

PORT ORDINANCE NO. 4593

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A SPACE/USE PERMIT WITH ALCLEAR, LLC DBA CLEAR TO PROVIDE REGISTERED TRAVELER SERVICES AT OAKLAND INTERNATIONAL AIRPORT, FOR A TERM OF THREE+ YEARS (EXPIRING JUNE 30, 2024) WITH ANTICIPATED FY2020-21 REVENUE OF \$36,000.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.1, dated March 11, 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; 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 action was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"). The Port has determined that this project is categorically exempt from the CEQA Guidelines pursuant to Section 15301, Existing Facilities. Section 15301 exempts from CEQA the repair, maintenance, and minor alteration of existing structures and facilities that involve 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. The Board hereby approves the terms and conditions set forth in the Agenda Report for the Space/Use Permit ("SUP") with Alclear, LLC dba CLEAR ("Alclear") for a term of approximately three+ years from approximately April 1, 2021, through June 30, 2024, with estimated \$36,000 in new revenue for FY2020-21 and additional revenue in future years, as described in the Agenda Report.

Section 4. The Board hereby authorizes the Executive Director to execute the SUP with Alclear and to make such additions, modifications, or corrections as necessary to implement the SUP 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, subject to approval as to form and legality by the Port Attorney.

Section 5. 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 Port. 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 6. 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, March 11, 2021. 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