

PORT ORDINANCE NO.4572

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN OTHER TRANSACTION AGREEMENT HSTS01-15-H-CKP050 MODIFICATION NUMBER P00006 WITH THE UNITED STATES OF AMERICA, ACTING THROUGH THE TRANSPORTATION SECURITY ADMINISTRATION, ELIMINATING MONTHLY PAYMENT OF \$9,678.90 TO THE PORT OF OAKLAND FOR JANITORIAL SERVICES IN THE TRANSPORTATION SECURITY ADMINISTRATION SECURITY CHECKPOINTS AT OAKLAND INTERNATIONAL AIRPORT.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 6.1, dated September 24, 2020 ("Agenda Report") and related 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. The Board hereby finds that this project is categorically exempt from the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities. CEQA does not apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing or former use.

Section 2. 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.

Section 3. Based upon the information contained in the Agenda Report, the Board hereby approves and authorizes the Executive Director to execute an Other Transaction Agreement HSTS01-15-H-CKP050 Modification Number P00006 with the United States of America, acting through the Transportation Security Administration, eliminating monthly payment of \$9,678.90 to the Port for janitorial services in the Transportation Security Administration security checkpoints at Oakland International Airport, as more fully set forth in the Agenda Report.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract(s), 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 contract is duly executed on behalf of the Board as authorized by this ordinance, 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 contract.

Section 5. 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.

The Board of Port Commissioners, Oakland, California, September 24, 2020. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Colbruno, Lee, Leslie, Martinez, Story and President Cluver - 7. Noes: 0.

Daria Edgerly

Secretary of the Board