

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

10/14/2021
Item No.: 2.1
CT/pcm



**ORDINANCE APPROVING AMENDMENT NO. 3 TO CONDUIT USE
AGREEMENT WITH LEVEL 3 TELECOM OF CALIFORNIA, L.P.,
FOR A TERM OF THREE YEARS WITH TWO ADDITIONAL ONE-
YEAR EXTENSION OPTIONS, TO COMMENCE ON DECEMBER 1,
2021, FOR OPERATIONS AT OAKLAND INTERNATIONAL
AIRPORT WITH ANTICIPATED TOTAL REVENUES OF \$16,236
IN FISCAL YEAR 2022.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report Item No. 2.1, dated October 14, 2021 (the "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 and determines this action is 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.

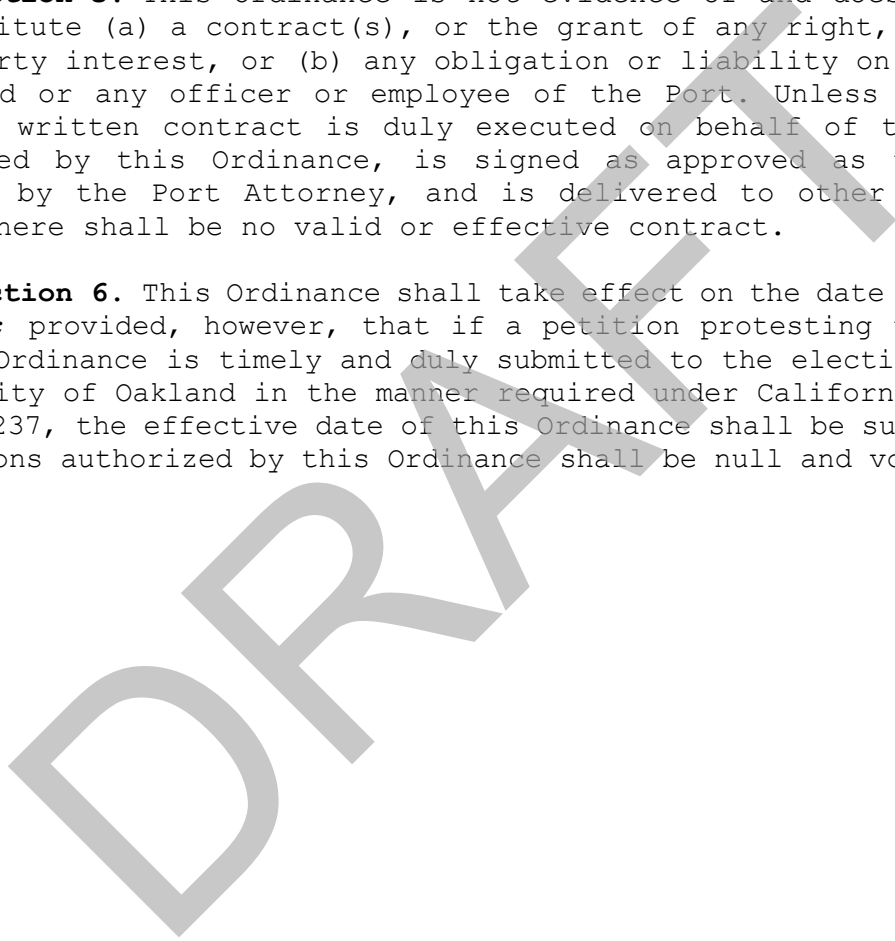
Section 2. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

Section 3. The Board hereby approves the terms and conditions set forth in the Agenda Report for Amendment No. 3 ("Amendment No. 3") to the Conduit Use Agreement ("Agreement") with Level 3 Telecom of California, L.P. ("Level 3"), to extend the term of the current Agreement from December 1, 2021, to November 30, 2024, with two consecutive one-year options to further extend the term to as late as November 30, 2026, with anticipated total Fiscal Year 2022 revenue to the Port in the amount of \$16,236, as described in the Agenda Report.

Section 4. The Board hereby authorizes the Executive Director to execute Amendment No. 3 to the Agreement and any other necessary agreements with Level 3 to effect the transaction, and to make such additions, modifications, or corrections as necessary to implement the Amendment No. 3 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.



President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney