

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION: (1) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE PORT OF LONG BEACH REGARDING THE PARTIES' RESELECTIVE OBLIGATIONS ASSOCIATED WITH THE CALIFORNIA AIR RESOURCES BOARD ("CARB") ZERO-AND NEAR-ZERO EMISSIONS FREIGHT FACILITY ("ZANZEFF") GRANT; (2) AUTHORIZING \$2,000,000 OF PORT OF OAKLAND FUNDS TO CONSTRUCT CHARGING INFRASTRUCTURE FOR 10 ZERO-EMISSION TRUCKS AT THE SHIPPERS TRANSPORT EXPRESS FACILITY; AND (3) FINDING THAT NO FURTHER REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT IS REQUIRED.

WHEREAS, in the Spring of 2018, CARB released a solicitation for the ZANZEFF grant opportunity to fund projects that provide greenhouse gas ("GHG"), criteria air pollutant, and toxic air contaminant emission reduction benefits to disadvantaged communities through advanced technologies;

WHEREAS, to maximize competitiveness, the Port of Long Beach ("POLB") developed an application in collaboration with the Port of Oakland ("Port"), the Port of Stockton, SSA Marine, and Shippers Transport Express ("STE"), among others, to present an approximate \$103 million project, branded as the Sustainable Terminals Advancing Regional Transformation (START) Phase 1 Project ("Project");

WHEREAS, at its June 14, 2018, meeting, the Board of Port Commissioners ("Board") adopted Resolution No. 18-52 approving the Port's participation in the Project by authorizing execution of a Letter of Commitment to POLB that committed the Port, upon execution of a Memorandum of Understanding ("MOU") with POLB, to install charging infrastructure to serve up to 10 battery-electric, zero emission trucks at the Seaport as a grant match contribution of \$1.25 million, and to provide POLB with certain grant administration assistance ("Port Project");

WHEREAS, on September 8, 2018, CARB notified POLB that the grant application was successful, resulting in a total of approximately \$50 million in grant funds awarded to projects located in Oakland, Long Beach, and Stockton. Of the \$50 million, \$9 million will support the

following zero and near-zero emissions equipment deployment at the Oakland Seaport:

- Procurement, deployment, and testing of five (5) battery-electric yard tractors and one (1) battery-electric top handler at the Matson Terminal, operated by SSA Terminals;
- Charging infrastructure for terminal equipment at the Matson Terminal;
- Procurement, deployment, and testing of 10 on-road battery-electric drayage trucks at the STE facility (for which the Port will construct charging infrastructure, as discussed herein).

WHEREAS, Port staff and POLB staff have negotiated the terms of the MOU to describe the Port's and POLB's obligations with respect to the Port Project;

WHEREAS, the Port's commitments under the MOU would include, without limitation:

1) designing, bidding, and constructing electrical infrastructure to enable the charging of ten (10) zero electric drayage trucks deployed at the STE facility at the Seaport provided that the Port secures the necessary rights from STE to access the premises at an estimated cost of \$2 million; however, the Port would be obligated to complete the work even if the actual costs exceeded \$2 million;

2) assisting POLB with grant administration tasks such as reporting requirements and outreach; and

3) committing to matching funds of \$1.25 million (if the actual costs for the Port Project were less than \$1.25 million, the Port would assist POLB in identifying other sources of match funding, as necessary);

WHEREAS, the Board has reviewed and evaluated the Agenda Report Item 3.1 dated January 24, 2019 ("Agenda Report") and related agenda materials, has received the expert testimony of 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 approves and authorizes the

Port's Executive Director to execute the MOU with POLB as described herein and in the Agenda Report.

SECTION 2. The Board hereby finds and determines that pursuant to Port Resolution 18-52, the Board determined that the Port's obligations under the Port Project components are covered in the Oakland Army Base Redevelopment Project Environmental Impact Report (State Clearinghouse Number 2001082058), as addended. No further review under the California Environmental Quality Act is required.

SECTION 3. The Bard authorizes \$2 million of Port funds to support the Port Project as further described herein and in the Agenda Report.

SECTION 4. 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 an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement(s).

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