

## AGENDA REPORT

**Resolution:** Adoption of a Resolution Necessary to Appoint Danny Wan as the Interim Executive Director Effective October 1, 2019 at an Annual Salary of \$365,000 Plus Benefits. **(Finance & Admin.)**

**MEETING DATE:** 9/26/19

**AMOUNT:** \$550,000 (estimated annual cost including benefits)  
Operating Expense

**PARTIES INVOLVED:** Danny Wan

**SUBMITTED BY:** Sara Lee, Chief Financial Officer

**APPROVED BY:** Michele Heffes, Acting Port Attorney

**ACTION TYPE:** Resolution

### **EXECUTIVE SUMMARY**

Port staff requests that the Board of Port Commissioners ("Board") adopt the resolution necessary to appoint Danny Wan as the Interim Executive Director effective October 1, 2019 at an annual salary of \$365,000 plus benefits until the permanent appointment of an Executive Director.

### **BACKGROUND**

Article VII, Section 706(21) of the Oakland City Charter provides that the Board of Port Commissioners ("Board") shall have the complete and exclusive power to employ and appoint an Executive Director. Similarly, Article IX, Section 1 of the Board's "By-Laws and Administrative Rules, Board of Port Commissioners" ("By-Laws") provides that the Board is vested with the authority to "appoint the Executive Director by resolution." The Executive Director is the chief executive of the Port of Oakland ("Port"), charged with achieving the strategic goals and objectives established by the Board, including insuring sound financial stability, economic development, transparency and legal compliance as a steward of the Port. Further, Article XII, Section 2 provides in pertinent part that the Board "reserves to itself the power and duty to appoint and hire the "Direct-Reporting Officers," which shall include...the Executive Director...and to prescribe and fix their duties, authority, and compensation...."

On July 22, 2019, J. Christopher Lytle retired from the Port after six (6) years serving as Executive Director. Upon Mr. Lytle's retirement, the Board immediately appointed Danny

Wan, Port Attorney, as the Acting Executive Director and provided temporary supplemental compensation of six (6%) percent for the duration of the acting appointment. In August 2019, the Board retained Alliance Resources Consulting ("Alliance") to conduct a national search for a successor Executive Director, and the Board is actively engaged in the search. The Board intends to complete the executive search and appoint a permanent successor Executive Director no later than end of calendar year 2019.

The Board has determined that it is critical for the Port to have stable and competent leadership during this transitional period to maintain the Port's operational continuity and to continue advancing the Board's strategic objectives. Therefore, it is necessary to appoint Danny Wan as Interim Executive Director. The appointment of Mr. Wan as Interim Executive Director will provide the Port with the requisite leadership, as well as compensate Mr. Wan commensurate with the scope of the duties and responsibilities of the Executive Director position. It is recommended the Board approve the appointment of Mr. Danny Wan as the Interim Executive Director.

## **ANALYSIS**

Prior to his appointment as Acting Executive Director, Mr. Danny Wan served as the Port Attorney since December 17, 2012. In his role as Port Attorney, Mr. Wan reported to the Board of Port Commissioners and provided legal advice to the Board as well as Port staff on a broad range of complex business, financial, governance, aviation, maritime and other related matters. Prior to being appointed as Port Attorney, Mr. Wan served as the City Attorney for the City of Morgan Hill and in that capacity acted as the chief legal advisor to the City Council for Morgan Hill. Mr. Wan's prior experience also includes service with the Port of Oakland as a Deputy Port Attorney from 2004 to 2008. Mr. Wan's prior responsibilities with the Port were primarily in land use, property management, CEQA, environmental regulatory compliance and inter-agency relations. He also advised the Board on the Brown and Public Records Act, ethics, meeting procedures and Charter requirements. Mr. Wan's experience spans across the public and private sector and his background includes an extensive list of public and community service activities. Mr. Wan is a former Oakland City Council member and has served on a number of boards including the Oakland/Alameda Joint Powers Coliseum Authority and East Bay Municipal Utility District. Mr. Wan holds a Bachelor of Arts degree from the University of California at Berkeley and a law degree from the University of California at Los Angeles.

As the Interim Executive Director, Mr. Wan will be tasked with performing all of the functions and duties of the Executive Director as described in Article IX of the By-Laws. In recognition of Mr. Wan's appointment as the Interim Executive Director, Mr. Wan will be compensated at an annual salary of \$365,000 per year. Mr. Wan's appointment will be effective October 1, 2019.

## **BUDGET & STAFFING**

The annual cost to the Port including benefits, is approximately \$550,000.

## **MARITIME AVIATION PROJECT LABOR AGREEMENT (MAPLA)**

The matters contained in this Agenda Report do not fall within the scope of the Port of Oakland Maritime and Aviation Project Labor Agreement (MAPLA) and the provisions of the MAPLA do not apply.

## **STRATEGIC PLAN**

The action described herein would help the Port achieve the following goals and objectives in the Port's Strategic Business Plan (2018-2022). <https://www.portofoakland.com/wp-content/uploads/Port-of-Oakland-Strategic-Plan.pdf>

Goal: Pursue Employee Excellence

## **LIVING WAGE**

Living wage requirements, in accordance with the Port's Rules and Regulations for the Implementation and Enforcement of the Port of Oakland Living Wage Requirements (the "Living Wage Regulations"), do not apply because the requested action is not an agreement, contract, lease, or request to provide financial assistance within the meaning of the Living Wage Regulations.

## **SUSTAINABILITY**

Port staff have reviewed the Port's 2000 Sustainability Policy and did not complete the Sustainability Opportunities Assessment Form. There are no sustainability opportunities related to this proposed action because it does not involve a development project, purchasing of equipment, or operations that presents sustainability opportunities.

## **ENVIRONMENTAL**

The matters contained in this Agenda Report were reviewed in conjunction with the requirements of the California Environmental Quality Act (CEQA) and the Port's CEQA Guidelines. The requested Board actions are not projects pursuant to CEQA Guidelines, Sections 15060(c)(3) and 15378(b)(2), and no environmental review is required.

## **GENERAL PLAN**

This action does not change the use of any existing facility, make alterations to an existing facility, or create a new facility; therefore, a General Plan conformity determination pursuant to Section 727 of the City of Oakland Charter is not required.

## **OWNER-CONTROLLED INSURANCE PROGRAM (OCIP)/ PROFESSIONAL LIABILITY INSURANCE PROGRAM (PLIP)**

The Owner Controlled Insurance Program (OCIP) and Professional Liability Insurance Program (PLIP) do not apply to the matters addressed by this Agenda Report as they are not capital improvement construction or design projects.

### **OPTIONS**

1. The Board adopt the Resolution necessary to appoint Danny Wan as the Interim Executive Director effective October 1, 2019 at an annual salary of \$365,000 per year plus benefits.
2. The Board not adopt the Resolution necessary to appoint Danny Wan as the Interim Executive Director effective October 1, 2019 at an annual salary of \$365,000 per year plus benefits.

### **RECOMMENDATION**

It is recommended that the Board adopt the Resolution necessary to appoint Danny Wan as the Interim Executive Director effective October 1, 2019 at an annual salary of \$365,000 per year plus benefits.