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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING THE
EXECUTIVE DIRECTOR TO ENTER INTO AN
AMENDMENT NO. 3 TO MAPLA WITH THE BUILDING
AND CONSTRUCTION TRADES COUNCIL OF ALAMEDA
COUNTY, AFL-CIO TO EXTEND THE TERM FOR FIVE
YEARS.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item No. 5.3, dated December 17, 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, the Port and Building and Construction Trades Council of Alameda County, AFL-CIO (and its affiliated unions), entered into: the Port of Oakland Maritime and Aviation Project Labor Agreement ("MAPLA") dated February 1, 2016; the MAPLA Clerical Amendment to Duration Clause dated February 23, 2016; and MAPLA Amendment No. 2 Regarding Substance Abuse Testing Policy dated August 29, 2017; and

WHEREAS, Port staff will undertake various best practices within the existing mechanisms of the MAPLA, including identifying best practices to develop a small, local, and minority-owned participation outreach and education plan, that were identified through discussions with stakeholders and with the Board; and

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. Based upon the information contained in the Agenda Report and in testimony received, the Board finds and determines that the requested action is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines, which states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. The requested action does not involve a commitment to any specific project that may result

in a potentially significant physical impact on the environment and therefore is not a "project" under CEQA.

Section 2. The Board hereby approves and authorizes the Executive Director to execute all agreements necessary to enter into an Amendment No. 3 to MAPLA with the **Building and Construction Trades Council of Alameda County, AFL-CIO** to extend the term for five years, as further described in the Agenda Report and provided that all agreements are approved as to form and legality by the Port Attorney.

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 Port. This resolution approves and authorizes the execution of a contract in accordance with the terms of this resolution. Unless and until a separate written contract 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 contract.

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

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