

## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION DESIGNATING PROPERTY AS  
INADEQUATE, OBSOLETE OR WORN-OUT AND  
APPROVING AND AUTHORIZING DISPOSITION OF  
SUCH PROPERTY.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 2.4, dated June 13, 2019 and related agenda materials ("Agenda Report"), 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 RESOLVED AS FOLLOWS:

**Section 1.** Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that:

A. It is in the best interest of the Port to designate and the Board hereby designates certain miscellaneous Port property, including obsolete computers, network switches, old tandem sling seating from Oakland International Airport, broken and worn-out facilities equipment such as portable generators, electric golf carts, an air-cooled chiller unit, old vehicles, trash cans, message boards, public announcement system hardware, obsolete radio equipment, obsolete lockers, broken machinery, parking lot attendant booths, storage containers, an old office trailer, bus shelters, obsolete electric meters, and other miscellaneous equipment, all as further described in the Agenda Report and Attachment A thereto (collectively, "Surplus Property"), as no longer used, inadequate, obsolete, or worn-out within the meaning of Port Ordinance No. 4321, and Sections 5.13(a) of the Port's Bond Indentures.

B. CEQA does not apply to the following action under the CEQA Guidelines, Section 15061(b)(3), which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Designating the Surplus Property as inadequate, obsolete, or worn-out and approving and authorizing disposal of such property will

not have a significant effect on the environment and therefore is not a project under CEQA.

**Section 2.** The Board hereby:

A. Authorizes the sale, donation, and/or disposition of the Surplus Property.

B. Authorizes the Executive Director to dispose of the Surplus Property through a variety of means, including sale, donation, scrapping, recycling, destruction and abandonment in compliance with Port Ordinance No. 4321, as more fully described in the Agenda Report.

C. Authorizes the Executive Director to execute all appropriate documents necessary to transfer ownership of property subject to the conditions stipulated, as more fully described in the Agenda Report.

**Section 3.** 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 disposition and execution of any necessary agreements in accordance with the terms of this resolution. Unless and until each such separate agreement is duly executed on behalf of the Board as authorized by this resolution, is, as necessary, 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 agreement.

**Section 4.** This resolution shall be effective immediately upon adoption by the Board.