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BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING THE DRAFT PORT SHARE PLAN FOR THE JACK LONDON IMPROVEMENT DISTRICT FOR FISCAL YEAR 2019 IN THE AMOUNT OF \$168,571.80.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.5, dated June 13, 2019 (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; and

WHEREAS, Section 706 of the Charter of the City of Oakland ("City") gives to the Board the complete and exclusive power and duty for and on behalf of the City to make provisions for the needs of commerce, shipping, and navigation of the Port and to promote the development, construction, and operation of all waterfront properties, including piers, wharves, sea walls, docks, and other improvements; and

WHEREAS, the proposed approval will provide service for members of the public who use the waterfront, and is consistent with the Port's duty to use and manage Port property in trust for the people of the State of California (the "Tidelands Trust"), and the private use of Port property pursuant to the agreements will not interfere with the Tidelands Trust; now, therefore

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. The Board hereby approves the Draft Port Share Plan for the Jack London Improvement District for Fiscal Year 2019 in the amount of \$168,571.80, as further described in the Agenda Report.

SECTION 2. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines the following:

- A. Each proposed service and expenditure described in the Draft Port Share Plan is consistent with the Trust, as defined in the 2013 Jack London Improvement District Public (JLID) Trust Agreement, and the JLID has established by objective analysis that the Trust will receive a proportionate special benefit; and

- B. The proposed approval is not subject to the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which states the "general rule" that CEQA applies only to projects that have the potential for causing a significant effect on the environment, because it can be seen with certainty that there is no possibility the proposed approval will have a significant effect on the environment and therefore is not a project under CEQA and no further environmental review is required.

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. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, 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 agreement.

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

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