

PORT ORDINANCE NO. 4427

ORDINANCE APPROVING AMENDMENT NO. 1 TO SPACE/USE PERMIT
WITH BOINGO WIRELESS, INC. TO PROVIDE WIRELESS INTERNET
ACCESS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated June 8, 2017 (the "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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. 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 2. The Board hereby approves the terms and conditions set forth in the Agenda Report for Amendment No. 1 to Space/Use Permit with **Boingo Wireless, Inc.** to extend the term of the current Space/Use Permit on a month-to-month basis from July 1, 2017 through June 30, 2018 under the same terms and conditions, including monthly rent at \$10,416.67.

Section 3. The Board hereby authorizes the Executive Director to execute Amendment No. 1 to Space/Use Permit with **Boingo Wireless, Inc.** and such additional documents as may be necessary to effectuate the extension of the Space/Use Permit, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that it can be seen with certainty that there is no possibility that Amendment No. 1 will have a significant effect on the environment, and therefore is not subject to the California Environmental Quality Act ("CEQA") under the general rule exclusion.

Section 5. This ordinance is not evidence of and does not create or constitute (a) a contract(s), 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 contract 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 other contracting party, there shall be no valid or effective contract.

The Board of Port Commissioners, Oakland, California, June 8, 2017, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Hamlin, Martinez, Story, Yee and President Colbruno - 7. Noes: 0.

John T. Betterton
Secretary of the Board