

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH RS&H CALIFORNIA, INC. TO PROVIDE ENVIRONMENTAL PLANNING SERVICES FOR A PROPOSED NEW TERMINAL DEVELOPMENT ("PROPOSED PROJECT") AT OAKLAND INTERNATIONAL AIRPORT IN AN AMOUNT NOT TO EXCEED \$4,603,083.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.4 dated September 24, 2020, 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, 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. In accordance with the requirements of the California Environmental Quality Act ("CEQA"), it can be seen that there is no possibility that taking the recommended actions will result in a physical change to the environment, and therefore no further environmental review is required. The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential of causing a significant effect on the environment.

Section 2. Based upon the information contained in the Agenda Report and in the testimony received, the Board finds that Oakland International Airport ("OAK") is required to partner with the Federal Aviation Administration ("FAA") for Proposed Project at OAK with a federal nexus. As part of that partnership, the Port and the FAA worked together to select a consultant who could assist with the federal environmental review process under the National Environmental Policy Act ("NEPA") and the state environmental review process under CEQA. In order to be compliant with FAA requirements, the selection of the consultant

was done in accordance with FAA Advisory Circular ("AC") 150/5100-14E, which requires the FAA to select environmental consultants when preparing an Environmental Impact Statement ("EIS"). As the specific Proposed Project components are still being identified, it has not been determined whether an Environmental Assessment ("EA") or an EIS will be required. Therefore, the selection process was in accordance with FAA AC 150/5100-14E to allow the selected consultant to prepare an EA or EIS for the Proposed Project as required by NEPA. This same consultant will be utilized for the preparation of the environmental document required under CEQA.

Section 3. The Board hereby finds and determines that the proposed agreement with RS&H California, Inc. ("RS&H") constitutes an agreement for professional, technical, and specialized services that are temporary in nature, and will not result in the loss of employment or salary by any person having permanent status in the competitive service.

Section 4. The Board hereby finds and determines that it is in the best interest of the Port to secure the services described in the Agenda Report from RS&H.

Section 5. The Board hereby approves and authorizes the Executive Director to execute for and on behalf of the Board an agreement with RS&H in an amount not to exceed \$4,603,083 for environmental planning services for the Proposed Project at OAK.

Section 6. 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 in accordance with the terms of this resolution. Unless and until a separate written agreement 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.

Section 7. This resolution shall be effective immediately upon adoption by the Board.