

PORT ORDINANCE NO. 4489

ORDINANCE APPROVING SPACE/USE PERMIT WITH QUICKFLIGHT INC. OPERATING AS AN AIRLINE SERVICES PROVIDER AT OAKLAND INTERNATIONAL AIRPORT FOR A CONCESSION FEE OF 10% OF GROSS REVENUE, WITH A MINIMUM MONTHLY CONCESSION FEE OF \$250 (\$16,800 ANTICIPATED ANNUAL REVENUE), FOR A TERM COMMENCING ON APRIL 1, 2018 AND TERMINATING ON JUNE 30, 2023.

**WHEREAS**, commencing April 1, 2018, **QuickFlight Inc.** has entered into the Port of Oakland's ("Port") Space/Use Permit in order to provide passenger and ground handling services for Corporate Flight Management, Inc. dba Contour Airlines for an initial term through September 28, 2018, subject to extension through June 30, 2023 upon approval by the Board of Port Commissioners of the City of Oakland ("Board"); and

**WHEREAS**, the Board has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated September 13, 2018 (the "Agenda Report") and related agenda materials, has received the expert testimony of 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 the Space/Use Permit with **QuickFlight Inc.** to operate as an airline services provider at Oakland International Airport for a concession fee of 10% of gross revenue, with a minimum monthly concession fee of \$250, for a term of five years and three months, terminable by either party on 30 days' notice, expiring June 30, 2023.

**Section 3.** The Board hereby ratifies the Executive Director's execution of the Space/Use Permit with **QuickFlight Inc.**, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that the proposed operations for Contour Airlines, including the services to be provided by **QuickFlight Inc.**, are consistent with the Port's Airport Development Program, and no further California Environmental Quality Act ("CEQA") review is required pursuant to Section 15162 of the CEQA Guidelines.

**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, September 13, 2018. Passed to print for one day by the following vote: Ayes: Commissioners Colbruno, Cluver, Hamlin, Martinez, Story, Yee and President Butner - 7. Noes: 0.

Daria Edgerly  
Secretary of the Board