

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

06/23/2022
Item No.: 6.4
KIM/pcm

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RESOLUTION APPROVING AND AUTHORIZING (1) THE EXECUTIVE DIRECTOR TO PROCURE VEHICLES FOR USE BY AVIATION AND MARITIME DIVISIONS AT A TOTAL COST NOT-TO-EXCEED \$1,047,200; (2) THE DESIGNATION OF CERTAIN OTHER EXISTING VEHICLES AS NO LONGER USED, INADEQUATE, OBSOLETE OR WORN-OUT, AND THE SALE, DONATION, AND/OR OTHER DISPOSITION OF SUCH OTHER EXISTING VEHICLES; AND (3) THE EXECUTIVE DIRECTOR TO DISPOSE OF SUCH OTHER EXISTING VEHICLES THROUGH A VARIETY OF MEANS, INCLUDING SALE, DONATION, SCRAPPING, RECYCLING, DESTRUCTION, AND ABANDONMENT IN ACCORDANCE WITH PORT ORDINANCE 4576.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.4, dated June 23, 2022, and related agenda materials ("Agenda Report"), 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that:

A. 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.

B. It is in the best interest of the Port to designate and the Board hereby designates certain existing Port vehicles used by the Aviation and Maritime divisions, as further described in the Agenda Report ("Surplus Property"), as no longer used, inadequate, obsolete or worn-out within the meaning of Port Ordinance No. 4576, and Sections 5.13(a) of the Port's Bond Indentures.

Section 2. The Board hereby:

- A. Approves and authorizes the Executive Director to procure 12 new vehicles, from Dublin Chevrolet or an alternative dealer, through either a competitive solicitation or use of an existing competitively solicited contract, for use by the Aviation and Maritime divisions at a total cost not to exceed \$1,047,200, including contingency, and as further described in the Agenda Report, and further authorizes the Executive Director to execute such contracts and any and all related documents, subject to approval as to form and legality by the Port Attorney.
- B. Authorizes the sale, donation, and/or other disposition of the Surplus Property.
- C. Authorizes the Executive Director to dispose of the Surplus Property through a variety of means, including sale, donation, scrapping, recycling, destruction, and abandonment in compliance with Port Ordinance No. 4576, as more fully described in the Agenda Report.
- D. Authorizes the Executive Director to execute all appropriate documents necessary to transfer ownership of property subject to the conditions stipulated, as more fully described in the Agenda Report.
- E. Approves and authorizes the Executive Director to make any additions, modifications, or corrections necessary to execute the aforesaid contracts and/or other documents or to correct errors, subject to the limitations set forth herein, provided that any addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report, and are approved as to form and legality by the Port Attorney.

Section 3. 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. This resolution approves and authorizes the execution of an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) 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 the other contracting party, there shall be no valid or effective agreement.

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