schools providing Flight Instruction Services</p> | 7 (e) | \$ 0 |

TERMINAL RATES AND FEES

Terminal Space Rental Rates (psf/per month)	10.1	
Category I - Preferential Ticket Counter Space	10.1(a)	\$ 27.203
Category II - Exclusive Office and Preferential Holdroom Space	10.1(b)	\$ 24.483
Category III - Baggage Claim Space	10.1(c)	\$ 21.763
Category IV - Preferential Baggage Make-up Space	10.1(d)	\$ 19.042
Category V - Common Use Ticket Counter Space	10.1(e)	\$ 13.602
Category VI - Common Use Office Space	10.1(f)	\$ 12.242
Category VII - Common Use Baggage Make-up Space	10.1(g)	\$ 9.521
 Preferential Holdroom Monthly Charge (per each Holdroom)	 10.1	 \$ 62,714.50
 Baggage Claim Monthly Charges - Signatory Airline	 10.2	
Allocated based on % deplaning passengers - Terminal 2		
Terminal 1		\$ 445,831
Terminal 2		\$ 338,671
 Baggage Claim Fee per Deplaned Passenger- Non-Signatory Airline	 10.2	 \$ 5.53
 Common Use Fee per Operation - Signatory Airline	 10.3	 \$ 649
Common Use Fee per Operation - Non-Signatory Airline		\$ 812
 Secondary Use Fees per Operation:	 10.4	
Applicable to Signatory Based Airline only		
Aircraft with 90 seats or more		\$ 493
Aircraft with 31 to 89 seats		\$ 246
Aircraft with 30 seats or fewer		\$ 123
 Airline Self-Service Kiosk - per unit per month	 10.5	 \$ 50.00
 Federal Inspection Services (FIS) Facility Fee	 10.7	 \$ 12.00