

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

5/28/2020
Item No.: 6.2
MCR/msr

MA

**ORDINANCE AMENDING PORT OF OAKLAND ORDINANCE NO. 2833
AMENDING TARIFF NO. 2-A.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated May 28, 2020 (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; now, therefore

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

SECTION 1. References in this ordinance to an Item Number, or to a Tariff Section number, mean the Item No. or the Tariff Section number, respectively, in Port of Oakland Tariff No. 2-A, adopted by Port Ordinance No. 2833, as amended. Underlined words and phrases indicate modified language to the portions of the Item Nos. referenced in this ordinance.

SECTION 2. The following pages, items, and sections shall be amended as set forth herein:

A. Section VII: Wharfage, Non-Containerized Cargo is hereby revised and amended as set forth below and in the Agenda Report and Exhibit A thereto:

1. Item 07270 is hereby revised to more clearly define bunker fuel and separate bunker wharfage from bulk petroleum wharfage;
2. Item 07274 is hereby revised to more clearly define bulk petroleum, clearly separate bunker wharfage from bulk petroleum wharfage, and increase the rate to \$1.45 per applicable unit of measure;
3. New Items 07280 and 07282 are hereby added to establish rates for wharfage for liquified natural gas bunkering in the amounts of 30 cents and 54 cents per applicable unit of measure;
4. New Items 07276 and 07278 are hereby added to establish rates for wharfage for hydrogen bunkering in the amount of 27 cents and 49 cents per applicable unit of measure; and

5. New Item 07960 is hereby added to establish rates for wharfage for passengers in the amount of \$11 per passenger.
- B. Section IV is hereby revised to delete Item 04135 (Monthly Dockage Fee) in its entirety.
- C. Items 10180 is revised to clarify the conditions of use for the Port-owned/operated truck parking/container depot facilities, including changes to the rate structure, as set forth in the Agenda Report and Exhibit C thereto.
- D. Item 10185 is hereby revised and replaced in its entirety to read as follows:

Item 10185 - Rates for Use of Port-Operated Truck Parking/Container Depot Facilities

All Monthly and Daily Rates include City of Oakland Parking Tax. Rates shall be paid in full prior to the commencement of use.

(a) Monthly Rates

The Monthly Rate is per calendar month.

Stall Type	Monthly Rate per Stall
Tractor	\$200
Chassis/Container on Chassis	\$375
Other	\$400

(b) Daily Rates

The Daily Rate is per 24-hour period, and is a flat rate regardless of stall size.

Tractor/Chassis/Container on Chassis: \$30
Reefer Stall: \$75
Other: \$40

- E. Section 02220 is hereby amended to add a new section (i) to establish the following rules and restrictions for security guard fees:

(i) Security Guard Fees

United States Government regulations require that trained security guards ("Security Guards") be posted in the restricted areas encompassing the dock for the entire period during which a vessel subject to such regulations is berthed at such dock. Where the Port is providing such Security Guards, the cost of such Security Guards ("Security Guard Fees") is for the account of the vessel's owner(s), and additional to all other applicable charges in this Tariff.

Security Guard Fees plus an administrative fee of ten percent (10%) are due and payable upon presentation, and payment must be made before the vessel departs the Port facility unless the vessel's owner(s) or agent has (have) prearranged terms of payment with the Port.

- F. A new Item 11120 is hereby created and added to read as follows:

ITEM 11120 UTILITY CONNECTION FEE

Any tenant or other Port user requiring a connection to utility service, including without limitation, electricity and water, shall be responsible for all the costs incurred by the Port to provide such connection. The utility connection fee is assessed per connection event.

- G. Item 11225 is hereby revised to clarify the discretion of the Port's Director of Maritime to deny applications for events at Middle Harbor Shoreline Park.
- H. The 1st Revised Page 23 is hereby further revised and replaced with the 2nd Revised Page 23 to reflect updates names of countries in various trade zones;
- I. Item 02125 is hereby amended to update provisions relating to violations of this ordinance;
- J. Item 02145 is hereby amended to update security deposit requirements to be more specific and aligned with Port administrative policy, as further described in the Agenda Report and in Exhibit G thereto;
- K. The 33rd Revised Page 1 is hereby revised and replaced with the 34th Revised Page 1 providing the updated names and titles of Port Board members and staff;
- L. The 27th Revised Page 2 is hereby revised and replaced with the 28th Revised Page 2 providing the updated names and titles of the Port Maritime Division personnel;
- M. The 2nd Revised Page 4 is hereby further revised and updated to reflect the current Table of Contents and Plan of Tariff;
- N. Item 09130 is hereby removed to reflect that Port Cranes X-402, X-403, and X-404 are no longer available;
- O. Items 09163 and 09164 are hereby updated to reflect the berth identifications for the cranes at the Oakland International Container Terminal.

SECTION 3. The Board of Port Commissioners hereby finds and determines that:

(a) This Ordinance is adopted pursuant to the authority under Article 7 of the Charter of the City of Oakland, including but not limited to Section 706(10) of the Charter, and the rates, dockage, rentals, tolls, wharfage, and charges are reasonable for the use of Port properties, appliances and facilities or to recover costs of services rendered;

(b) The proposed amendments to Port Tariff No. 2-A were reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA). Per Section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the proposed amendments to Port Tariff No. 2-A would have a significant effect on the environment, and therefore the proposed action is not subject to CEQA.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code §9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney