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**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF  
AN AGREEMENT WITH WESTERN AREA POWER  
ADMINISTRATION TO PROVIDE ELECTRIC SERVICE BASE  
RESOURCES, FOR THE PERIOD BETWEEN JANUARY 1, 2025,  
THROUGH DECEMBER 31, 2054, AND IN AN AMOUNT NOT TO  
EXCEED \$25,700,000.**

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item No. 6.3, 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**, 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 testimony received, the Board hereby finds and determines that the Electric Service Base Resource Contract ("Agreement") with Western Area Power Administration ("Western") was reviewed in accordance with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. This Agreement does not have the potential for causing a significant effect on the environment and as such falls under CEQA Guidelines, Section 15061(b)(3) ("common sense exemption").

**Section 2.** The Board hereby:

A. Approves the Agreement with Western, whereby the Port agrees to purchase, and Western agrees to provide a percentage of the Electric Service Base Resource for the period between January 1, 2025 through December 31, 2054, for an amount not to exceed \$25,700,000, as further described in the Agenda Report.

B. Authorizes the Executive Director of the Port ("Executive Director") to execute such Agreement, subject to approval as to form and legality by the Port Attorney.

C. Authorizes the Executive Director to make such additions, modifications, or corrections as necessary to issue the Agreement or to correct errors, subject to the limitations set forth herein and provided that any such addition, modification, or correction does not materially differ from the terms and conditions set forth herein and in the Agenda Report.

**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. Unless and until a separate written agreement 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 agreement.

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

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