

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO TAKE CERTAIN ACTIONS TO IMPLEMENT THE ALAMEDA COUNTY TRANSPORTATION COMMISSION PORT OF OAKLAND PRIORITY PROJECTS, TO APPLY FOR GRANT FUNDS AND TO ASSUME RESPONSIBILITIES FOR PROJECT OPERATIONS AND MAINTENANCE.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 3.1, dated June 8, 2017 ("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; and

WHEREAS, the Board previously authorized expenditures related to the grant funding and other work with the Alameda County Transportation Commission ("ACTC") in support of various Port priority projects, including the Intelligent Transportation Systems and Technology Project ("ITST Project"); 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; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

A. The proposal to authorize certain actions related to grant funding opportunities and Operations and Maintenance responsibilities for the ITST Project was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port's CEQA Guidelines. The requested authorization for grant funding applications does not commit either the Port or the ACTC to proceed with the ITST Project and, at most, allows both agencies to explore the possibility of using grant funds to implement the ITST Project; such action therefore does not require further review under CEQA, and

B. Should the actions requested in the Agenda Report subsequently result in the implementation and maintenance of the ITST Project, which may involve the installation of additional fiber optic cable in existing and new conduits, upgrades to the security camera system, vehicle detection equipment, changeable message signs and, other related improvements, such Project is categorically exempt from the requirements of CEQA pursuant to Section 15301 (Existing Facilities) which exempts the operation, maintenance, or minor alteration of existing public or private structures, facilities, etc. No additional environmental review is required.

SECTION 2. Based upon the information contained in the Agenda Report and testimony received, the Board hereby:

A. Authorizes the Executive Director to execute any and all documents and the Secretary of the Board to attest to any such documents to apply for grants solely and/or jointly with the ACTC to support the delivery of the ITST Project, subject to approval as to form and legality by the Port Attorney.

B. Commits to perform and fund the operations and maintenance of the ITST Project, if grant funds are accepted or if the ITST Project is otherwise implemented, subject to applicable future Board approvals.

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 Board. Unless and until a separate written agreement 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 other contracting party, there shall be no valid or effective agreement.

SECTION 3. This resolution shall be effective immediately upon adoption by the Board.