



PORT OF OAKLAND

9/29/2022

INFORMATION REPORT

PROPOSED ACTION:

Information Report: Proposed Adoption of Various Policies into Title 2 of the Port of Oakland Administrative Code By Amending and Restating Prior Port Ordinances

Submitted By: Mary C. Richardson, Port Attorney; Danny Wan, Executive Director

Parties Involved: N/A

Amount: None

EXECUTIVE SUMMARY:

Staff proposes bringing to the Board of Port Commissioners a future request to incorporate various policies into Title 2 of the Port of Oakland Administrative Code ("POAC") by amending and restating these policies, which currently reside in various Port Ordinances. The policies proposed for incorporation consist of: (1) the By-Laws and Administrative Rules of the Board of Port Commissioners ("By-Laws"); (2) the Code of Conduct for Members of the Board of Port Commissioners ("Code of Conduct"); (3) the Conditions and Procedures for Contracts with and Employment of Former Members of the Board ("Procedures for Contracts with Former Board Members"); (4) the Rules for Public Participation at Meetings of the Board of Port Commissioners and Standing Committees ("Board Rules for Public Participation"); and (5) the Port of Oakland Rules and Requirements for Noticing, Agendizing and Posting of Board of Port Commissioners Meetings, Assuring Public Access and Participation and Providing Cure and Correction of Non-Compliance with Open Meeting Laws ("Port of Oakland Sunshine Ordinance"). This proposed action would not make any substantive changes to the policies to be incorporated.

BACKGROUND & ANALYSIS

POAC Background

On March 24, 2022, the Board adopted the POAC to serve as the public repository of all policies approved by Board ordinance that apply generally to the public, the Port's stakeholders, and/or Port employees. The POAC is available at https://library.municode.com/ca/port_of_oakland.

Currently the POAC only contains Title 1 (General Provisions) and a Table of Contents indicating placeholders for the remaining Titles, Chapters, and Appendices. Establishing the text of the remainder of the POAC requires the Board's adoption of specific policies into the POAC via ordinance. After such adoption, the official source of those policies would be the POAC rather than any prior ordinances.

Adoption of Various Policies into Title 2 of the POAC

The following policies are proposed to be incorporated into Title 2 of the POAC. The proposed text to be incorporated for each policy is contained in the attachments noted below. Although these incorporations do not make any substantive amendments to the

policies, some non-substantive edits are necessary to conform to the formatting, definitional, and style conventions of the POAC. Accordingly, a redline depicting such edits are contained in the attachments noted below as well.

1. Amending and restating the By-Laws, which currently reside in Port Ordinance Nos. 4555 and 4599, and incorporating them as Chapter 2.01 of the POAC, as reflected in **Attachment A**; a redline is contained in **Attachment B**.
2. Amending and restating the Code of Conduct, which currently resides in Port Ordinance No. 4577, and incorporating it as Chapter 2.02 of the POAC, as reflected in **Attachment C**; a redline is contained in **Attachment D**.
3. Amending and restating the Procedures for Contracts with Former Board Members, which currently reside in Port Ordinance No. 3667, and incorporating them as Chapter 2.04 of the POAC, as reflected in **Attachment E**; a redline is contained in **Attachment F**.
4. Amending and restating the Board Rules for Public Participation, which currently reside in Port Ordinance Nos. 4127 and 4555, and incorporating them as Chapter 2.05 of the POAC, as reflected in **Attachment G**; a redline is contained in **Attachment H**.
5. Amending and restating the Port of Oakland Sunshine Ordinance, which currently resides in Port Ordinance Nos. 4265 and 4555, and incorporating it as Chapter 2.06 of the POAC, as reflected in **Attachment I**; a redline is contained in **Attachment J**.

Future Revisions

Any substantive revisions to these policies to be incorporated will be brought for consideration and approval by the Board at a future date. Staff will also continue bringing other policies for incorporation into the POAC by Board ordinance.