

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

11/30/2023
Item No.: 2.1
EJP/msr

MSR

ORDINANCE AMENDING THE EXPIRATION DATE IN SECTION B OF APPENDIX C-4 OF THE PORT OF OAKLAND ADMINISTRATIVE CODE (POAC) TO EXTEND THE AUTHORITY OF THE PORT OF OAKLAND TO COLLECT CUSTOMER FACILITY CHARGES, NOT TO EXCEED \$10 PER CONTRACT FROM ON-AIRPORT AND \$8 PER CONTRACT FROM OFF-AIRPORT RENTAL CAR COMPANIES, AT OAKLAND INTERNATIONAL AIRPORT FOR ONE ADDITIONAL YEAR FROM JANUARY 1, 2024, THROUGH DECEMBER 31, 2024.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated November 30, 2023, 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, 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 testimony received; 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. The Board hereby approves and authorizes the Executive Director or his designee to:

A. Amend the expiration date in Section B of Appendix C-4 of the Port of Oakland Administrative Code (POAC) to extend the authority of the Port of Oakland to collect Customer Facility Charges, not to exceed \$10 per contract from on-airport and \$8 per contract from off-airport rental car companies, at Oakland International Airport for one additional year from January 1, 2024, through December 31, 2024, as set forth in the attachment to this ordinance and as further described in the Agenda Report.

B. Make any additions, modifications, or corrections as necessary to implement the amendment, 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 3. This Ordinance 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. Unless and until a separate written agreement 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 the other contracting party, there shall be no valid or effective agreement.

Section 4. 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.

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President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney

Attachment
Amendments to Section B of Port of Oakland Administrative Code (POAC)
Appendix C-4 (Rental Car Customer Facility Charge)

B. Term

Expiration Date: December 31, 2024

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