

PORT ORDINANCE NO. 4491

**ORDINANCE APPROVING AIRLINE OPERATING AGREEMENT
AND ITS ANNEX "A" SPACE/USE PERMIT WITH CORPORATE
FLIGHT MANAGEMENT DOING BUSINESS AS CONTOUR
AIRLINES OPERATING AT OAKLAND INTERNATIONAL
AIRPORT FOR A TERM EXPIRING ON SEPTEMBER 30, 2021,
WITH ANNUAL REVENUE ESTIMATED AT \$268,000.**

WHEREAS, Corporate Flight Management doing business as Contour Airlines ("Contour Airlines") has been operating a single route between Oakland International Airport and Crescent City, and will, effective mid-October, add service between Oakland International Airport and Santa Barbara; and

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated September 13, 2018 ("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, 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 ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby approves the terms and conditions of the Port's standard form Airline Operating Agreement ("AOA") and its Annex "A" Space/Use Permit ("SUP") with Contour Airlines, for a term expiring on September 30, 2021, at the rates set forth in the Port's annual Rates and Charges Ordinance and terms and conditions set forth in the Agenda Report, and upon such standard terms and conditions as specified in the AOA and SUP, subject to the Port Attorney's review and approval as to form and legality.

Section 2. The Board hereby authorizes the Executive Director to execute the AOA and the Director of Aviation to execute the SUP, subject to the Port Attorney's approval as to form and legality.

Section 3. The Board hereby finds and determines that the operations for Contour Airlines are consistent with the Port's Airport Development Program, and that no further California Environmental Quality Act ("CEQA") review is required pursuant to CEQA Guidelines Section 15162.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract or lease, 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 separate written agreement(s) are duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement(s).

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