

PORT ORDINANCE NO. 4446

ORDINANCE APPROVING AMENDMENT NO. 2 TO SPACE/USE PERMIT WITH CLEAR CHANNEL OUTDOOR DBA CLEAR CHANNEL AIRPORTS TO CORRECT AND RESOLVE RENTAL CALCULATION ISSUES IDENTIFIED BY THE OFFICE OF AUDIT SERVICES, FOR NO CHANGE IN COMPENSATION, FOR ADVERTISING LOCATED THROUGHOUT THE TERMINAL COMPLEX 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 6.1, dated October 12, 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. 2 to Space/Use Permit with **Clear Channel Outdoor dba Clear Channel Airports** ("Clear Channel") to correct and resolve rental calculation issues identified in audit findings as described in the Agenda Report.

Section 3. The Board hereby authorizes the Executive Director to execute Amendment No. 2 to Space/Use Permit with Clear Channel, subject to approval as to form and legality by the Port Attorney.

Section 4. The Board hereby finds and determines that amending the Space/Use Permit with Clear Channel is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

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, October 12, 2017. Passed to print for one day by the following vote: Ayes: Commissioners Cluver, Colbruno, Hamlin, Martinez, Yee and President Butner - 6. Excused: President Story - 1. Noes: 0.

Daria Edgerly
Acting Secretary of the Board