

BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH MICHAEL R. MCCLINTOCK & CO. FOR A PERIOD OF FIVE YEARS AT A TOTAL AMOUNT NOT TO EXCEED \$250,000 TO PROVIDE FORUM FACILITATOR AND ADMINISTRATIVE SERVICES TO THE OAKLAND AIRPORT/COMMUNITY NOISE MANAGEMENT FORUM.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 6.3, dated June 8, 2017, 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 testimony received, the Board hereby finds and determines that the Agreement with Michael R. McClintock & Co. will constitute an agreement for obtaining professional, technical and specialized services that are temporary in nature and that it is in the best interest of the Port to secure such services from Michael R. McClintock & Co.

SECTION 2. The Board hereby:

A. Approves an Agreement with Michael R. McClintock & Co. to provide forum facilitator and administrative services to the Oakland Airport/Community Noise Management Forum for five (5) years for an amount not to exceed \$250,000, as further described in the Agenda Report.

B. Authorizes the Executive Director or his designee to execute such Agreement, and any related documents or agreements, to effectuate the approval, provided that such documents or agreements 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 Board. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 contract.

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

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