



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**ORDINANCE APPROVING AIRLINE OPERATING  
AGREEMENT AND ITS ANNEX "A" SPACE/USE  
PERMIT WITH FRONTIER AIRLINES, INC.,  
OPERATING AT OAKLAND INTERNATIONAL  
AIRPORT FOR A TERM EXPIRING ON SEPTEMBER  
30, 2021, WITH ANNUAL REVENUES ESTIMATED  
AT \$2,180,233.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2.1, dated January 28, 2021 ("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; 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 ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board hereby finds and determines that this action has been determined to be categorically exempt from requirements of the California Environmental Quality Act ("CEQA") Guidelines pursuant to Section 15301, Existing Facilities, which exempts 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. No changes to the premises or use are proposed.

**Section 2.** The Board hereby approves the terms and conditions of the Airline Operating Agreement ("AOA") and its Annex "A" Space/Use Permit ("SUP") with Frontier Airlines, Inc., for a term expiring on September 30, 2021, at the rates set forth in the Port's annual Rates and Charges Ordinance and terms and conditions set forth in the Agenda Report, and upon such standard terms and conditions as specified in the AOA and SUP, subject to the Port Attorney's review and approval as to form and legality.

**Section 3.** The Board hereby authorizes the Executive Director to execute the AOA and SUP, subject to the Port Attorney's approval as to form and legality.

**Section 4.** This ordinance is not evidence of and does not create or constitute (a) a contract or lease, 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 separate written agreement(s) are duly executed on behalf of the Board as authorized by this ordinance, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement(s).

**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.

DRAFT

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**President.**

**Attest:** \_\_\_\_\_  
**Secretary.**

**Approved as to form and legality:**

\_\_\_\_\_  
**Port Attorney**