



BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

RESOLUTION APPROVING A FIRST PORT OF CALL ("FPOC") INCENTIVE PROGRAM FOR CALENDAR YEAR 2021, PROVIDING FOR AN INCENTIVE IN THE AMOUNT OF \$100,000 PER EACH FPOC SERVICE.

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.1 dated April 8, 2021, 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, 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 below the annual total throughput analyzed in the 2002 Oakland Army Base Area Redevelopment Environmental Impact Report as addended ("OAB EIR"). None of the conditions that would trigger the need for subsequent or supplemental environmental impact report per Section 21166 of the California Environmental Quality Act ("CEQA") would occur, and no further environmental review is required.

Section 2. The Board hereby:

A. Establishes a First Port of Call ("FPOC") Incentive Program for Calendar Year 2021, at a cost of \$100,000 per each new FPOC and providing up to approximately \$4.4 million in incremental revenue, as further described in the Agenda Report.

B. Authorizes the Executive Director of the Port ("Executive Director") to execute an incentive agreement, subject to approval as to form and legality by the Port Attorney, which shall be required with each ocean carrier prior to the first vessel call of the FPOC service to be eligible for the incentive ("Incentive Agreement"), with the exception of FPOC services starting between January 1 and March 31, 2021, during which time this requirement will be waived.

C. Authorizes the Executive Director to make such additions, modifications, or corrections as necessary to issue the Incentive 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 and is 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 an agreement(s) in accordance with the terms of this resolution. Unless and until a separate written agreement(s) is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the contracting party, there shall be no valid or effective agreement(s).

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

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