

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3729**

AN ORDINANCE AUTHORIZING THE FEE SIMPLE  
TRANSFER OF PORT OWNED LAND LOCATED ON  
CHRISTENSON ROAD IN EASTERN ALAMEDA COUNTY TO  
THE CALIFORNIA DEPARTMENT OF FISH AND GAME  
FOR BURROWING OWL HABITAT PURPOSES.

---

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The Board hereby approves and authorizes the Executive Director to execute a deed for the fee simple transfer of the Port-owned property located on Christenson Road in Eastern Alameda County, consisting of approximately 69.2 acres of land ("Property"), to the California Department of Fish and Game (the "Department") for Burrowing OWL habitat purposes; and

**Section 2.** The Executive Director is authorized to execute and deliver such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.

**Section 3.** The Board hereby finds and determines that the proposed purchase, transfer and preservation of the Property for Burrowing OWL habitat purposes were determined to be exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Class 13 of Guidelines Section 15313 when the Board made its Property acquisition decision.

**Section 4.** Except for as otherwise expressly set forth in this ordinance, the fee simple transfer of the Property authorized by this ordinance shall be subject to the terms and provisions of the January 21, 2000 Mitigation Agreement between the Port and the Department.

**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the deed or Property to the Department. This ordinance approves and authorizes the execution of the deed in accordance with the terms of this ordinance. Unless and until the deed is duly executed on behalf of the Board as authorized by this ordinance, approved as to form and legality by the Port Attorney, and is delivered to Department, there shall be no valid or effective Property transfer.

**Section 6.** This ordinance shall take effect upon its final adoption.

In Board of Port Commissioners, Oakland, California, December 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

**Adopted at a regular**

**meeting held December 17, 2002**

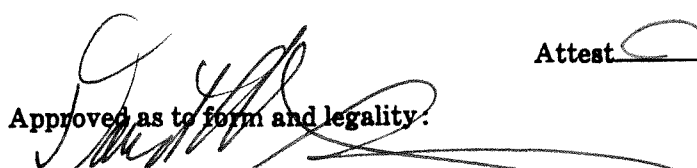
**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5

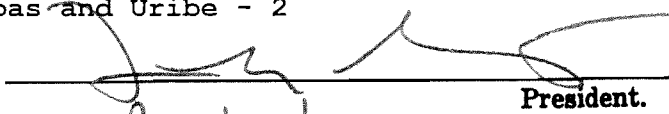
**Noes:** None

**Absent:** Commissioners Protopappas and Uribe - 2

**Approved as to form and legality:**

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

**Attest**

  
\_\_\_\_\_  
**Secretary.**

**President.**

**Secretary.**

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 595-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. ORD. 3729

In the matter of

### ORDINANCE AUTHORIZING THE FEE SIMPLE TRANSFER OF PORT OWNED LAND

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 12500, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

12/12/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Public Notice Advertising Clerk

Legal No. 0000180020

### PORT ORDINANCE NO. 3729

AN ORDINANCE AUTHORIZING THE FEE SIMPLE TRANSFER OF PORT OWNED LAND LOCATED ON CHRISTENSON ROAD IN EASTERN ALAMEDA COUNTY TO THE CALIFORNIA DEPARTMENT OF FISH AND GAME FOR BURROWING OWL HABITAT PURPOSES

BE IT ORDAINED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The Board hereby approves and authorizes the Executive Director to execute a deed for the fee simple transfer of the Port-owned property located on Christenson Road in Eastern Alameda County, consisting of approximately 69.2 acres of land ("Property"), to the California Department of Fish and Game (the "Department") for Burrowing OWL habitat purposes; and

**Section 2.** The Executive Director is authorized to execute and deliver such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.

**Section 3.** The Board hereby finds and determines that the proposed purchase, transfer and preservation of the Property for Burrowing OWL habitat purposes were determined to be exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Class 13 of Guidelines Section 15313 when the Board made its Property acquisition decision.

**Section 4.** Except for as otherwise expressly set forth in this ordinance, the fee simple transfer of the Property authorized by this ordinance shall be subject to the terms and provisions of the January 21, 2000 Mitigation Agreement between the Port and the Department.

**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the deed or Property to the Department. This ordinance approves and authorizes the execution of the deed in accordance with the terms of this ordinance. Unless and until the deed is duly executed on behalf of the Board as authorized by this ordinance, approved as to form and legality by the Port Attorney, and is delivered to Department, there shall be no valid or effective Property transfer.

**Section 6.** This ordinance shall take effect upon its final adoption.

In Board of Port Commissioners, Oakland, California, December 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #180020  
December 12, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3728**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867,  
AMENDING SECTION 10.0038 AND ADDING NEW SECTION  
14.8.

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 10.0038 of Port Ordinance No. 867 is hereby amended to read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
10.0038	1	Airport Terminal Expansion Program Director	590.8

**Section 2.** Section 14.8 is hereby added to Port Ordinance No. 867 which section shall read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
14.8	1	Engineering Specialist Projects Administrator	568.7

In Board of Port Commissioners, Oakland, California, December 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

**Adopted at a regular**

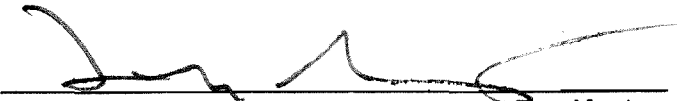
**meeting held December 17, 2002**

**By the following Vote:**


**Ayes:** Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5

**Noes:** None

**Absent:** Commissioners Protopappas and Uribe - 2

  
\_\_\_\_\_  
President.

Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Let Advertising  
(800) 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PORT ORDINANCE NO. 3728

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section

California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**12/12/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

Legal No. 0000180039

### PORT ORDINANCE NO. 3728

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTION 10.0038 AND ADDING NEW SECTION 14.8.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 10.0038 of Port Ordinance No. 867 is hereby amended to read as follows:

**Section No.** 10.0038  
**No. of Positions** 1  
**Title** Airport Terminal Expansion Program Director  
**Salary or Schedule No.** 590.8

**Section 2.** Section 14.8 is hereby added to Port Ordinance No. 867 which section shall read as follows:

**Section No.** 14.8  
**No. of Positions** 1  
**Title** Engineering Specialist Projects Administrator  
**Salary or Schedule No.** 568.7

In Board of Port Commissioners, Oakland, California, December 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #180039  
December 12, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3727**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 3439 AND  
ESTABLISHING RATES AND CHARGES FOR ELECTRIC POWER  
PROVIDED BY THE PORT AT THE METROPOLITAN OAKLAND  
INTERNATIONAL AIRPORT.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") has adopted Port Ordinances Nos. 3439, 3521, 3621, 3651, 3674 and 3714 to establish rates and charges for certain utilities provided by the Port Department within three areas, which include the Metropolitan Oakland International Airport ("Airport"), the Oakland Army Base and the remainder of the Port Area. In summary, as the result of these ordinances, and it was and is the intention of the Board, that rates and charges for electrical power provided by the Port at the Airport are governed by Section 4 of Port Ordinance No. 3439, as amended (see Section 1 of Port Ordinance No. 3651), rates and charges for electrical power, natural gas, water and sewer services provided by the Port at the Oakland Army Base are governed by Section 3 of Port Ordinance No. 3439, as amended (see Section 1 of Port Ordinance No. 3714) and rates and charges for electrical power provided by the Port at the remainder of the Port Area are governed by Section 2 of Port Ordinance No. 3439, as amended.

Section 2. Section 4 of Port Ordinance No. 3439, as amended, which establishes rates and charges for electric power provided by the Port at the Airport, is hereby amended as follows:

(a) Those provisions within each of the Electric Rate Schedules "A", "B", "C", "D" and "E" which describe the costs that are included in establishing the amount of the Energy Charge (per kWh) and which read as follows: "California Power Exchange and scheduling coordinator fees; congestion charges;" are hereby amended to read as follows: "scheduling coordinator fees; congestion charges; Port labor costs; legal costs; costs to administer and implement public benefit programs".

(b) The amount of the Distribution Charge (per kWh) in Electric Rate Schedule "A" is hereby changed from "\$0.06143" to "\$0.1053".

(c) The amount of the Distribution Charge (per kWh) in Electric Rate Schedule "B" is hereby changed from "\$0.06143" to "\$0.1053".

(d) The amount of the Demand Charge (per KW) in Electric Rate Schedule "C" is hereby changed from "\$4.175" to "\$11.1037".

(e) The amount of the Distribution Charge (per kWh) in Electric Rate Schedule "C" is hereby changed from "\$0.02462" to "\$0.0473".

(f) Those provisions in Electric Rate Schedule "D" which read as follows:

"(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u> <u>(DS)</u>	<u>Primary</u> <u>(DP)</u>
Charge	Amount	
<u>Demand Charge (per KW):</u>		
Maximum Peak Period Demand	\$8.5125	\$7.225
Maximum Partial Peak Period Demand	\$3.675	\$2.65
Maximum Demand	\$2.55	\$2.55"



are hereby amended to read as follows:

"(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u> <u>(DS)</u>	<u>Primary</u> <u>(DP)</u>
Charge	Amount	
<u>Demand Charge (per KW):</u>		
Maximum Peak Period Demand	\$14.8376	\$14.9061
Maximum Partial Peak Period Demand	\$8.4576	\$6.3763
Maximum Demand	\$5.6683	\$5.6021"

(g) Those provisions in Electric Rate Schedule "E" which read as follows:

<u>Charge</u>	<u>(ES)</u>	<u>(EP)</u>
<u>Demand Charge (per KW)</u>	Rate	
Maximum Peak-Period Demand	\$8.5125	\$7.225
Maximum Partial-Peak Period Demand	\$3.675	\$2.65
Maximum Demand	\$2.55	\$2.55"

are hereby amended to read as follows:

<u>"Service Voltage:</u>	<u>Secondary</u> <u>(ES)</u>	<u>Primary</u> <u>(EP)</u>
<u>Charge</u>	<u>Rate</u>	
<u>Demand Charge (per KW)</u>		
Maximum Peak-Period Demand	\$15.412	\$15.260
Maximum Partial-Peak Period Demand	\$8.241	\$6.657
Maximum Demand	\$5.718	\$6.406

Section 3. This ordinance shall become effective the later of (a) immediately upon its final approval and (b) January 1, 2003.

In Board of Port Commissioners, Oakland, California, December 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held December 17, 2002


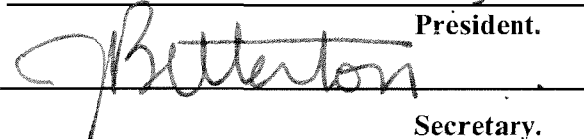
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami and President Kiang - 5


Noes: None

Absent: Commissioners Protopappas and Uribe - 2

Attest

  
\_\_\_\_\_  
President.  
  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3726**

ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION  
OF A WIRELESS TELECOMMUNICATIONS AGREEMENT WITH  
GTE MOBILNET OF CALIFORNIA.

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves a Wireless Telecommunications Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **GTE MOBILNET OF CALIFORNIA**, a California limited partnership, doing business as **VERIZON WIRELESS (GTE)** for approximately 144 square feet of telecommunications room space in Building M-102, plus several antenna locations to be determined by GTE and as approved by the Port, to be used by Lessee as additional cell sites for telephone and radio coverage to better service its wireless telecommunications customers, and other purposes incidental and reasonably related thereto for a term of 5 years, at an initial monthly rent of \$3,050.00 plus \$25 per antenna installed, said rate to be increased based upon the increase in the Consumer Price Index, but in an amount not less than 3.5% and otherwise upon the terms and conditions set forth in Board Agenda Sheet Item No. 11, dated November 19, 2002, as subsequently may be revised pursuant to resolution or ordinance adopted by this Board, and upon such standard terms and conditions as specified in the Lease and approved by the Executive Director.

**Section 2.** The Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

**Section 3.** The Executive Director is hereby authorized to execute said Agreement.

**Section 4.** This ordinance is not evidence of and does not create or constitute (a) a contract, Lease 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 Board. This ordinance approves and authorizes the execution of said Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement is 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 Lessee, there shall be no valid or effective Agreement.

**Section 5.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, November 19, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board


Adopted at a regular meeting held December 3, 2002

By the following Vote:

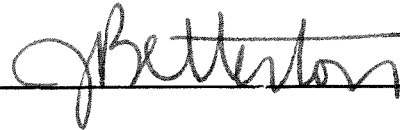
Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

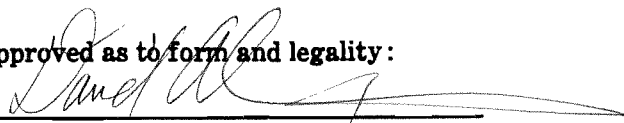
Absent: None

  
\_\_\_\_\_  
President.

Attest

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le dvertising  
(800, 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PORT ORDINANCE NO. 3726

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

11/27/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

Legal No.

0000175983

PORT ORDINANCE NO. 3726

### ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A WIRELESS TELECOMMUNICATIONS AGREEMENT WITH GTE MOBILNET OF CALIFORNIA.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves a Wireless Telecommunications Agreement ("Agreement") between the CITY OF OAKLAND, a municipal corporation, acting by and through the Board, and GTE MOBILNET OF CALIFORNIA, a California limited partnership, doing business as VERIZON WIRELESS (GTE) for approximately 144 square feet of telecommunications room space in Building M-102, plus several antenna locations to be determined by GTE and as approved by the Port, to be used by Lessee as additional cell sites for telephone and radio coverage to better service its wireless telecommunications customers, and other purposes incidental and reasonably related thereto for a term of 5 years, at an initial monthly rent of \$3,050.00 plus \$25 per antenna installed, said rate to be increased based upon the increase in the Consumer Price Index, but in an amount not less than 3.5% and otherwise upon the terms and conditions set forth in Board Agenda Sheet Item No. 11, dated November 19, 2002, as subsequently may be revised pursuant to resolution or ordinance adopted by this Board, and upon such standard terms and conditions as specified in the Lease and approved by the Executive Director.

**Section 2.** The Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

**Section 3.** The Executive Director is hereby authorized to execute said Agreement.

**Section 4.** This ordinance is not evidence of and does not create or constitute (a) a contract, Lease 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 Board. This ordinance approves and authorizes the execution of said Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement is 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 Lessee, there shall be no valid or effective Agreement.

**Section 5.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, November 19, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopoulos, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #175983  
November 27, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3725**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867,  
AMENDING SECTIONS 2.01, 5.169 and 9.088 AND  
ADDING NEW SECTION 10.087.

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 2.01 of Port Ordinance No. 867 is hereby amended to add new salary schedule which section shall read as follows:

<u>SCHEDULE</u> <u>No.</u>	<u>Rate</u> <u>a.</u>	<u>Rate</u> <u>b.</u>	<u>Rate</u> <u>c.</u>	<u>Rate</u> <u>d.</u>	<u>Rate</u> <u>e.</u>
48.4	3263	3395	3525	3686	3854

**Section 2.** Sections 5.169 and 9.088 of Port Ordinance No. 867 are hereby amended to read as follows:

<u>Section</u> <u>No.</u>	<u>No. of</u> <u>Positions</u>	<u>Title</u>	<u>Salary or</u> <u>Schedule No.</u>
5.169	2	Port Assistant Management Analyst	232.2
9.088	2	Lead Painter	101

**Section 3.** Section 10.087 is hereby added to Port Ordinance No. 867 which section shall read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No</u>
10.087	5	Lead Custodian	48.4

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board


Adopted at a regular meeting held November 19, 2002

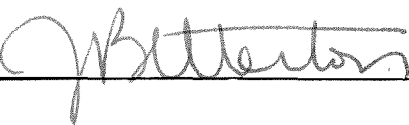
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

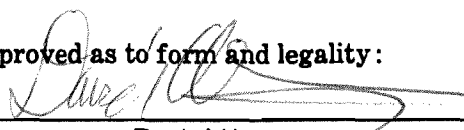
Noes: None

Absent: None

  
\_\_\_\_\_  
President.

Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Let Advertising  
(800, 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3725

In the matter of

**PORT ORDINANCE NO. 867**

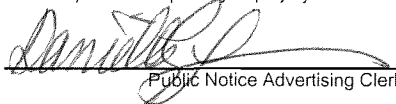
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798. on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**11/14/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000171083

PORT ORDINANCE NO. 3725

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTIONS 2.01, 5.169 and 9.088 AND ADDING NEW SECTION 10.087.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 2.01 of Port Ordinance No. 867 is hereby amended to add new salary schedule which section shall read as follows:

SCHEDULE No.	Rate a.	Rate b.	Rate c.	Rate d.	Rate e.
48.4	3263	3395	3525	3686	3854

**Section 2.** Sections 5.169 and 9.088 of Port Ordinance No. 867 are hereby amended to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
5.169	2	Port Assistant Management Analyst	232.2
9.088	2	Lead Painter	101

**Section 3.** Section 10.087 is hereby added to Port Ordinance No. 867 which section shall read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
10.087	5	Lead Custodian	48.4

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #171083  
November 14, 2002



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3724**

**ORDINANCE AUTHORIZING, APPROVING AND EXECUTING TWO  
LEASE AMENDMENTS EXTENDING TERMS FOR TWO-YEARS  
(AMENDMENTS NO. 5, AND NO. 6) WITH THE UNITED  
STATES POSTAL SERVICE.**

---

**WHEREAS** the Board of Port Commissioners approved and authorized execution of a Lease, by Ordinance No. 3180, dated November 16, 1993, with the **United States Postal Service** ("USPS") (USPS Space #2 (055513-080)) (as subsequently amended), covering 25,600 square feet of warehouse space, apron area and paved parking area located in and adjacent to Port Building L-812 on the North Airport, Metropolitan Oakland International Airport, for operation of its Air Mail Facility and related purposes; and

**WHEREAS** the Board of Port Commissioners approved and authorized execution of a Lease, by Ordinance No. 3180, dated November 16, 1993, with the **United States Postal Service** ("USPS") (USPS Space #3 (055513-081)) (as subsequently amended), covering 28,700 square feet of warehouse/office space, apron area and paved parking area, located in and adjacent to Port Building L-812 on the North Airport, Metropolitan Oakland International Airport, for operation of its Air Mail Facility and related purposes; now, therefore,

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board a two-year extension of Lease Amendment No. 5 (USPS Space #2 (055513-080)) occupying 25,600 square feet consisting of 8,000 square feet of net floor space, 4,800 square feet of parking and maneuvering area, and 12,800 square feet of apron area, in and adjacent to Port Building L-812 on the North Airport for operation of its Air Mail Facility, for an additional two (2) year term from January 1, 2003 through and including December 31, 2004, and an increase in monthly rental from \$5,791.67 to \$11,113.00 per month, at Oakland International Airport with the **UNITED STATES POSTAL SERVICE**, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 19, dated November 5, 2002.

Section 2. The Board approves and authorizes the Executive Director to execute for and on behalf of the Board a two-year extension of Lease Amendment No. 6 (USPS Space #3 (055513-081))

occupying 28,700 square feet, consisting of 10,000 square feet of net floor space, 2,700 square feet of parking and maneuvering space, and 16,000 square feet of apron area, in and adjacent to Port Building L-812 on the North Airport for operation of its Air Mail Facility, for an additional two (2) year term from January 1, 2003 through and including December 31, 2004, and an increase in monthly rental from \$6,861.67 to \$12,458.00 per month, at Oakland International Airport with **THE UNITED STATES POSTAL SERVICE**, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 19, dated November 5, 2002.

Section 3. The Board hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

**Adopted at a regular**


**meeting held November 19, 2002**

**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

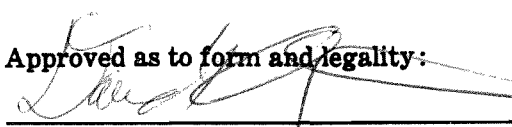
**Noes:** None

**Absent:** None

  
\_\_\_\_\_  
**President.**

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

**Approved as to form and legality:**

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le dvertising  
(800, 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. ORDINANCE 3724

In the matter of

PORT ORDINANCE 3724

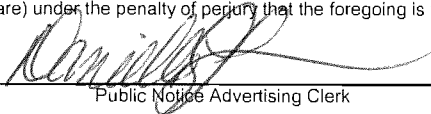
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

11/14/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No.

0000171153

PORT ORDINANCE NO. 3724

### ORDINANCE AUTHORIZING, APPROVING AND EXECUTING TWO LEASE AMENDMENTS EXTENDING TERMS FOR TWO-YEARS (AMENDMENTS NO. 5, AND NO. 6) WITH THE UNITED STATES POSTAL SERVICE.

WHEREAS the Board of Port Commissioners approved and authorized execution of a Lease, by Ordinance No. 3180, dated November 16, 1993, with the United States Postal Service ("USPS") (USPS Space #2 (055513-080)) (as subsequently amended), covering 25,600 square feet of warehouse space, apron area and paved parking area located in and adjacent to Port Building L-812 on the North Airport, Metropolitan Oakland International Airport, for operation of its Air Mail Facility and related purposes; and

WHEREAS the Board of Port Commissioners approved and authorized execution of a Lease, by Ordinance No. 3180, dated November 16, 1993, with the United States Postal Service ("USPS") (USPS Space #3 (055513-081)) (as subsequently amended), covering 28,700 square feet of warehouse/office space, apron area and paved parking area, located in and adjacent to Port Building L-812 on the North Airport, Metropolitan Oakland International Airport, for operation of its Air Mail Facility and related purposes; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board a two-year extension of Lease Amendment No. 5 (USPS Space #2 (055513-080)) occupying 25,600 square feet consisting of 8,000 square feet of net floor space, 4,800 square feet of parking and maneuvering area, and 12,800 square feet of apron area, in and adjacent to Port Building L-812 on the North Airport for operation of its Air Mail Facility, for an additional two (2) year term from January 1, 2003 through and including December 31, 2004, and an increase in monthly rental from \$5,791.67 to \$11,113.00 per month, at Oakland International Airport with the UNITED STATES POSTAL SERVICE, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 19, dated November 5, 2002.

Section 2. The Board approves and authorizes the Executive Director to execute for and on behalf of the Board a two-year extension of Lease Amendment No. 6 (USPS Space #3 (055513-081)) occupying 28,700 square feet, consisting of 10,000 square feet of net floor space, 2,700 square feet of parking and maneuvering space, and 16,000 square feet of apron area, in and adjacent to Port Building L-812 on the North Airport for operation of its Air Mail Facility, for an additional two (2) year term from January 1, 2003 through and including December 31, 2004, and an increase in monthly rental from \$6,861.67 to \$12,458.00 per month, at Oakland International Airport with THE UNITED STATES POSTAL SERVICE, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 19, dated November 5, 2002.

Section 3. The Board hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopoulos, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

The Oakland Tribune, # 171153  
November 14, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3723**

**ORDINANCE APPROVING ADDITIONAL SIGNATORIES TO THE  
AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT  
AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Executive Director is hereby authorized to enter into additional individual agreements with additional prospective airline carriers providing regularly scheduled and non-scheduled service at Metropolitan Oakland International Airport ("MOIA") at 1 Airport Drive, Oakland, California, as more fully set forth in Agenda Sheet Item No. 17, dated November 5, 2002.

Section 2. The following additional scheduled/non-scheduled airlines would enter into a Standard Airline Operating Agreement and Space/Use Permit:

Mesa Airlines, Inc. (scheduled)  
Valley Air Express, Inc. (non-scheduled)

Section 3. The following tenants would enter into a Space/Use Permit only:

Industrial Fleet Service  
Superior Aircraft Services, Inc.  
SCIS Air Security Corporation

Section 4. The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

Section 5. 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. This resolution approves and authorizes the execution of an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held November 19, 2002

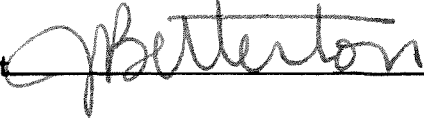
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.

Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

c/n ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Let Advertising  
(800, 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3723

In the matter of

### AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT

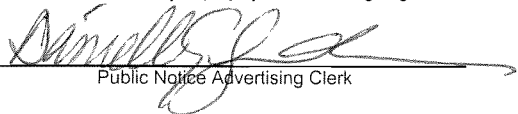
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

11/14/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000171052

PORT ORDINANCE NO. 3723

### ORDINANCE APPROVING ADDITIONAL SIGNATORIES TO THE AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Executive Director is hereby authorized to enter into additional individual agreements with additional prospective airline carriers providing regularly scheduled and non-scheduled service at Metropolitan Oakland International Airport ("MOIA") at 1 Airport Drive, Oakland, California, as more fully set forth in Agenda Sheet Item No. 17, dated November 5, 2002.

**Section 2.** The following additional scheduled/non-scheduled airlines would enter into a Standard Airline Operating Agreement and Space/Use Permit:

Mesa Airlines, Inc. (scheduled)  
Valley Air Express, Inc. (non-scheduled)

**Section 3.** The following tenants would enter into a Space/Use Permit only:

Industrial Fleet Service  
Superior Aircraft Services, Inc.  
SCIS Air Security Corporation

**Section 4.** The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

**Section 5.** 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. This resolution approves and authorizes the execution of an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002.  
Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Klang - 7.  
Noes: None. Absent: None

John Betterton  
Secretary of the Board

The Oakland Tribune, #171052  
November 14, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3722**

**ORDINANCE AUTHORIZING, APPROVING AND EXECUTING  
LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT  
OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION  
("FAA") FOR THE OPERATION OF A GLIDE SLOPE.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board an FAA Lease for 72,000 square feet (200 feet by 360 feet) of land in the South Airport airfield between Runway 11 and Taxiway W in the vicinity of the Runway 11 threshold for the establishment, maintenance, and operation of a Glide Slope used in air traffic control and aircraft navigation, from January 1, 2003 through and including September 30, 2007, at Oakland International Airport with **THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 16, dated November 5, 2002.

Section 2. The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

Section 3. 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

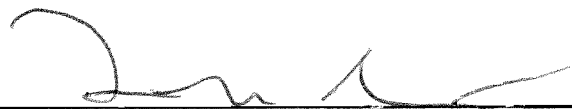
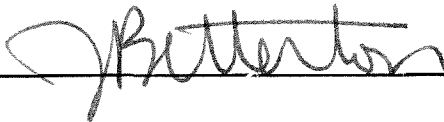
Adopted at a regular meeting held November 19, 2002

By the following Vote:

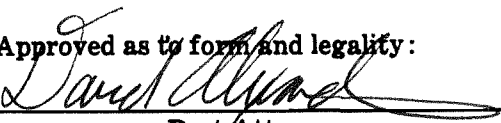
Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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



# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3722

In the matter of

**port ordinance 3722**

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**11/14/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Public Notice Advertising Clerk

Legal No. 0000170867

PORT ORDINANCE NO. 3722

**ORDINANCE AUTHORIZING, APPROVING AND EXECUTING LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION ("FAA") FOR THE OPERATION OF A GLIDE SLOPE.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board an FAA Lease for 72,000 square feet (200 feet by 360 feet) of land in the South Airport airfield between Runway 11 and Taxiway W in the vicinity of the Runway 11 threshold for the establishment, maintenance, and operation of a Glide Slope used in air traffic control and aircraft navigation, from January 1, 2003 through and including September 30, 2007, at Oakland International Airport with **THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 16, dated November 5, 2002.

**Section 2.** The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

**Section 3.** 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

**The Oakland Tribune, #170867  
November 14, 200**

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3721**

**ORDINANCE AUTHORIZING, APPROVING AND EXECUTING  
LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT  
OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION  
("FAA") FOR THE OPERATION OF A MIDDLE MARKER.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board an FAA Lease for 1,840 square feet (46 feet by 40 feet) of land in the South Airport airfield approximately 3,500 feet from the Runway 11 threshold for the establishment, maintenance, and operation of a Middle Marker used in air traffic control and aircraft navigation, from January 1, 2003 through and including September 30, 2007, at Oakland International Airport with **THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 15, dated November 5, 2002.

Section 2. The Board hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

Section 3. 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

Adopted at a regular


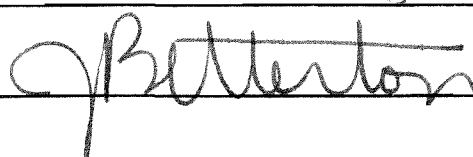
meeting held November 19, 2002

By the following Vote:


Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800, 395-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3721

In the matter of

port ordinance number 3721

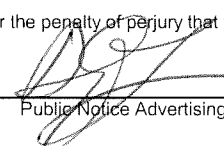
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

11/14/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000170860

PORT ORDINANCE NO. 3721

ORDINANCE AUTHORIZING, APPROVING AND EXECUTING LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION ("FAA") FOR THE OPERATION OF A MIDDLE MARKER.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board an FAA Lease for 1,840 square feet (46 feet by 40 feet) of land in the South Airport airfield approximately 3,500 feet from the Runway 11 threshold for the establishment, maintenance, and operation of a Middle Marker used in air traffic control and aircraft navigation, from January 1, 2003 through and including September 30, 2007, at Oakland International Airport with THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 15, dated November 5, 2002.

Section 2. The Board hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

Section 3. 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton,  
Secretary of the Board

The Oakland Tribune, #170860  
November 14, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3721**

**ORDINANCE AUTHORIZING, APPROVING AND EXECUTING  
LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT  
OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION  
("FAA") FOR THE OPERATION OF A MIDDLE MARKER.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board an FAA Lease for 1,840 square feet (46 feet by 40 feet) of land in the South Airport airfield approximately 3,500 feet from the Runway 11 threshold for the establishment, maintenance, and operation of a Middle Marker used in air traffic control and aircraft navigation, from January 1, 2003 through and including September 30, 2007, at Oakland International Airport with **THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 15, dated November 5, 2002.

Section 2. The Board hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

Section 3. 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton  
Secretary of the Board

Adopted at a regular


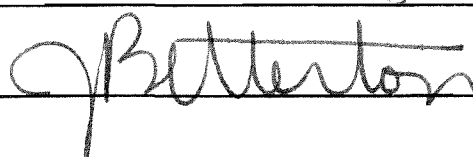
meeting held November 19, 2002

By the following Vote:


Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800, 395-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3721

In the matter of

port ordinance number 3721

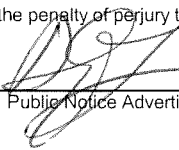
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

11/14/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000170860

PORT ORDINANCE NO. 3721

ORDINANCE AUTHORIZING, APPROVING AND EXECUTING LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION ("FAA") FOR THE OPERATION OF A MIDDLE MARKER.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board an FAA Lease for 1,840 square feet (46 feet by 40 feet) of land in the South Airport airfield approximately 3,500 feet from the Runway 11 threshold for the establishment, maintenance, and operation of a Middle Marker used in air traffic control and aircraft navigation, from January 1, 2003 through and including September 30, 2007, at Oakland International Airport with THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 15, dated November 5, 2002.

Section 2. The Board hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

Section 3. 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, November 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None

John T. Betterton,  
Secretary of the Board

The Oakland Tribune, #170860  
November 14, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 3720**

ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING CERTAIN  
SECTIONS RELATING TO TITLE CHANGES.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of  
Oakland as follows:

The following sections of Port Ordinance No. 867 are hereby  
amended to change the position titles, which section nos. and their  
respective new titles to read as follows:

<u>Section No.</u>	<u>Title</u>
5.065	Port Human Resource Clerk
13.9	Aviation Security Manager

Passed to print for one day by the following vote: Ayes: Commissioners Ayers-  
Johnson, Kramer, Protopappas, Scates, Tagami and President Kiang - 6. Noes:  
None. Absent: Commissioner Uribe - 1.

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held November 5, 2002

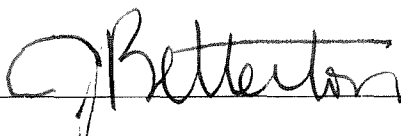
**By the following Vote:**

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas,  
Scates, Tagami, Uribe and President Kiang - 7

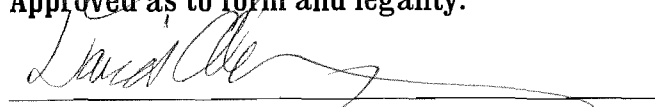
Noes: None

Absent: None

  
\_\_\_\_\_  
President.

Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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



# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 35-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3720

In the matter of

### ORDINANCE AMENDING PORT ORDINANCE NO. 867

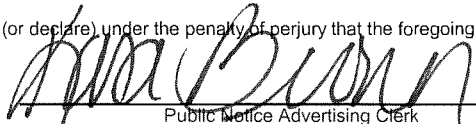
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

10/30/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Public Notice Advertising Clerk

Legal No. 0000165075

PORT ORDINANCE NO. 3720

ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING CERTAIN SECTIONS RELATING TO TITLE CHANGES.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

The following sections of Port Ordinance No. 867 are hereby amended to change the position titles, which section nos. and their respective new titles to read as follows:

Section No.	Title
5.065	Port Human ResourceClerk
13.9	Aviation Security Manager

In Board of Port Commissioners, Oakland, California, October 22, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami and President Kiang - 6. Noes: None. Absent: Commissioner Uribe - 1.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #165075  
October 30, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3719**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 3666 TO CONFORM PORT OF OAKLAND LIVING WAGE REQUIREMENTS THEREIN TO REQUIREMENTS SET FORTH IN SECTION 728 OF THE CHARTER OF THE CITY OF OAKLAND, ENTITLED, "LIVING WAGE AND LABOR STANDARDS AT PORT-ASSISTED BUSINESSES" AND ADDING PROVISIONS MAKING EFFECTIVE APPLICATION OF SECTION 728 OF THE CHARTER TO CERTAIN MONTH-TO-MONTH TENANCIES.

---

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Statement of Purpose shall be amended by the addition thereto of the following paragraphs:

"7. On December 4, 2001, the Oakland City Council passed Resolution 76664 C.M.S., "A Resolution Submitting, on the City Council's own Motion a Proposed Charter Amendment, entitled 'Living Wage and Labor Standards at Port-Assisted Businesses' to be Submitted to the Electors at the Nominating Municipal Election on March 5, 200..."

"8. The City Council approved Resolution 76664 C.M.S., reciting, among the reasons and purposes for its actions, the following:

"...[that] Contractors and lease holders receive a substantial benefit from doing business at the Port of Oakland, in part because of the large public investment in infrastructure, such that it is fair to require them to adhere to certain minimum labor standards in dealing with their employees at the Port; and

"9. Measure I (hereinafter "\$728") was approved by the voters of the City of Oakland on March 5, 2002, and became effective on April 25, 2002.

"10. On August 6, 2002, the Board of Port Commissioners (hereinafter "Board") approved Board of Port Commissioners Resolution No. 02244, a resolution finding and determining that it is in the best interest of the Port to terminate holdover and

other month to month tenancies with tenants that meet certain minimum threshold requirements for coverage Under City Charter Section 728, and authorizing and directing the Executive Director to terminate same and enter into new agreements or where appropriate in lieu of termination, amend the terms of said tenancies and to extend coverage of Section 728 to same.

"11. The Board approved Resolution No. 02244, reciting, among the reasons and purposes for its actions, the following:

"...[that] it is in the best interest of the Port to facilitate the enjoyment of certain benefits derived from the Port's infrastructure investment to employees of said existing holdover month-to-month tenants who provide Airport or Maritime related or Airport or Maritime area services, but who are least able to enjoy such benefits because of limited market driven compensation levels paid outside the Port area, by adopting a policy that broadly interprets and applies Section 728 to said existing holdover month-to-month tenants; and

"...[that] it is in the best interest of the Port to adopt a policy that broadly interprets and applies Section 728 to said existing holdover month-to-month tenants, in part because such application enriches the Port community, provides for job-force stability in and around the Maritime and Aviation facilities, and allows Port contractors to attract and retain talented individuals for Port-related work; and

"... [that] said existing month-to-month tenancies are terminable, and many are also expressly subject to change, upon 30 days written notice.

"12. The Board finds and determines that to effectuate the intent of voters, in approving §728, to raise wage rates to living wage rates for employees of businesses with Port contracts who otherwise meet the requirements for coverage under §728, and avoid depriving workers of the benefit of living wage rate(s) for an indeterminate length of time, it is necessary to terminate certain holdover and other month-to-month tenancies that would remain unchanged, long term, under usual Port practices, and enter into new or amended agreements that incorporate the employer obligations and minimum employee wage rates under §728 into said agreements.

"13. The Board finds and determines that it is in the best interest of the Port to reconcile and simplify living wage requirements applicable to Port contractors, financial assistance recipients and Port tenants by amending Port Ordinance No. 3666 to conform employer obligations and minimum compensation rates thereunder to the requirements set forth in Section 728 of the Charter of the City of Oakland.

**Section 2.** The definitions set forth in Section 2 of Port Ordinance No. 3666 for "Contractor", "Port Assistance and "Service Contract" shall be amended to read as follows:

"Contractor" means any person employing more than 20 employees per pay period, unless in the prior 12 pay periods the person has not had more than 20 such employees and will not have more than 20 such employees in the next 12 pay periods, that enters into a service contract with the Port for work to be performed at the Port under which the Port is expected to pay more than \$50,000 over the term of the contract.

"Port Assistance" means direct assistance in the form of grants or financial subsidies in an amount exceeding \$50,000 in any fiscal year.

"Service Contract" means a contract by the Port for the funding of services to or for the Port, to be performed at the Port, except where services are incidental to the delivery of products, equipment or commodities, that involves an expenditure in excess of \$50,000. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not a "service contract" for purposes of this definition. A construction contract covered by a local, state or federal prevailing wage statute is not a "service contract".

**Section 3.** Section 3 of Port Ordinance No. 3666 shall be amended to read as follows:

**"Section 3. Payment of Minimum Compensation to Employees**

(a) Wages: Employers shall pay employees a wage of no less than the hourly rates set under the authority of this Ordinance. The initial rate for fiscal year 2001-2002 shall be \$9.13 per hour worked with health benefits, as described below, or otherwise \$10.50 per hour. Such rates shall be upwardly adjusted annually in proportion to the increase on December 31 of each year over the immediately preceding December 31 of the Consumer Price Index - U for the San Francisco - Oakland - San Jose Area. The Port shall publish a bulletin by April 1 of each year announcing the adjusted rates, which shall take effect on the following July 1. The adjusted rates for fiscal year 2001-2002 are \$9.13 per hour worked with health benefits and \$10.50 without health benefits.

(b) Health Benefits: Health benefits required by this Ordinance shall consist of the payment of at least \$1.25 per hour worked toward the provision of health care benefits for employees and/or their dependents, adjusted annually in the same manner as provided in Section 3(a) above. Employees who decline health benefits shall not qualify for the higher wage rate established in (a) above.

(c) Compensated Days Off: Employees shall be entitled to at least twelve (12) compensated days off for sick leave, vacation or personal necessity upon reasonable request. Employees who work part time shall be entitled to accrue compensated days off in increments proportional to that accrued by full-time employees. Employees shall be eligible to use accrued days off after the first 6 months of satisfactory employment or consistent with employer policy, whichever is sooner. Paid holidays, consistent with established employer policy, may be counted toward provision of the required 12 compensated days off."

**Section 4.** Port Ordinance No. 3666 shall be amended by the addition thereto of Section 13.A to read as follows:

**"Section 13.A. Incorporation of Section 728 of the Charter of the City of Oakland by Reference and Application to Month-to-Month Tenancies, and Commencement Date.**

"The Provisions of Section 728 of the Charter of the City of Oakland are by this reference incorporated herein and made a part hereof. As a part of this Ordinance, Section 728 of the Charter of the City of Oakland shall be applicable to all holdover and other month-to-month tenants of the Aviation or Maritime divisions, that meet Section 728's other minimum threshold requirements, where the tenants have contracts, leases, license and concessionaire agreements, use permits, preferential assignments or other forms of tenancy, occupation or operations agreements with the Port lasting 29 consecutive days or longer, commencing, on or after the Effective Date of this Ordinance, upon the first day of the month of the respective term of said agreement(s), or their renewal."

**Section 5.** Port Ordinance No. 3666 shall be amended by the addition thereto of Section 13.B to read as follows:

**"Section 13.B. Provision of Minimum Compensated Days to Employees by Port-Assisted Businesses.**

"Port-Assisted Businesses" as that term is defined in Section 728 of the Charter of the City of Oakland and all other businesses subject to the provisions of Section 728 of the Charter pursuant to the provisions of this Ordinance, shall provide to employees, in addition to the minimum compensation set forth in Article 728.3 of the Charter of the City of Oakland, the compensation set forth in Section 3(c) of Port Ordinance No. 3666.

**Section 6.** Port Ordinance No. 3666 shall be amended by the addition thereto of Section 13.C to read as follows:

"Section 13.C. Effective Date of Sections 1 through 5 of this Ordinance.

"Port Ordinance No. 3666, as amended by Sections 1 through 5 of this Ordinance shall be effective commencing November 1, 2002, subject to the following limitation. The provisions of this Ordinance, as amended, shall not reduce the living wage compensation of any person that is in effect and applicable under the terms of Port Ordinance 3666 prior to the effective date hereof."

In Board of Port Commissioners, Oakland, California, October 1, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Scates - 1.

John T. Betterton  
Secretary of the Board

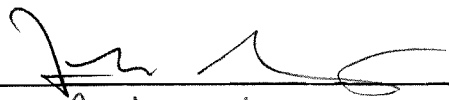
**Adopted at a** adjourned regular **meeting held** October 22, 2002

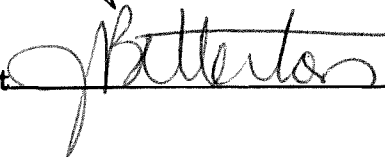
**By the following Vote:**


**Ayes:** Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami and President Kiang - 6

**Noes:** None

**Absent:** Commissioner Uribe - 1

  
\_\_\_\_\_  
**President.**

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

**Approved as to form and legality:**  
  
\_\_\_\_\_  
**Port Attorney**

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 3717**

AN ORDINANCE AMENDING SECTIONS 5.023 AND 5.0236  
OF PORT ORDINANCE NO. 867.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Sections 5.023 and 5.0236 of Port Ordinance No. 867 are hereby amended to read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
5.023	1	Port Insurance Technician	222.66
5.0236	1	Workers' Compensation Port Claims Technician	222.66

In Board of Port Commissioners, Oakland, California, September 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board


**Adopted at a regular meeting held September 17, 2002**

**By the following Vote:**

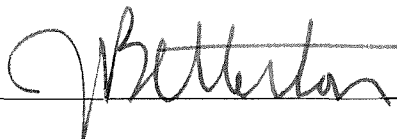
**Ayes:** Commissioners Ayers-Johnson, Protopappas, Scates, Tagami, Uribe and President Kiang - 6

**Noes:** None

**Absent:** Commissioner Kramer - 1

  
\_\_\_\_\_  
**President.**

**Attest**

  
\_\_\_\_\_  
**Secretary.**

**Approved as to form and legality:**

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. PORT ORD #867

In the matter of

### AN ORDINANCE AMENDING SECTIONS 5.023

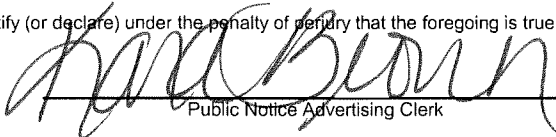
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 26000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

9/11/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No.

0000144314

PORT ORDINANCE NO. 3717

AN ORDINANCE AMENDING SECTIONS 5.023 AND 5.0236 OF PORT ORDINANCE NO. 867.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Sections 5.023 and 5.0236 of Port Ordinance No. 867 are hereby amended to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
5.023	1	Port Insurance Technician	222.66
5.0236	1	Workers' Compensation Port Claims Technician	222.66

In Board of Port Commissioners, Oakland, California, September 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopoulos, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #144314  
September 11, 2002



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3716**

ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND  
DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND  
ELECTRIC COMPANY (PG&E) FOR LAND AREA BETWEEN AN  
EXISTING VAULT TO A NEW VAULT TO ACCOMMODATE  
FUTURE MAINTENANCE.

---

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** Based upon the information contained in Board Agenda Sheet Item No. 22 dated September 3, 2002 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to **PACIFIC GAS AND ELECTRIC COMPANY** ("PGE"), a California corporation, a permanent utility easement for approximately 110 feet of land area in the northeast corner of the Embarcadero Executive Inn expansion site to accommodate future maintenance of electrical service and said easement shall contain such terms and conditions as the Executive Director or Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** This ordinance 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 Board. This ordinance approves and authorizes the execution of said easement in accordance with the terms of this ordinance. Unless and until a separate written easement is duly executed on behalf of the Board as authorized by this ordinance, are signed and approved as to form and legality by the Port Attorney and is delivered to PGE, there shall be no valid or effective easement.

**Section 3.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, September 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

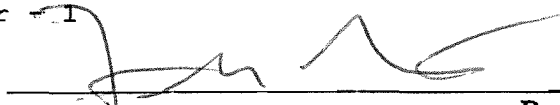
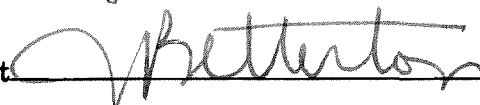
Adopted at a regular meeting held September 17, 2002

By the following Vote:

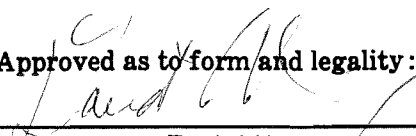
Ayes: Commissioners Ayers-Johnson, Protopappas, Scates, Tagami, Uribe and President Kiang - 6

Noes: None

Absent: Commissioner Kramer - 1

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le: Advertising  
(800, 995-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. PORT ORD. #3716

In the matter of

### ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS

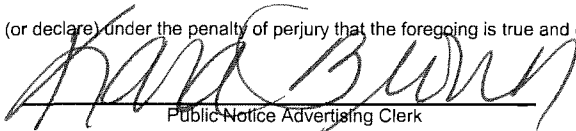
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

9/11/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000144301

PORT ORDINANCE NO. 3716

ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR LAND AREA BETWEEN AN EXISTING VAULT TO A NEW VAULT TO ACCOMMODATE FUTURE MAINTENANCE.

BE IT ORDAINED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** Based upon the information contained in Board Agenda Sheet Item No. 22 dated September 3, 2002 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to PACIFIC GAS AND ELECTRIC COMPANY ("PGE"), a California corporation, a permanent utility easement for approximately 110 feet of land area in the northeast corner of the Embarcadero Executive Inn expansion site to accommodate future maintenance of electrical service and said easement shall contain such terms and conditions as the Executive Director or Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** This ordinance 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 Board. This ordinance approves and authorizes the execution of said easement in accordance with the terms of this ordinance. Unless and until a separate written easement is duly executed on behalf of the Board as authorized by this ordinance, are signed and approved as to form and legality by the Port Attorney and is delivered to PGE, there shall be no valid or effective easement.

**Section 3.** This ordinance shall take effect thirty (30) days from and after its final adoption. In Board of Port Commissioners, Oakland, California, September 3, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopoulos, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.  
John T. Betterton  
Secretary of the Board

The Oakland Tribune, #144301  
September 11, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3715**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 2392  
RELATING TO THE CONFLICT OF INTEREST CODE OF  
THE BOARD OF PORT COMMISSIONERS OF THE CITY  
OF OAKLAND**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. **Adoption of Code.**

In compliance with the Political Reform Act, Government Code sections 81000 et seq., the Board by Ordinance No. 2392 adopted a Conflict of Interest Code as specifically required by Government Code section 87300. The Fair Political Practices Commission (FPPC) adopted a regulation as 2 California Code of Regulations § 18730, which contains the terms of a standard conflict of interest code and which the FPPC recommends that local agencies incorporate by reference into conflict of interest codes. Such incorporation by reference is deemed valid code amendment within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect.

Section 2. **Amendment of Code.**

The terms of FPPC regulation contained in 2 California Code of Regulations § 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix A in which employees are designated and the attached Appendix B in which disclosure categories are set forth, are hereby incorporated by reference into and substituted for the terms of the currently-in-effect Conflict of Interest Code of the Board of Port Commissioners of the City of Oakland. Exhibit A shall be amended from time to time to add or delete designated employees as approved by the Port Attorney and shall be maintained on file with the Secretary to the Board.

Designated employees shall file their statements of economic interests with the Secretary to the Board who will make the statements available for public inspection and reproduction as required by Government Code section 81008. Statements for all designated employees will be retained by the Secretary.

Section 3. Effective Date.

This amendment to the Conflict of Interest Code shall not take effect until it has been approved by the City Council, the code-reviewing body. The code-reviewing body will consider the proposed code in accordance with Government Code Section 87306 and when this code as amended is approved by the code-reviewing body, it shall be deemed adopted and shall be promulgated by the Port of Oakland.

In Board of Port Commissioners, Oakland, California, August 6, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Scates - 1.

John T. Betterton  
Secretary of the Board

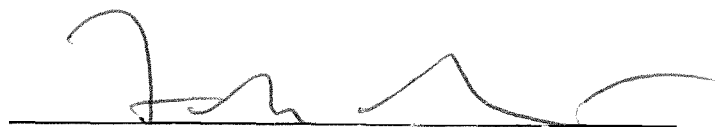
Adopted at a regular meeting held September 3, 2002

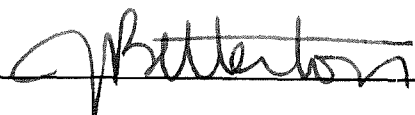
By the following Vote:

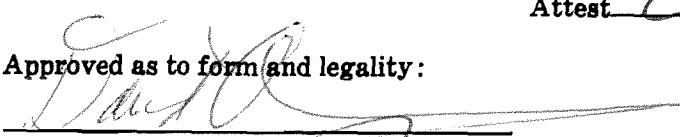
Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.

Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

Board of Port Commissioners of the City of Oakland  
Conflict of Interest Code

Designated Positions

**APPENDIX A**

Members of the Board of Port Commissioners  
Administrative Services Manager V  
Airport Manager  
Airport Operations Manager, Airside  
Airport Operations Manager, Landside  
Airport Terminal Services Manager  
Art Director  
Assistant Port Attorney  
Audit Manager  
Aviation Capital Program Administrator  
Aviation Commercial Rep V-Marketing & Communications  
Aviation Division Finance Manager  
Aviation Facilities Maintenance Manager  
Aviation Marketing Manager  
Building Services Manager  
Chief Engineer  
Chief Financial Officer  
Chief Technology Officer  
Chief Wharfinger  
Commercial Real Estate Manager  
Commercial Representative IV  
Commercial Representative V  
Commercial Representative V-A  
Contract Compliance Officer  
Deputy Executive Director  
Deputy Port Attorney II  
Deputy Port Attorney III  
Deputy Port Attorney IV  
Director of Administration  
Director of Aviation  
Director of Commercial Real Estate  
Director of Communications  
Director of Engineering  
Director of Equal Opportunity  
Director of Maritime Activities  
Director of the Office of Strategic and Policy Planning  
Executive Director  
General Manager, Central Facilities  
Government Affairs Specialist  
Human Resources Manager  
Manager of Airport Properties  
Manager of Capital Program and Budget Services  
Manager of Construction Pricing and Insurance Services  
Manager of Environmental Health/Safety Compliance

Manager of General Aviation  
Manager of Governmental Affairs  
Manager of Harbor Facilities Maintenance  
Manager of Information Technology  
Manager of North Field  
Manager of Port Dredging Programs  
Manager of Purchasing Department  
Manager of Systems and Programming  
Maritime Marketing Manager  
Organizational Development Manager  
Port Accounting Manager  
Port Attorney  
Port Auditor  
Port Employment Resources Coordinator  
Port Environmental Manager  
Port Maintenance & Construction Supervisor  
Port Permit Coordinator  
Port Principal Engineer  
Port Supervising Electrical Mechanical Engineer  
Principal Port Safety Administrator  
Program Director, Airport Terminal Expansion  
Risk Manager  
Safety Officer  
Secretary of the Board  
Senior Management Assistant Marine/Commercial Representative V-A  
Senior Maritime Commercial Representative  
Special Assistant to Executive Director - Airport Properties  
Expansion Program  
Supervising Civil Engineer  
Trade Research Supervisor  
Workers' Compensation Administrator  
Consultants \*

- \* Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## APPENDIX B

When a designated employee is required to disclose investments and sources of income, the employee need only disclose investments in business entities and sources of income which do business in the jurisdiction of the Board of Port Commissioners, plan to do business in the jurisdiction or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns property within the jurisdiction. When a designated employee is required to disclose interests in real property, the employee need only disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the Port Area or within two miles of any land owned or used by the Port of Oakland.

### Disclosure Categories

The following disclosure categories are hereby established:

Category 1: Persons in this category shall disclose all investments, business positions in business entities, and sources of income of the type which within the past two years have contracted with the Port of Oakland to supply goods or services utilized by the Port of Oakland.

Category 2: Persons in this category shall disclose all investments, business positions in business entities, and sources of income, which are contractors or subcontractors, engaged in the performance of work or the provision of services of the type utilized by the Port of Oakland.

Category 3: Persons in this category shall disclose all investments, business positions in business entities, and sources of income, which have filed claims against the Port of Oakland.

Category 4: Persons in this category shall disclose all interests or investments and business positions in business entities, and sources of income, which engage in land development, construction or the acquisition or sale of real property within the Port Area of the City of Oakland, and all interests in real property within the Port Area of the City of Oakland.



Category 5: Persons in this category shall disclose all investments, business positions in business entities, and sources of income, which are subject to the regulatory, permit or licensing authority of the Port of Oakland.

<u>Designated Positions</u>	<u>Categories Disclosed</u>
Members of the Board of Port Commissioners	All
Others Listed	All

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le Advertising  
(800) 395-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. ORD 3715

In the matter of

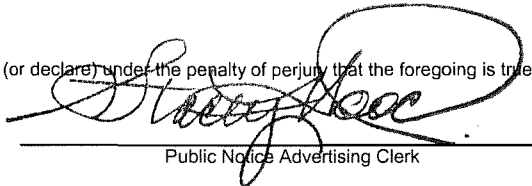
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

8/21/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000132023

PORT ORDINANCE NO. 3715

### AN ORDINANCE AMENDING PORT ORDINANCE NO. 2392 RELATING TO THE CONFLICT OF INTEREST CODE OF THE BOARD OF PORT COMMISSIONERS OF THE CITY OF OAKLAND

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

#### Section 1. Adoption of Code.

In compliance with the Political Reform Act, Government Code sections 81000 et seq., the Board by Ordinance No. 2392 adopted a Conflict of Interest Code as specifically required by Government Code section 87300. The Fair Political Practices Commission (FPPC) adopted a regulation as 2 California Code of Regulations section 18730, which contains the terms of a standard conflict of interest code and which the FPPC recommends that local agencies incorporate by reference into conflict of interest codes. Such incorporation by reference is deemed valid code amendment within the meaning of Government Code section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect.

#### Section 2. Amendment of Code.

The terms of FPPC regulation contained in 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the FPPC, along with the attached Appendix A in which employees are designated and the attached Appendix B in which disclosure categories are set forth, are hereby incorporated by reference into and substituted for the terms of the currently-in-effect Conflict of Interest Code of the Board of Port Commissioners of the City of Oakland. Exhibit A shall be amended from time to time to add or delete designated employees as approved by the Port Attorney and shall be maintained on file with the Secretary to the Board.

Designated employees shall file their statements of economic interests with the Secretary to the Board who will make the statements available for public inspection and reproduction as required by Government Code section 81008. Statements for all designated employees will be retained by the Secretary.

#### Section 3. Effective Date.

This amendment to the Conflict of Interest Code shall not take effect until it has been approved by the City Council, the code-reviewing body. The code-reviewing body will consider the proposed code in accordance with Government Code Section 87306 and when this code as amended is approved by the code-reviewing body, it shall be deemed adopted and shall be promulgated by the Port of Oakland.

In Board of Port Commissioners, Oakland, California, August 6, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopoulos, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Scates - 1.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, # 132023  
August 21, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3714**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 3439 AND  
ESTABLISHING RATES AND CHARGES FOR ELECTRICAL  
POWER AND OTHER UTILITIES PROVIDED BY THE PORT AT  
THE OAKLAND ARMY BASE.

---

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Section 3 of Port Ordinance No. 3651, is hereby amended to read as follows:

"A new Section 3 is hereby added to Port Ordinance No. 3439, as amended, providing as follows:

Section 3. The following rates and charges shall apply to the Port Department's provision of electric power, natural gas, water and sewer services to any person or entity at the Oakland Army Base unless a written agreement between the Board and such person or entity otherwise provides:

- (1) Electricity: The cost to the Port plus a service charge of 10%.
- (2) Natural Gas: The cost to the Port plus a service charge of 10%.
- (3) Water: The cost to the Port plus a service charge of 10%.
- (4) Sewer: The cost to the Port plus a service charge of 10%."

Section 2. This ordinance shall be effective immediately upon its final approval.

In Board of Port Commissioners, Oakland, California, August 6, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Scates - 1.

John T. Betterton  
Secretary of the Board


Adopted at a regular meeting held September 3, 2002

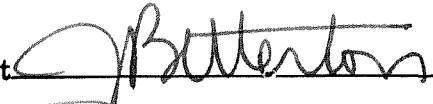
By the following Vote:

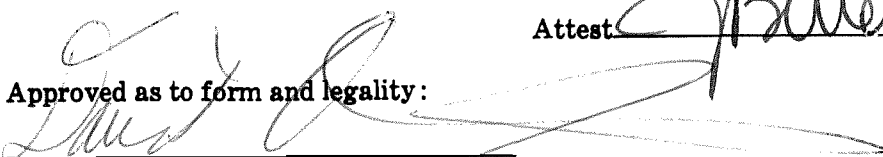
Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.

Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Let Advertising  
(800, 335-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. ORD# 3714

In the matter of

### AN ORDINANCE AMENDING PORT ORDINANCE NO. 3439

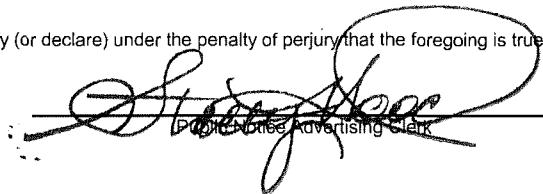
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

8/21/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No.

0000132014

PORT ORDINANCE NO. 3714

### AN ORDINANCE AMENDING PORT ORDINANCE NO. 3439 AND ESTABLISHING RATES AND CHARGES FOR ELECTRI- CAL POWER AND OTHER UTILITIES PROVIDED BY THE PORT AT THE OAKLAND ARMY BASE.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:  
Section 1. Section 3 of Port Ordinance No. 3651, is hereby amended to read as follows:

"A new Section 3 is hereby added to Port Ordinance No. 3439, as amended, providing as follows:

Section 3. The following rates and charges shall apply to the Port Department's provision of electric power, natural gas, water and sewer services to any person or entity at the Oakland Army Base unless a written agreement between the Board and such person or entity otherwise provides:

- (1)Electricity: The cost to the Port plus a service charge of 10%.
- (2)Natural Gas: The cost to the Port plus a service charge of 10%.
- (3)Water: The cost to the Port plus a service charge of 10%.
- (4)Sewer: The cost to the Port plus a service charge of 10%."

Section 2. This ordinance shall be effective immediately upon its final approval.

In Board of Port Commissioners, Oakland, California, August 6, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Scates - 1.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #132014  
August 21, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3713  
ORDINANCE AUTHORIZING, APPROVING AND EXECUTING  
LEASE MODIFICATION/SUPPLEMENT NO. 5 WITH THE UNITED  
STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION ADMINISTRATION.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board the Lease Modification/Supplement No. 5 ("Lease") extending lease #DTFA08-92-L-14049, dated September 15, 1991, for Building M-102 and Building M-104, for an additional five (5) year term from October 1, 2002 through and including September 30, 2007, and an increase in monthly rental from \$2,143.64 to \$2,700.00 per month, at Oakland International Airport with **THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 5S, dated August 6, 2002.

Section 2. The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

Section 3. 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement

is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, August 6, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Scates - 1.

John T. Betterton  
Secretary of the Board


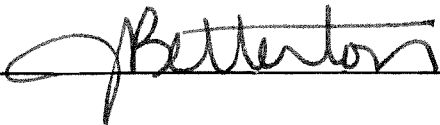
Adopted at a regular meeting held September 3, 2002

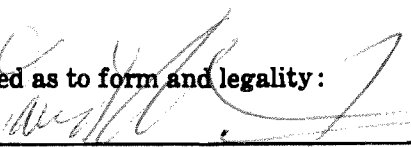
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800, 995-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3713

In the matter of

### USA DEPT OF TRANSP, FEDERAL AVIATION ADMINISTRATION

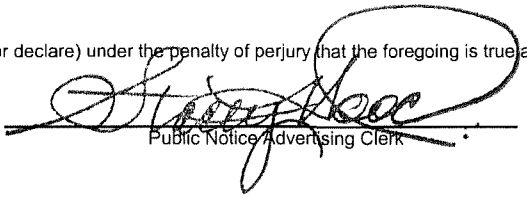
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 7800, as indicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

8/21/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000132034

PORT ORDINANCE NO. 3713

### ORDINANCE AUTHORIZING, APPROVING AND EXECUTING LEASE MODIFICATION/SUPPLEMENT NO. 5 WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:  
**Section 1.** The Board of Port Commissioners ("Board") approves and authorizes the Executive Director to execute for and on behalf of the Board the Lease Modification / Supplement No. 5 ("Lease") extending lease #DTFA08-92-L-14049, dated September 15, 1991, for Building M-102 and Building M-104, for an additional five (5) year term from October 1, 2002 through and including September 30, 2007, and an increase in monthly rental from \$2,143.64 to \$2,700.00 per month, at Oakland International Airport with THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION, containing the terms and conditions as more fully set forth in Agenda Sheet Item No. 5S, dated August 6, 2002.

**Section 2.** The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301(p).

**Section 3.** 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. This ordinance approves and authorizes the execution of an agreement or Lease in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, August 6, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6. Noes: None. Absent: Commissioner Scates - 1.

JOHN T. BETTERTON  
Secretary of the Board

The Oakland Tribune, #132034  
August 21, 2002



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 3712**

**ORDINANCE AMENDING SECTION 1.191 OF PORT ORDINANCE  
NO. 867 PROVIDING PROFESSIONAL DEVELOPMENT BENEFITS  
FOR CERTAIN OFFICERS AND EMPLOYEES.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Subsection 2 of Section 1.191 of Port Ordinance No. 867 shall be amended to read as follows:

"2. With respect to permanent employees in Employee Representation Units D, E, and H an employee shall be eligible for reimbursement for expenses incurred for professional development, subject to budget approval for same by the Board, not to exceed \$500.00 for the fiscal year period 1997-98; \$600.00 for the fiscal year period 1998-99; \$700.00 for the fiscal year period 1999-2000; \$800.00 for the fiscal year period 2000-2001; \$900.00 for the fiscal year period 2001-2002; and \$900.00 for the fiscal year period 2002-2003, subject to the exceptions and provisions set forth at Section 3 below:".

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

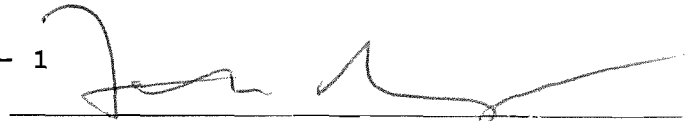
**Adopted at a regular meeting held August 6, 2002**

**By the following Vote:**


**Ayes:** Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6

**Noes:** None

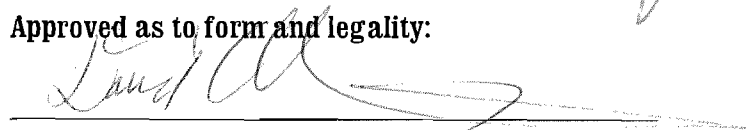
**Absent:** Commissioner Scates - 1

  
\_\_\_\_\_  
**President.**

**Attest**

  
\_\_\_\_\_  
**Secretary.**

**Approved as to form and legality:**

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

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. 129161

## PORT ORDINANCE NO. 3712

ORDINANCE AMENDING SECTION 1.191 OF PORT ORDINANCE NO. 867 PROVIDING PROFESSIONAL DEVELOPMENT BENEFITS FOR CERTAIN OFFICERS AND EMPLOYEES.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows: Subsection 2 of Section 1.191 of Port Ordinance No. 867 shall be amended to read as follows:

"2. With respect to permanent employees in Employee Representation Units D, E, and H an employee shall be eligible for reimbursement for expenses incurred for professional development, subject to budget approval for same by the Board, not to exceed \$500.00 for the fiscal year period 1997-98; \$600.00 for the fiscal year period 1998-99; \$700.00 for the fiscal year period 1999-2000; \$800.00 for the fiscal year period 2000-2001; \$900.00 for the fiscal year period 2001-2002; and \$900.00 for the fiscal year period 2002-2003, subject to the exceptions and provisions set forth at Section 3 below."

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Cates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

JOHN T. BETTERTON  
Secretary of the Board

The Oakland Tribune, #129161  
August 7, 2002

## PROOF OF PUBLICATION

In the matter of:

## PORT ORDINANCE NO. 3712

The undersigned below deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

## PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**AUGUST 7, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hamere Seble*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. 129161

## PROOF OF PUBLICATION

In the matter of:

**PORT ORDINANCE NO. 3712**

I, the undersigned below, deposes and says that he/she was the public notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 300 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**AUGUST 7, 2002**

I hereby certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Flamere Seble*

Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3711**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 AMENDING SECTION 2.07 AND ADDING SECTION 1.292 RATIFYING AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT.

---

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The salary schedules set forth in Section 2.07, of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by an additional five percent (5%) effective July 1, 2001 and by an additional one percent (1%) effective January 1, 2002.

**Section 2.** The salary schedules set forth in Section 2.07, of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by an additional five percent (5%), with a contract re-opener if two percent (2%) or under or six percent (6%) or over effective July 1, 2003 and July 1, 2004.

**Section 3.** Section 1.292 is hereby added to Port Ordinance No. 867 to read as follows:

"Sec. 1.292. In addition to the compensation otherwise provided herein each person employed in a regular position belonging to Employee Representation Unit C on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2001.

In addition to the compensation otherwise provided herein each person employed in a regular position belonging to Employee Representation Unit C on the effective dates hereof, at the rates indicated below, shall be entitled to an additional one percent (1%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective January 1, 2002.

In addition to the compensation otherwise provided herein each person employed in a regular position belonging to Employee Representation Unit C on the effective dates hereof, at the rates indicated below, shall be entitled to

an additional increase determined by a CPI formula with minimum of three percent (3%) to five percent (5%), with a contract re-opener if two percent (2%) or under or six percent (6%) or over effective July 1, 2003 and July 1, 2004."

**Section 4.** This ordinance shall be effective as of the date stated therein, in accordance with the provisions of the Memorandum of Understanding between Western Council of Engineers and the Port of Oakland dated July 1, 2001.

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held August 6, 2002

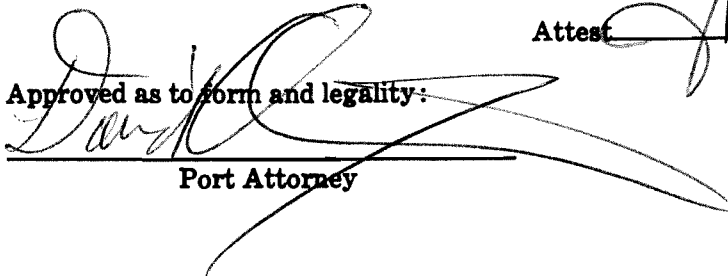
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6

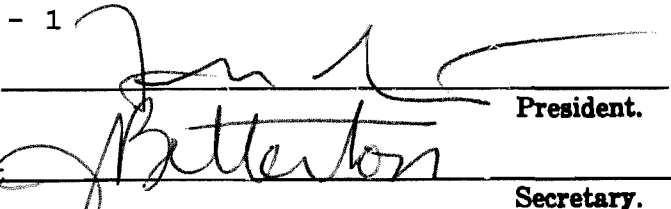
Noes: None

Absent: Commissioner Scates - 1

Approved as to form and legality:

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

Attest

  
\_\_\_\_\_  
President.  
\_\_\_\_\_  
Secretary.

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. 122777

## PROOF OF PUBLICATION

In the matter of:

### PORT ORDINANCE NO. 3711

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**JULY 24, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hannah Seible*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. 122777

## PORT ORDINANCE NO. 3711

### AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 AMENDING SECTION 2.07 AND ADDING SECTION 1.292 RATIFYING AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:  
**Section 1.** The salary schedules set forth in Section 2.07, of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by an additional five percent (5%) effective July 1, 2001 and by an additional one percent (1%) effective January 1, 2002.

**Section 2.** The salary schedules set forth in Section 2.07, of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by a CPI formula with minimum of three percent (3%) to five percent (5%), with a contract re-opener if two percent (2%) or under or six percent (6%) or over effective July 1, 2003 and July 1, 2004.

**Section 3.** Section 1.292 is hereby added to Port Ordinance No. 867 to read as follows:  
"Sec. 1.292. In addition to the compensation otherwise provided herein each person employed in a regular position belonging to Employee Representation Unit C on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2001.

In addition to the compensation otherwise provided herein each person employed in a regular position belonging to Employee Representation Unit C on the effective dates hereof, at the rates indicated below, shall be entitled to an additional one percent (1%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective January 1, 2002.

In addition to the compensation otherwise provided herein each person employed in a regular position belonging to Employee Representation Unit C on the effective dates hereof, at the rates indicated below, shall be entitled to an additional increase determined by a CPI formula with minimum of three percent (3%) to five percent (5%), with a contract re-opener if two percent (2%) or under or six percent (6%) or over effective July 1, 2003 and July 1, 2004."

**Section 4.** This ordinance shall be effective as of the date stated therein, in accordance with the provisions of the Memorandum of Understanding between Western Council of Engineers and the Port of Oakland dated July 1, 2001.

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune #122777  
July 24, 2002

## PROOF OF PUBLICATION

matter of:

### PORT ORDINANCE NO. 3711

undersigned below, deposes and says that he/she was the public Advertising Clerk of the OAKLAND TRIBUNE a newspaper of circulation as defined by Government Code Section 11400.1, which is published and circulated in Oakland Township in said and state seven days a week.

## PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**JULY 24, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hamere Seble*

Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3710**

ORDINANCE AMENDING SECTIONS 2.03 AND 2.05 AND ADDING  
SECTION 1.293 TO PORT ORDINANCE NO. 867 RATIFYING AND  
FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE  
PORT DEPARTMENT.

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The salary schedules set forth in Sections 2.03 and 2.05 of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by an additional five percent (5%) effective July 1, 2002.

**Section 2.** Section 1.293 is hereby added to Port Ordinance No. 867 to read as follows:

**Sec. 1.293.** In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit D on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2002.

In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit E on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2002.



In addition to the compensation otherwise provided herein each person belonging to Employee Representation Unit H employed on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2002.

**Section 3.** The Board hereby ratifies, confirms and approves all payments from and after July 1, 2002, to the effective date of this ordinance.

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

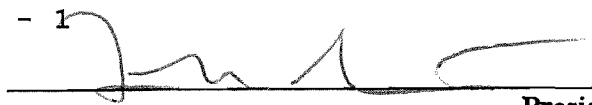

Adopted at a regular meeting held August 6, 2002

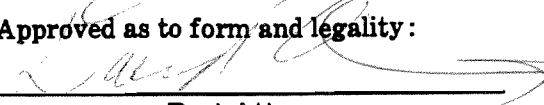
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6

Noes: None

Absent: Commissioner Scates - 1

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. **122784**

## PROOF OF PUBLICATION

**PUBLIC NOTICES**      **PUBLIC NOT**

PORT ORDINANCE NO. 3710

**ORDINANCE AMENDING SECTIONS 2.03 AND 2.05 AND ADDING SECTION 2.06 TO PORT ORDINANCE NO. 867 RATIFYING AND FIXING THE COMPENSATION SCHEDULES FOR EMPLOYEES OF THE PORT DEPARTMENT.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland, California, that:

**Section 1.** The salary schedules set forth in Sections 2.03 and 2.05 of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by an additional five percent (5%) effective July 1, 2002.

**Section 2.** Section 1.293 is hereby added to Port Ordinance No. 867 to read:

**Sec. 1.293.** In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit H employed on the effective dates hereof, at the rates indicated below, except any of such employee who received a performance appraisal prior to June 23, 2002, and any employee whose 2002 performance appraisal is not due until December 1, 2002, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2002.

In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit H employed on the effective dates hereof, at the rates indicated below, except any of such employee who received a performance appraisal prior to June 23, 2002, and any employee whose 2002 performance appraisal is not due until December 1, 2002, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2002.

**Section 3.** The Board hereby ratifies, confirms and approves all payments made to Employee Representation Unit H employees on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2002.

**Section 4.** The Board hereby ratifies, confirms and approves all payments made to Employee Representation Unit H employees on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective July 1, 2002.

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed and approved by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Tagami, Uribe and President Kiang - 7; Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #122784  
July 24, 2002

In the matter of:

### PORT ORDINANCE NO. 3710

Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**JULY 24, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hamere Seble*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. 122784

## PROOF OF PUBLICATION

In the matter of:

### PORT ORDINANCE NO. 3710

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**JULY 24, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hamere Seble*

Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3709**

**ORDINANCE APPROVING ADDITIONAL SIGNATORIES TO THE  
AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT  
AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Executive Director is hereby authorized to enter into additional individual agreements with additional prospective airline carriers providing regularly scheduled service at Metropolitan Oakland International Airport ("MOIA") at 1 Airport Drive, Oakland, California, as more fully set forth in Agenda Sheet Item No. 16S, dated July 16, 2002.

Section 2. The following additional scheduled airlines would enter into a Standard Airline Operating Agreement and Space/Use Permit:

North American Airlines

Section 3. The following tenants would enter into a Space/Use Permit only:

A2Z Aircraft Services

Section 4. The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

Section 5. 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. This resolution approves and authorizes the execution of an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement

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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

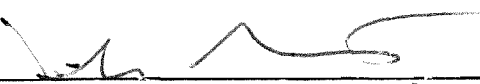
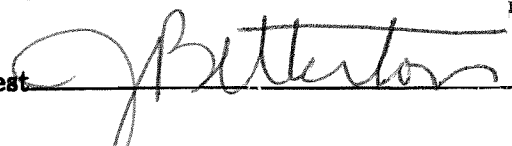
Adopted at a regular meeting held August 6, 2002

By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kramer, Protopappas, Tagami, Uribe and President Kiang - 6

Noes: None

Absent: Commissioner Scates - 1

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le Advertising  
(800) 595-9595 opt.4

**PORT ORDINANCE NO. 3709  
ORDINANCE APPROVING ADDITIONAL  
SIGNATORIES TO THE AIRLINE  
OPERATING AGREEMENT AND  
SPACE/USE PERMIT AT METROPOLITAN  
OAKLAND INTERNATIONAL AIRPORT.**

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Executive Director is hereby authorized to enter into additional individual agreements with additional prospective airline carriers providing regularly scheduled service at Metropolitan Oakland International Airport ("MOIA") at 1 Airport Drive, Oakland, California, as more fully set forth in Agenda Sheet Item No. 16S, dated July 16, 2002.

**Section 2.** The following additional scheduled airlines would enter into a Standard Airline Operating Agreement and Space/Use Permit:

**North American Airlines**

**Section 3.** The following tenants would enter into a Space/Use Permit only:

**A2Z Aircraft Services**

**Section 4.** The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

**Section 5.** 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. This resolution approves and authorizes the execution of an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, July 16, 2002. Passed to print for one day by the following vote: Ayes: Com

Protopappas, Scates, Lagami, Uribe and President Kiang - 7. Noes: None. Absent: None.

**John T. Betterton  
Secretary of the Board**

**The Oakland Tribune, #122872  
July 24, 2002**

## PROOF OF PUBLICATION

**FILE NO. 3709**

In the matter of

### ORDINANCE APPROVING ADDITIONAL SIGNATORIES

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section

California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**7/24/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3708**

**AN ORDINANCE AMENDING PORT ORDINANCE NO.  
1606 FORMULATING AND ESTABLISHING  
CONDITIONS AND PROCEDURES FOR BIDDING,  
CONTRACTING, AND PURCHASING.**

---

**WHEREAS** the manner in which the Board of Port Commissioners for the City of Oakland lets and administers contracts for public works is a municipal affair; and

**WHEREAS** the procedures set forth in Port Ordinance No. 1606 are established for the benefit and protection of taxpayers and not to enrich bidders or those who contract with the Port of Oakland; and

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Port Ordinance No. 1606 shall be and the same is hereby amended by adding thereto a new Section 22, to read as follows:

SECTION 22. BID PROTESTS. Any party that has timely submitted a responsive bid or proposal may file a bid protest in accordance with the provisions set forth below. Bid protests shall be heard initially by the Executive Director, or his/her designee, who shall issue to the Board a written report and a recommended disposition of the bid protest, including written findings of fact and conclusions of law. The Board may then ratify the Executive Director's (or his/her designee's) recommendations or conduct such further review of the bid protest, as the Board may determine. Protests shall be administered as follows:

a. Written Bid Protests Required. Any bid protest must be submitted in writing to the Secretary by the date and time specified in the solicitation documents. If no submission deadline is specified, then the bid protest shall be submitted to the Secretary before 5:00 p.m. of the fifth (5<sup>th</sup>) business day following publication of the identity of the apparent successful bidder.

1. The initial protest document must contain a complete statement of the basis for the protest.

2. The protest must refer to the specific portion of the bid documents that forms the basis for the protest.

3. The protest must include the name, address and telephone number of the person representing the protesting party.

4. The party filing the protest must transmit a copy of the initial protest document and any attached documentation concurrently to all other bidders and any other parties that have requested such notice.

b. Administrative Determination. A determination regarding the protest shall be made by the Executive Director, or by such other member of the Port administrative staff, including department heads and staff, or by such other person(s), as the Executive Director may designate (the "Hearing Officer"). The Port shall be represented at any hearing by a representative of the Port Attorney's office. Related bid protests may, at the discretion of the Hearing Officer, be consolidated into one hearing. The Hearing Officer shall administer the bid protest according to the following procedures:

1. The Hearing Officer shall set the date, time and place for the hearing and shall notify the protesting parties in writing at least five (5) business days in advance of the hearing date. The Hearing Officer for good cause may postpone or advance the date of any hearing upon the request of a party or upon the agreement of all parties, or upon the Hearing Officer's own initiative.

2. At least one (1) business days in advance of the hearing, the protesting party and the bidder(s) subject to the bid protest(s), shall file with the Hearing Officer and exchange copies of all exhibits they intend to submit at the hearing and identify in writing any witnesses to be called at the hearing. The Hearing Officer shall resolve any disputes concerning the exchange of information, and may modify these requirements upon the request of a party or upon the agreement of all parties, or upon the Hearing Officer's own initiative.

3. Any party wanting a stenographic record shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements in advance of the hearing. The requesting party or parties shall pay the cost of the stenographic record. If the transcript is agreed by the parties to be, or determined by the Hearing Officer to be, the official record of the proceeding, it must be made available to the Hearing Officer and to the other parties for inspection and copying, at a date, time and place determined by the Hearing Officer. Any party wishing an interpreter shall make all



arrangements directly with the interpreter and shall pay the cost of the services.

4. The Hearing Officer may require witnesses to testify under oath administered by any duly qualified person.

5. At the hearing, each protesting party shall present evidence to support its claim, in such order as the Hearing Officer shall determine. Witnesses for each party shall submit to questions or other examination. The Hearing Officer has the discretion to vary this procedure but shall afford all parties the opportunity to be heard. Exhibits, when offered by either party, may be received in evidence by the Hearing Officer. The Port may also present evidence, examine witnesses, or introduce exhibits, in its sole discretion.

6. The Hearing Officer shall be the judge of the relevance and materiality of the evidence offered, and conformity to legal rules of evidence shall not be necessary. The Hearing Officer may request offers of proof and may reject evidence deemed by the Hearing Officer to be cumulative, unreliable, unnecessary, or of slight value compared to the time and expense involved.

7. The Hearing Officer may conduct the hearing telephonically. The Hearing Officer may elect to not conduct a hearing, and decide the bid protest based upon the Hearing Officer's own investigations and review of documents, if the Hearing Officer makes the determination that adjudication of the issues presented would not benefit from the presentation of oral testimony.

8. The failure of the protesting party to attend the hearing shall be deemed a withdrawal of the bid protest and a waiver of any right to further pursue the bid protest, including the filing of a claim pursuant to Division 3.6 of Title 1 of the Government Code and legal proceedings.

c. Adjudication and Decision. The Hearing Officer may direct the parties to file documents or other evidence following the hearing, including briefs and responses to evidence. All parties shall be afforded an opportunity to examine and respond to such documents, other evidence, briefs and responses. The hearing shall be considered closed as of the final date set by the Hearing Officer for the receipt of post hearing documents, other evidence, briefs or responses. The Hearing Officer shall then issue a written report and recommended disposition of the bid protest, including written findings of fact and conclusions of law. The Board shall then review the Hearing Officer's written decision, and either ratify it, remand it back to the Hearing Officer for further determinations, or elect to conduct a de novo review of the bid protest and receive

additional evidence on all or portions of the bid protest and render a decision. The Hearing Officer's decision as ratified by the Board, or the Board's decision upon de novo review, shall constitute the Port's final decision on the bid protest.

1. Notwithstanding any other provision, the Board may delegate to the Executive Director any or all of its authority with respect to any contract(s) upon a finding and determination that it is in the best interests of the Port. In those cases where the Board has so delegated its authority, the Executive Director's written decision shall be the Port's final decision.

d. Stay of Award During Protest. When a timely protest has been submitted in accordance with this subsection, the Board shall not award the contract until a decision has been made regarding the protest, unless the Board makes a finding that the award of the contract without delay is necessary to protect the substantial interests of the Port.

e. Attorneys fees. All parties shall bear their own attorney's fees arising from any bid protest filed under the authority of this subdivision.

**Section 2.** This Ordinance shall take effect immediately after its final adoption.

In Board of Port Commissioners, Oakland, California, July 2, 2002.  
Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

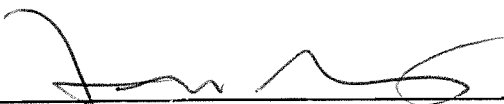
**Adopted at a** regular meeting held July 16, 2002

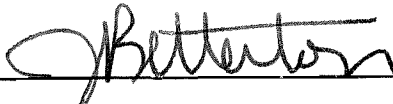
**By the following Vote:**

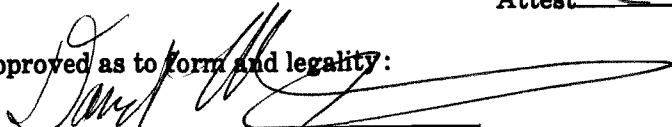
**Ayes:** Commissioners Ayers-Johnson, Kramer, Protopappas, Scates, Tagami, Uribe and President Kiang - 7

**Noes:** None

**Absent:** None

  
\_\_\_\_\_  
**President.**

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

**Approved as to form and legality:**  
  
\_\_\_\_\_  
**Port Attorney**

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3707**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867,  
AMENDING SECTIONS 2.01, 8.0631 AND ADDING  
SECTIONS 8.47H AND 14.5.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 2.01 of Port Ordinance No. 867 is hereby amended to add new salary schedule which section shall read as follows:

<u>SCHEDULE</u> <u>No.</u>	<u>Rate</u> <u>a.</u>	<u>Rate</u> <u>b.</u>	<u>Rate</u> <u>c.</u>	<u>Rate</u> <u>d.</u>	<u>Rate</u> <u>e.</u>
93.8H	23.65/hr.	24.84/hr.	26.10/hr.	27.60/hr.	29.19/hr.
74	4114	4320	4536	4808	5906

**Section 2.** Section 8.0631 of Port Ordinance No. 867 is hereby amended to amend the Salary Schedule from 39 to Salary Schedule No. 74.

Section 3. The following sections are hereby added to Port Ordinance No. 867 to read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
8.147H	1	Permit Technician (Part-Time)	93.8H
14.5	1	Aviation Graphics Specialist	74

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protopappas and Uribe - 3.

John T. Betterton  
Secretary of the Board


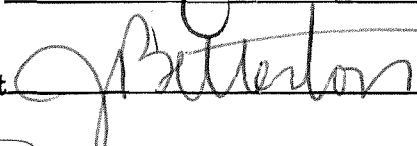
Adopted at a regular meeting held June 18, 2002

By the following Vote:

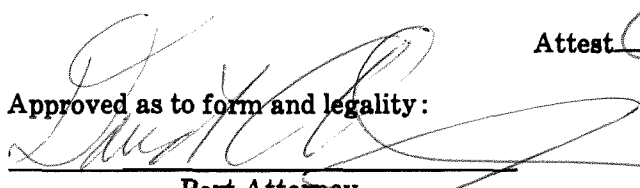
Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO.

In the matter of

### ORDINANCE NO. 3707

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 90, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

6/12/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hamare Seble  
Public Notice Advertising Clerk

Legal No. 0000104101

### PORT ORDINANCE NO. 3707

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, AMENDING SECTIONS 2.01, 8.0631 AND ADDING SECTIONS 8.47H AND 14.5.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Section 2.01 of Port Ordinance No. 867 is hereby amended to add new salary schedule which section shall read as follows:

SCHEDULE No.	Rate a.	Rate b.	Rate c.	Rate d.	Rate e.
93.8H	23.65/hr.	24.84/hr.	26.10/hr.	27.60/hr.	29.19/hr.
74	4114	4320	4536	4808	5906

Section 2. Section 8.0631 of Port Ordinance No. 867 is hereby amended to amend the Salary Schedule from 39 to Salary Schedule No. 74.

Section 3. The following sections are hereby added to Port Ordinance No. 867 to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
8.147H	1	Permit Technician (Part-Time)	93.8H
14.5	1	Aviation Graphics Specialist	74

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protopappas and Uribe - 3.

John T. Betterton  
Secretary of the Board

#104101 Oakland Tribune  
June 12, 2002

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 955-9595 opt.4

Legal No. 0000104101

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### ORDINANCE NO. 3707

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**6/12/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3706**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 AMENDING SECTION 2.06, AND ADDING SECTION 1.291 RATIFYING AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The salary schedules set forth in Section 2.06, of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by an additional five percent (5%) effective September 1, 2001, by an additional one percent (1%) effective March 1, 2002 and by an additional four percent (4%) effective September 1, 2002.

**Section 2.** Section 1.291 is hereby added to Port Ordinance No. 867 to read as follows:

"Sec. 1.291. In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit F on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective September 1, 2001.

In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit F on the effective dates hereof, at the rates indicated below, shall be entitled to an additional one percent (1%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective March 1, 2002.

In addition to the compensation otherwise provided herein each person belonging to Employee Representation Unit F employed on the effective dates hereof, at the rates indicated below, shall be entitled to an additional four percent (4%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective September 1, 2002."

**Section 3.** This ordinance shall be effective as of the date stated therein, in accordance with the provisions of the Memorandum of Understanding between International Brotherhood of Electrical Workers 1245 and the Port of Oakland dated September 1, 2001.

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protopappas and Uribe - 3.

John T. Betterton  
Secretary of the Board

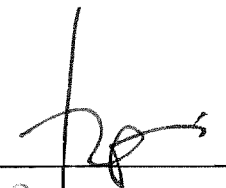
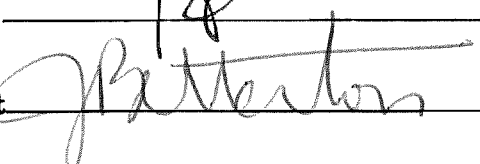
Adopted at a regular meeting held June 18, 2002

By the following Vote:

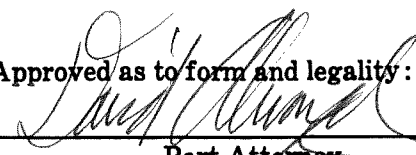
Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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



# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le: Advertising  
(800, 995-9595 opt.4

Legal No. 0000104099

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### ORDINANCE NO. 3706

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**6/12/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hamere Sell  
Public Notice Advertising Clerk

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le: dvertising  
(800, 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### ORDINANCE NO. 3706

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

6/12/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hamere Sebl

Public Notice Advertising Clerk

Legal No.

0000104099

### PORT ORDINANCE NO. 3706

#### AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 AMENDING SECTION 2.06, AND ADDING SECTION 1.291 RATIFYING AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The salary schedules set forth in Section 2.06, of Port Ordinance No. 867 shall be and the same are hereby amended by increasing the rates of compensation set forth on said salary schedules by an additional five percent (5%) effective September 1, 2001, by an additional one percent (1%) effective March 1, 2002 and by an additional four percent (4%) effective September 1, 2002.

**Section 2.** Section 1.291 is hereby added to Port Ordinance No. 867 to read as follows:

"Sec. 1.291. In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit F on the effective dates hereof, at the rates indicated below, shall be entitled to an additional five percent (5%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective September 1, 2001.

In addition to the compensation otherwise provided herein each person employed in a regular full time position belonging to Employee Representation Unit F on the effective dates hereof, at the rates indicated below, shall be entitled to an additional one percent (1%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective March 1, 2002.

In addition to the compensation otherwise provided herein each person belonging to Employee Representation Unit F employed on the effective dates hereof, at the rates indicated below, shall be entitled to an additional four percent (4%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective September 1, 2002."

**Section 3.** This ordinance shall be effective as of the date stated therein, in accordance with the provisions of the Memorandum of Understanding between International Brotherhood of Electrical Workers 1245 and the Port of Oakland dated September 1, 2001.

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protapappas and Uribe - 3.

John T. Betterton  
Secretary of the Board

#104099 Oakland Tribune  
June 12, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3705**

**ORDINANCE APPROVING AND AUTHORIZING  
EXECUTION OF GROUND LEASE WITH GRAY  
AND REYNOLDS PROPERTIES, INC.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves a Ground Lease between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, as Lessor, and **GRAY AND REYNOLDS PROPERTIES, INC.**, a California corporation ("Lessee"), for premises consisting of approximately 49,672 square feet of land located on Embarcadero south of 10th Avenue and for premises which include the dock currently used by Integra Marine, consisting of 10,200 square feet of water, providing for the Port to pay a total maximum of \$250,000 for remediation costs, and for other purposes incidental and reasonably related thereto for a term of 66 years, at the rent proposed and as otherwise upon the terms and conditions set forth in Board Agenda Sheet Item No. 16 dated June 4, 2002, and such standard terms and conditions as specified in the Lease and approved by the Executive Director.

**Section 2.** The Executive Director is hereby authorized to execute said Ground Lease.

**Section 3.** The Board hereby finds and determines that the proposed Lease is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Guidelines Section 15332.

**Section 4.** This ordinance is not evidence of and does not create or constitute (a) a contract, Lease 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 Board. This ordinance approves and authorizes the execution of said Ground Lease in accordance with the terms of this ordinance. Unless and until a separate written Ground Lease is 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 Lessee, there shall be no valid or effective Ground Lease.

**Section 5.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protopappas and Uribe - 3.

John T. Betterton  
Secretary of the Board

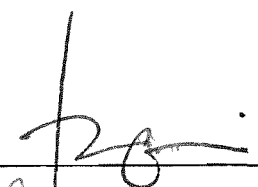

Adopted at a regular meeting held June 18, 2002

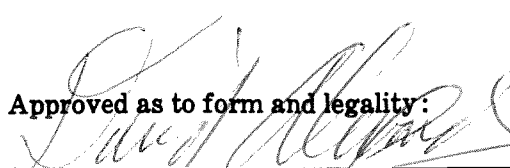
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le: Advertising  
(800, 95-9595 opt.4

Legal No. 0000104098

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### ORDINANCE NO. 3705

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

6/12/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hamere Seble  
Public Notice Advertising Clerk

### PORT ORDINANCE NO. 3705 ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF GROUND LEASE WITH GRAY AND REYNOLDS PROPERTIES, INC.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves a Ground Lease between the CITY OF OAKLAND, a municipal corporation, acting by and through the Board, as Lessor, and GRAY AND REYNOLDS PROPERTIES, INC., a California corporation ("Lessee"), for premises consisting of approximately 49,672 square feet of land located on Embarcadero south of 10th Avenue and for premises which include the dock currently used by Integra Marine, consisting of 10,200 square feet of water, providing for the Port to pay a total maximum of \$250,000 for remediation costs, and for other purposes incidental and reasonably related thereto for a term of 66 years, at the rent proposed and as otherwise upon the terms and conditions set forth in Board Agenda Sheet Item No. 16 dated June 4, 2002, and such standard terms and conditions as specified in the Lease and approved by the Executive Director.

**Section 2.** The Executive Director is hereby authorized to execute said Ground Lease.

**Section 3.** The Board hereby finds and determines that the proposed Lease is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Guidelines Section 15332.

**Section 4.** This ordinance is not evidence of and does not create or constitute (a) a contract, Lease 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 Board. This ordinance approves and authorizes the execution of said Ground Lease in accordance with the terms of this ordinance. Unless and until a separate written Ground Lease is 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 Lessee, there shall be no valid or effective Ground Lease.

**Section 5.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protopappas and Uribe - 3.

John T. Betterton  
Secretary of the Board

#104098 Oakland Tribune  
June 12, 2002

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le Advertising  
(800, 995-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### ORDINANCE NO. 3705

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**6/12/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3704**

**AN ORDINANCE AMENDING SECTION 9 OF PORT ORDINANCE  
NO. 3634 RELATING TO CHARGES FOR USE OF  
FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL  
AIRPORT.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Subsection d(1) of Section 9 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"For paved or improved aircraft parking spaces in the North Field, other than those described in subsection e(1), e(2), e(3), f(1) or f(2), designated to accommodate aircraft with wingspans or length, whichever is greater, of:

	<b>Monthly Rate</b>	<b>First 8 Hours or Fraction Thereof</b>	<b>Each Additional 8 Hours or Fraction Thereof</b>	<b>Maximum Total Daily Rate</b>
40 feet or less	\$ 101.00	\$ 6.00	\$ 3.00	\$ 8.00
50 feet or less	145.00	7.00	4.00	12.00
75 feet or less	215.00	12.00	5.00	18.00
100 feet or less	241.00	17.00	6.00	27.00
125 feet or less	375.00	27.00	12.00	40.00
150 feet or less	546.00	38.00	17.00	54.00
175 feet or less	724.00	49.00	26.00	72.00
200 feet or less	893.00	61.00	31.00	89.00
Over 200 feet	1,078.00	72.00	37.00	107.00
Blimp	1,154.00	79.00	38.00	116.00

Notwithstanding the monthly rates hereinabove set forth, the monthly rate for aircraft 40 feet or less requiring taxi-in/taxi out capability is \$146.00."

**Section 2.** Subsection g(2) of Section 9 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"For storage of aircraft in T-hangars in the North Field, the monthly storage rates exclusive of office space in said T-hangars shall be as follows:

<u>Hangar Area</u> <u>(Port owned Hangars)</u>	<u>Monthly Rates</u>
Port-A-Port (single)	\$226.00
Port-A-Port (light twin)	274.00
T-Hangar (840 sq. feet)	220.00
T-Hangar (960 sq. feet)	249.00
T-Hangar (1,110 sq. feet)	289.00
T-Hangar (1,152 sq. feet)	303.00
T-Hangar (1,596 sq. feet)	414.00

**Hangar Area Between Hangar 6 & 7,  
and South of Building L-606**  
(Port owned Hangars)

<u>Hangar Area</u> <u>(Port owned Hangars)</u>	<u>Monthly Rates</u>
T-Hangar (780 sq. feet)	\$263.00
T-Hangar (1,040 sq. feet)	352.00
T-Hangar (1,060 sq. feet)	358.00
T-Hangar (1,340 sq. feet)	453.00
T-Hangar (2,050 sq. feet)	694.00

<u>Hangar Area</u> <u>(Privately owned Port-A-Port)</u>	<u>Monthly Rates</u>
Executive Ramp Space (unspecified)	\$ 111.00
Executive Ramp Space (1,060 sq. feet)	157.00
Executive Ramp Space (1,340 sq. feet)	211.00
Executive Ramp Space (2,050 sq. feet)	318.00

The rate for office space in said T-hangars shall be \$.2620 per square foot per month rounded to the nearest dollar for the total office space occupied. Electricity shall be provided separately on a metered basis."

**Section 3.** The Board of Port Commissioners hereby finds and determines that the establishment and imposition of the above rates pursuant to Sections 1 and 2 of this ordinance is exempt from the requirements of the California Environmental Quality Act under California Public Resources Code Section 21080(b)(8) and Sections 15273 and 15061(b)(3) of Title 14 of the California Code of



Regulations. The basis for the exemption is that it can be seen with certainty that there is no possibility that imposition of the rates referenced herein will have a significant effect on the environment.

**Section 4.** Section 1 of this ordinance shall be effective July 1, 2002

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protopappas and Uribe - 3.

John T. Betterton  
Secretary of the Board

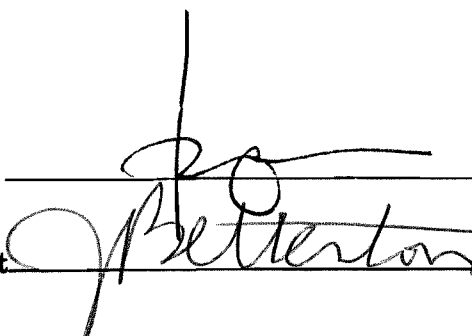

Adopted at a regular meeting held June 18, 2002

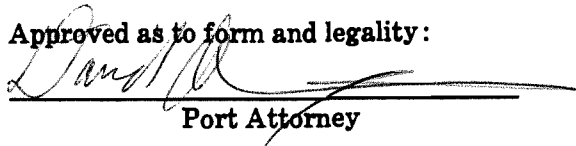
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

Noes: None

Absent: None

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Leads Advertising  
(800) 595-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### ORDINANCE NO. 3704

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798. on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

6/12/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hanover Seble*

Public Notice Advertising Clerk

Legal No. 0000104096

### PORT ORDINANCE NO. 3704

AN ORDINANCE AMENDING SECTION 9 OF PORT ORDINANCE NO. 3634 RELATING TO CHARGES FOR USE OF FACILITIES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Subsection d(1) of Section 9 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"For paved or improved aircraft parking spaces in the North Field, other than those described in subsection c(1), c(2), c(3), f(1) or f(2), designated to accommodate aircraft with wingspans or length, whichever is greater, of:

	Monthly Rate	First 8 Hours or Fraction Thereof	Each Additional 8 Hours or Fraction Thereof	Maximum Total Daily Rate
40 feet or less	\$ 101.00	\$ 6.00	\$ 3.00	\$ 8.00
50 feet or less	145.00	7.00	4.00	12.00
75 feet or less	215.00	12.00	5.00	18.00
100 feet or less	241.00	17.00	6.00	27.00
125 feet or less	375.00	27.00	12.00	40.00
150 feet or less	546.00	38.00	17.00	54.00
175 feet or less	724.00	49.00	26.00	72.00
200 feet or less	893.00	61.00	31.00	89.00
Over 200 feet	1,078.00	72.00	37.00	107.00
Blimp	1,154.00	79.00	38.00	116.00

Notwithstanding the monthly rates hereinabove set forth, the monthly rate for aircraft 40 feet or less requiring taxi-in/taxi-out capability is \$146.00."

Section 2. Subsection g(2) of Section 9 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"For storage of aircraft in T-hangars in the North Field, the monthly storage rates exclusive of office space in said T-hangars shall be as follows:

Hangar Area (Port owned Hangars)	Monthly Rates
Port-A-Port (single)	\$226.00
Port-A-Port (light twin)	274.00
T-Hangar (840 sq. feet)	220.00
T-Hangar (960 sq. feet)	249.00
T-Hangar (1,110 sq. feet)	289.00
T-Hangar (1,152 sq. feet)	303.00
T-Hangar (1,596 sq. feet)	414.00

Hangar Area Between Hangar 6 & 7, and South of Building L-606 (Port owned Hangars)	Monthly Rates
T-Hangar (780 sq. feet)	\$263.00
T-Hangar (1,040 sq. feet)	352.00
T-Hangar (1,060 sq. feet)	358.00
T-Hangar (1,340 sq. feet)	453.00
T-Hangar (2,050 sq. feet)	694.00

Hangar Area (Privately owned Port-A-Port)	Monthly Rates
Executive Ramp Space (unspecified)	\$ 111.00
Executive Ramp Space (1,060 sq. feet)	157.00
Executive Ramp Space (1,340 sq. feet)	211.00
Executive Ramp Space (2,050 sq. feet)	318.00

The rate for office space in said T-hangars shall be \$ 2620 per square foot per month rounded to the nearest dollar for the total office space occupied. Electricity shall be provided separately on a metered basis."

Section 3. The Board of Port Commissioners hereby finds and determines that the establishment and imposition of the above rates pursuant to Sections 1 and 2 of this ordinance is exempt from the requirements of the California Environmental Quality Act under California Public Resources Code Section 21080(b)(8) and Sections 15273 and 15061(b)(3) of Title 14 of the California Code of Regulations. The basis for the exemption is that it can be seen with certainty that there is no possibility that imposition of the rates referenced herein will have a significant effect on the environment.

Section 4. Section 1 of this ordinance shall be effective July 1, 2002.

In Board of Port Commissioners, Oakland, California, June 4, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates and President Tagami - 4. Noes: None. Absent: Commissioner Kiang, Protopappas and Uribe - 3.

John T. Betterton  
Secretary of the Board

Oakland Tribune #104096  
June 12, 2002

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 595-9595 opt.4

Legal No.

0000104096

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

**ORDINANCE NO. 3704**

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 26100, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The **PUBLIC NOTICE**

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**6/12/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3703**

**AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION  
OF LEASE BETWEEN THE UNITED STATES GOVERNMENT,  
DEPARTMENT OF COMMERCE NATIONAL OCEANIC AND  
ATMOSPHERIC ASSOCIATION AND THE PORT OF OAKLAND,  
AT THE METROPOLITAN OAKLAND INTERNATIONAL AIRPORT,  
OAKLAND.**

---

**WHEREAS** in consideration of the matters set forth in Agenda Sheet Item No. 1, dated May 21, 2002, and the desirability to support air traffic control related weather-reporting and communications activities at the Metropolitan Oakland International Airport; now, therefore,

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** That certain Lease for use of real property between the City of Oakland, a municipal corporation, acting by and through its Board of Port Commissioners ("Board"), as Grantor, and the **United States of America, Department of Commerce National Oceanic and Atmospheric Administration**, hereinafter referred to as the Government, covering 1.53 acre site adjacent to the Rolls-Royce Test Center on Old Earhart Road near Doolittle Drive, Oakland, commencing July 4, 2002, as more fully set forth in Agenda Sheet Item No. 1, dated May 21, 2002, provided, however that the Government obtains approval for a permit from BCDC and also subject to the Port Attorney's review as to form and legality.

**Section 2.** The Executive Director is hereby authorized to execute said Lease provide that it has been approved as to form and legality by the Port Attorney.

**Section 3.** This Ordinance 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 Board. This ordinance approves and authorizes the execution of an agreement in accordance with the terms of this ordinance. Unless and until a separate written agreement is 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 other contracting party, there shall be no valid or effective agreement

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le dvertising  
(800, 995-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PROVIDE FOR PURCHASING - CARD PROCUREMENT.

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798. on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

5/15/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hanese Seble  
Public Notice Advertising Clerk

Legal No. 0000093348

### PORT ORDINANCE NO. 3701 AN ORDINANCE AMENDING SECTIONS 2 AND 4 OF PORT ORDINANCE NO. 1606 TO PROVIDE FOR PURCHASING - CARD PROCUREMENT.

WHEREAS, by Resolution No. 97193 dated June 17, 1997, the Board of Port Commissioners authorized the implementation of a procurement card test project; and

WHEREAS, it is in the best interest of the Port to extend the program through the end of calendar year 2002 because of procurement and payment efficiencies attainable through the implementation of the program, subject to implementation of controls to assure appropriate usage in accordance with program objectives as more fully discussed in Board of Port Commissioners Agenda Sheet No. 33S dated May 7, 2002; now therefore

BE IT ORDAINED by the Board of Port Commissioners for the City of Oakland as follows:  
Section 1. Section 2 of Port Ordinance No. 1606 shall be and the same is hereby amended to read in full as follows:

#### "SECTION 2. AUTHORITY OF EXECUTIVE DIRECTOR.

Subject to the availability of funds and the conditions and procedures set forth in this ordinance, the Executive Director is hereby authorized to bind the Port, by written contract or purchase order involving an expenditure not exceeding the bid limit established by the City Council in any one transaction, without advertising or previous specific action by the Board, for the purchase of supplies or payment for services, or a combination thereof, to be furnished to the Port.

The Executive Director is further authorized to implement, continuing through December 31, 2002, a procurement and payment program, with or without prior use of purchase orders or contracts utilizing procurement cards issued by a financial institution with whom the Port maintains banking relationships, subject to control procedures approved by the Chief Financial Officer, provided that for any such procurement made without contract or purchase order the purchase within the bid limits established by the City Council."

Section 2. Section 4 of Port Ordinance No. 1606 shall be and the same is hereby amended to read in full as follows:

#### "SECTION 4. USE OF CONTRACTS, PURCHASE ORDERS AND PROCUREMENT CARDS.

a. **Purchase Orders.** Purchase orders may be used:  
1. For the purchase of supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

2. In contracting for services or for a combination of services and supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

b. **Contracts, Control Procedure.**  
1. Formal written contracts shall be used for all purchases of supplies or services, or combinations thereof, in excess of the bid limit established by the Council.

2. The Executive Director shall institute control procedures for requests for drafting of formal contracts.

3. Pursuant to the City Charter the Port Attorney shall draft such contracts.

4. The Port Attorney shall approve the form and legality of all formal written contracts before the execution thereof.

c. **Procurement Cards.** Procurement cards, issued by a financial institution with whom the Port maintains banking relationships, may be used as a payment method in conjunction with purchase orders or contracts or as a procurement method without a contract or purchase order, subject to control procedures established by the Chief Financial Officer, as follows:

1. For the purchase of standard issue supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

2. In contracting for services or for a combination of services and supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

d. **Exceptions.** The Executive Director shall establish control procedures for petty cash funds without prior use of purchase orders or contracts."

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #93348  
May 15, 2002

2. In contracting for services or for a combination of services and supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

d. Exceptions. The Executive Director shall establish control procedures for petty cash funds without prior use of purchase orders or contracts."

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held May 21, 2002


By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3702**

ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULES, NEW POSITIONS, AMENDING CERTAIN SECTIONS RELATING TO TITLE CHANGES AND AMENDING PORT ORDINANCE NO. 3690 TO CORRECT SECTION 10.21 OF PORT ORDINANCE NO. 867.

---

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 2.06 of Port Ordinance No. 867 is hereby amended to add new salary schedules which sections shall read as follows:

<u>SCHEDULE</u> <u>No.</u>	<u>Rate</u> <u>a.</u>	<u>Rate</u> <u>b.</u>	<u>Rate</u> <u>c.</u>	<u>Rate</u> <u>d.</u>	<u>Rate</u> <u>e.</u>
A	4317	4532	4758	5041	5346
736	6112	6418	6737	7142	7571

**Section 2.** Port Ordinance No. 867 is hereby amended to add the following Section Nos. which shall read as follows:

<u>Section</u> <u>No.</u>	<u>No. of</u> <u>Positions</u>	<u>Title</u>	<u>Salary or</u> <u>Schedule No.</u>
12.6	1	Senior Pricing and Contracts Analyst	257.5
13.1	1	Port ERDP Program Supervisor	529
13.2	1	Port Debt Compliance Coordinator	528.2

**Section 3.** The following sections of Port Ordinance No. 867 are hereby amended to change the position titles, which section nos. and their respective new titles to read as follows:

<u>Section No.</u>	<u>Title</u>
8.061	Port Junior Engineer (Civil Work)
8.06	Port Assistant Engineer (Civil Work)
8.05	Port Associate Engineer (Civil Work)
8.03	Port Supervising Engineer (Civil Work)
8.061	Port Junior Engineer (E & M Work)
8.06	Port Assistant Engineer (E & M Work)
8.11	Port Associate Engineer (E & M Work)
8.091	Port Supervising Engineer (E & M Work)

**Section 4.** That portion of Section 2 of Port Ordinance No. 3690 reading as follows:

"10.21 1 Associate Airport Noise Abatement Specialist 240"

is hereby amended to read as follows:

"10.21 2 Associate Airport Noise Abatement Specialist 240".

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

**Adopted at a regular meeting held May 21, 2002**

**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

**Noes:** None

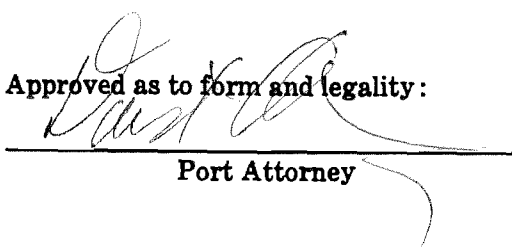
**Absent:** Commissioner Scates - 1

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3702**

ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULES, NEW POSITIONS, AMENDING CERTAIN SECTIONS RELATING TO TITLE CHANGES AND AMENDING PORT ORDINANCE NO. 3690 TO CORRECT SECTION 10.21 OF PORT ORDINANCE NO. 867.

---

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 2.06 of Port Ordinance No. 867 is hereby amended to add new salary schedules which sections shall read as follows:

<u>SCHEDULE</u> <u>No.</u>	<u>Rate</u> <u>a.</u>	<u>Rate</u> <u>b.</u>	<u>Rate</u> <u>c.</u>	<u>Rate</u> <u>d.</u>	<u>Rate</u> <u>e.</u>
A	4317	4532	4758	5041	5346
736	6112	6418	6737	7142	7571

**Section 2.** Port Ordinance No. 867 is hereby amended to add the following Section Nos. which shall read as follows:

<u>Section</u> <u>No.</u>	<u>No. of</u> <u>Positions</u>	<u>Title</u>	<u>Salary or</u> <u>Schedule No.</u>
12.6	1	Senior Pricing and Contracts Analyst	257.5
13.1	1	Port ERDP Program Supervisor	529
13.2	1	Port Debt Compliance Coordinator	528.2

**Section 3.** The following sections of Port Ordinance No. 867 are hereby amended to change the position titles, which section nos. and their respective new titles to read as follows:

<u>Section No.</u>	<u>Title</u>
8.061	Port Junior Engineer (Civil Work)
8.06	Port Assistant Engineer (Civil Work)
8.05	Port Associate Engineer (Civil Work)
8.03	Port Supervising Engineer (Civil Work)
8.061	Port Junior Engineer (E & M Work)
8.06	Port Assistant Engineer (E & M Work)
8.11	Port Associate Engineer (E & M Work)
8.091	Port Supervising Engineer (E & M Work)

**Section 4.** That portion of Section 2 of Port Ordinance No. 3690 reading as follows:

"10.21 1 Associate Airport Noise Abatement Specialist 240"

is hereby amended to read as follows:

"10.21 2 Associate Airport Noise Abatement Specialist 240".

In Board of Port Commissioners, Oakland, California, May 7, 2002.  
 Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7.  
 Noes: None. Absent: None.

John T. Betterton  
 Secretary of the Board

**Adopted at a regular meeting held May 21, 2002**

**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

**Noes:** None

**Absent:** Commissioner Scates - 1

\_\_\_\_\_  
 President.  
 Attest \_\_\_\_\_  
 Secretary.

Approved as to form and legality:  
 \_\_\_\_\_  
 Port Attorney

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3701**

AN ORDINANCE AMENDING SECTIONS 2 AND 4 OF  
PORT ORDINANCE NO. 1606 TO PROVIDE FOR  
PURCHASING - CARD PROCUREMENT.

---

**WHEREAS**, by Resolution No. 97193 dated June 17, 1997, the Board of Port Commissioners authorized the implementation of a procurement card test project; and

**WHEREAS**, it is in the best interest of the Port to extend the program through the end of calendar year 2002 because of procurement and payment efficiencies attainable through the implementation of the program, subject to implementation of controls to assure appropriate usage in accordance with program objectives as more fully discussed in Board of Port Commissioners Agenda Sheet No. 33S dated May 7, 2002; now therefore

**BE IT ORDAINED** by the Board of Port Commissioners for the City of Oakland as follows:

Section 1. Section 2 of Port Ordinance No. 1606 shall be and the same is hereby amended to read in full as follows:

**"SECTION 2. AUTHORITY OF EXECUTIVE DIRECTOR.**

Subject to the availability of funds and the conditions and procedures set forth in this ordinance, the Executive Director is hereby authorized to bind the Port, by written contract or purchase order involving an expenditure not exceeding the bid limit established by the City Council in any one transaction, without advertising or previous specific action by the Board, for the purchase of supplies or payment for services, or a combination thereof, to be furnished to the Port.

The Executive Director is further authorized to implement, continuing through December 31, 2002, a procurement and payment program, with or without prior use of purchase orders or contracts utilizing procurement cards issued by a financial institution with whom the Port maintains banking relationships, subject to control procedures approved by the Chief Financial Officer, provided

that for any such procurement made without contract or purchase order the purchase within the bid limits established by the City Council."

Section 2. Section 4 of Port Ordinance No. 1606 shall be and the same is hereby amended to read in full as follows:

**"SECTION 4. USE OF CONTRACTS, PURCHASE ORDERS AND PROCUREMENT CARDS.**

a. Purchase Orders. Purchase orders may be used:

1. For the purchase of supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

2. In contracting for services or for a combination of services and supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

b. Contracts, Control Procedure.

1. Formal written contracts shall be used for all purchases of supplies or services or combinations thereof, in excess of the bid limit established by the Council.

2. The Executive Director shall institute control procedures for requests for drafting of formal contracts.

3. Pursuant to the City Charter the Port Attorney shall draft such contracts.

4. The Port Attorney shall approve the form and legality of all formal written contracts before the execution thereof.

c. Procurement Cards. Procurement cards, issued by a financial institution with whom the Port maintains banking relationships, may be used as a payment method in conjunction with purchase orders or contracts or as a procurement method without a contract or purchase order, subject to control procedures established by the Chief Financial Officer, as follows:

1. For the purchase of standard issue supplies when the total cost does not exceed the bid limit established by the Council in any one transaction.

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3700**

**AN ORDINANCE REVISING AND RESTATING PORT  
ORDINANCE NO. 2124 ESTABLISHING RULES AND  
REGULATIONS FOR THE SUBDIVISION OF LAND AND THE  
FILING AND APPROVAL OF SUBDIVISION MAPS, AND  
ESTABLISHING FEES IN CONNECTION THEREWITH.**

---

**WHEREAS**, the Board of Port Commissioners of the City of Oakland as a legislative body of the City of Oakland is vested with the complete and exclusive control and jurisdiction of the Port Area of the City of Oakland and the power to enforce therein general rules and regulations relating to land development, planning and zoning to the extent that they may be necessary or requisite for port and airport purposes and development and in carrying out the powers vested in the Board; and

**WHEREAS**, said Board is vested with the complete and exclusive power, and it is the Board's duty, to have and exercise on behalf of the City of Oakland all rights, powers and duties in respect to said land development, planning and zoning that are now or which may hereinafter be vested in the City of Oakland, or any of its departments or officers, or which may be provided for by general law; and

**WHEREAS**, the Subdivision Map Act, Division 2 of Title 7 of the Government Code of the State of California, vests in the legislative bodies of local agencies the regulation and control of the design and improvement of subdivisions, and requires that each local agency by ordinance regulate and control subdivisions for which said Division 2 requires a tentative and final or parcel map; now, therefore,

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The following rules and regulations for the subdivision of land and the filing and approval of subdivision maps, and establishing fees in connection therewith, are hereby adopted:

**RULES AND REGULATIONS FOR THE SUBDIVISION OF LAND  
AND THE FILING AND APPROVAL OF SUBDIVISION MAPS,  
AND ESTABLISHING FEES IN CONNECTION THEREWITH.**

---

**Article 1. PURPOSE.**

The purposes of this ordinance are the following:

- (1) To provide for the regulation and control of the division of land within the Port Area of the City of Oakland as defined in Section 725 of the Charter of the City of Oakland (hereinafter referred to as "the Port Area");
- (2) To supplement and implement the provisions of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the "Subdivision Map Act") concerning the design, improvement and survey data of subdivisions, and the form and content of all required maps; and
- (3) To establish the procedure to be followed in securing the official approval of the Chief Engineer of the Port of Oakland (hereinafter referred to as "Chief Engineer"), the Executive Director of the Port of Oakland (hereinafter referred to as "Executive Director") and the Board of Port Commissioners (hereinafter referred to as "Board") regarding such maps.

To accomplish these purposes, the rules and regulations established by this ordinance are hereby determined to be necessary for the preservation of the public health, safety and general welfare; to insure orderly growth and development; to promote conservation, protection, and proper use of land; and to insure provision for adequate circulation, utilities and services.

**Article 2. APPLICATION.**

The rules and regulations set forth in this ordinance shall apply to all subdivisions or parts thereof within the Port Area, and to the preparation of subdivision maps thereof and to other maps provided for by the Subdivision Map Act or this ordinance. Each such subdivision and each part thereof lying within the Port Area shall be made and each such map shall be prepared and presented for approval as hereinafter specified.

No land shall be subdivided or developed for any purpose or use or in any manner which is not in conformity with the General Plan of the City of Oakland or any applicable Board adopted specific plan, such as the Oakland Shoreline Plan.

The type and intensity of land use as shown on the General Plan or any such specific plan shall determine the type of streets, roads, highways, trails, utilities and public services that shall be provided by the subdivider.

### **Article 3. DEFINITIONS.**

Words and phrases used in this ordinance, unless otherwise defined, shall have the same meaning as they do in the Subdivision Map Act. For the purposes of this ordinance the following words and phrases are defined and shall be so construed, unless it shall be apparent from their context that a different meaning is intended:

- (1) Advisory Agency. The "Advisory Agency" as defined in Section 66415 of the Subdivision Map Act shall mean the Executive Director of the Port of Oakland, or his legally authorized designee, who is charged with the duties set forth in this ordinance.
- (2) Street. "Street" shall mean any public or private way for vehicular traffic which is used for access to industrial, commercial, residential or other abutting property, whether designated as a street, thoroughfare, road, avenue, boulevard, lane, place or however otherwise designated.
- (3) Lot. "Lot" means a parcel of land occupied or capable of being occupied by a use, building, or unit group of buildings and accessory buildings and uses.
- (4) Subdivision. "Subdivision" means the division of any improved or unimproved land, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easements or railroad rights-of-way. "Subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code of the State of California or a community apartment project, as defined in Section 11004 of the Business and Professions Code. Any conveyance of land to a governmental agency, public entity or public utility or from a governmental agency or public entity shall not be considered a division of land for any purposes. This shall not be considered a division of land for any purposes. This ordinance shall not apply to the short term leasing of apartments, offices, stores or similar space within an apartment building, industrial

building, commercial building or trailer park, nor shall this ordinance apply to mineral, oil or gas leases.

**Article 4. REQUIRED MAPS.**

A Tentative and Final Map shall be required for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, or a community apartment project containing five or more parcels, except subdivisions described by subsections (a), (b), (c) and (d) of Section 66426 of the Subdivision Map Act.

A Parcel Map shall be required for those subdivisions described in subsections (a), (b), (c) and (d) of Section 66426 of the Subdivision Map Act.

No Final Map or Parcel Map required by this ordinance which creates a subdivision shall be filed with the Port of Oakland without the written consent of all parties having any record title interest in the real property proposed to be subdivided, except as otherwise provided by the Subdivision Map Act.

**Article 5. TENTATIVE MAPS.**

- (1) Contents. Every subdivider shall file with the Secretary of the Board five (5) copies of the Tentative Map of each proposed subdivision together with the street profiles. Such map and street profiles shall be prepared by a licensed surveyor or a registered Civil Engineer. A Tentative Map shall contain the information required by Appendix A of this ordinance.
- (2) Filing Fee. At the time of filing a Tentative Map with the Secretary of the Board, the subdivider shall pay a fee of fifty dollars (\$50.00) per map plus two dollars (\$2.00) for each lot within the subdivision.
- (3) Action by Port. The Port shall take the following action on a Tentative Map:
  - (a) Review by the Chief Engineer. The Secretary of the Board shall refer the Tentative Map to the Chief Engineer. The Chief Engineer shall submit to the Executive Director a written report and recommendation.
  - (b) Review by the Executive Director. After receiving the written report and recommendation from the Chief Engineer, the Executive Director shall review the Tentative Map. The Executive Director shall transmit a written report and recommendation on the Tentative Map to the Board within 50 days after the filing



thereof with the Secretary of the Board. In addition, the Executive Director shall, at least 3 days prior to any hearing or action on a Tentative Map by the Board, serve upon the subdivider a copy of the Chief Engineer's and the Executive Director's written report and recommendation.

- (c) Action by the Board. At the next regular meeting of the Board following the filing of the Executive Director's report with it, the Board shall fix the meeting date at which the Tentative Map will be considered by it, which date shall be within 30 days thereafter and the Board shall approve, conditionally approve, or disapprove the Tentative Map within such 30-day period.

The time limits prescribed in this Article 5 may be extended by the mutual consent of the subdivider and the Executive Director.

The Board shall not approve a Tentative Map unless it finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the City of Oakland General Plan and any applicable Port specific plan. The Board shall deny approval of a Tentative Map if it makes any of the following findings:

- 1) That the proposed map is not consistent with applicable general and specific plans.
- 2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- 3) That the site is not physically suitable for the type of development.
- 4) That the site is not physically suitable for the proposed density of development.
- 5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- 6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

- 7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Board may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously required by the public.

The Board shall determine whether the discharge or waste from the proposed subdivision into all existing community sewer systems would result in or add to violations of existing requirements prescribed by the San Francisco Regional Water Quality Control Board, and it may on an affirmative finding disapprove any map of a subdivision.

- 8) That, pursuant to Port Ordinance No. \_\_\_\_\_, the design of the subdivision, if located in a designated recycled water use area:

(a) does not provide a water reuse system, separate and distinct from the plumbing system used to serve domestic, residential and other potable uses, to serve landscaping and other non-potable uses in common areas of such subdivision, and

(b) the Board has determined that using recycled water for these purposes is economically justified, and financially and technically feasible

Subsection 8) does not apply to (i) a tentative map as defined in California Government Code section 66424.5, or a development, as defined in California Government Code section 65927, that was approved by the Board prior to the receipt of notification from a recycled water producer pursuant to California Government Code section 65604, or (ii) a subdivision map application deemed complete pursuant to California Government Code section 65493 prior to the Board's receipt of notification from a recycled water producer pursuant to California Government Code section 65604.

For purposes of this subsection, the following definitions apply: (1) "designated recycled water

use area" means areas within the boundaries of the East Bay Municipal Utility District ("EBMUD") that can or may in the future be served with recycled water in lieu of potable water and are so designated by EBMUD; (2) "landscaping" means the design and improvement of common areas as provided or described in the tentative subdivision or parcel map, including, but not limited to, the installation, application or operation of vegetated areas, lawns, trees, golf courses, parks, greenbelts, landscaped streets, and landscaped medians; (3) "potable water" means water that conforms to federal, state, and local agency standards for human consumption; (4) "recycled water" means water that, as a result of treatment, is suitable for direct beneficial use or controlled use that would not otherwise occur. This term is used interchangeably with "reclaimed water"; (5) "water reuse system" means a system intended for the delivery of recycled water separate from any potable water distribution system, including, but not limited to, pipelines, pumps and reservoirs. The system controls the source of supply to the point of connection with a building or structural lateral supply pipeline, intended for the delivery of recycled water. The system also complies with all material and construction specifications contained in applicable federal, state, and local laws.

- (4) Failure to make timely determination. If no action is taken upon a Tentative Map by the Board within the time limits specified in this ordinance or any authorized extension thereof, the Tentative Map as filed shall be deemed to be approved insofar as it complies with other applicable requirements of this ordinance and it shall be the duty of the Secretary of the Board to certify such approval.

#### **Article 6. REQUIREMENTS FOR IMPROVEMENTS.**

The requirements of other applicable Port ordinances establishing standards and restrictions regulating the use of land the design and construction of structures of other improvements, in addition to the following requirements for proposed improvements, shall apply to all subdivisions.

- (1) Streets. The arrangement, character, extent, width, grade and location of all streets shall conform to applicable general and specific plans and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their

appropriate relation to the proposed uses of the land to be served by such streets.

Where a proposed street is not shown in the applicable general or specific plan the arrangement of streets in a subdivision shall either:

- (a) Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
- (b) Conform to an area plan approved or adopted by the Board to meet a particular situation where conditions make continuance or conformance to existing streets impracticable.

Local streets shall be so laid out that their use by through traffic will be discouraged.

No street names shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the Board.

- (2) Easements. Easements across lots or centered on rear or side lot lines shall be provided for utilities where designated by the Chief Engineer.
- (3) Blocks. The length, widths, and shapes of blocks shall be determined with due regard to:
  - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - (b) Port requirements as to lot sizes and dimensions;
  - (c) Needs for convenient access, circulation, control and safety of street traffic.
- (4) Lot Sizes. Lot sizes shall be governed by the following requirements:
  - (a) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking facilities required by the type of use and development contemplated;
  - (b) Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets;
  - (c) Each lot shall abut on a public street;

- (d) Double frontage and reverse frontage lots should be avoided except where essential to provide separation of development from traffic arteries or to overcome specific disadvantages or orientation. A planting screen easement across which there shall be no right of access shall be provided along the line of lots abutting such a traffic artery; and
  - (e) Side lot lines shall be substantially at right angles or radial to street lines.
- (5) Public Sites and Open Spaces. Where deemed essential by the Board and in conformity with Sections 66475 - 66478 and Sections 66479 - 66482 of the Subdivision Map Act, the Board may require dedication or reservation of open areas or other public uses (including access to or along the waterfront) of a character, extent and location suitable to the needs created by such development or as required by Sections 66478.4 - 66478.14 of the Subdivision Map Act.
  - (6) Utility and Street Improvements. Utility and street improvements shall be provided in each new subdivision in accordance with the standards and requirements established by the Chief Engineer.
  - (7) Exceptions to Requirements. The Board may in the exercise of reasonable judgment grant such variances as it determines warranted where the size of the subdivision or topographic conditions of the property make it impractical to conform to all of the provisions prescribed by this ordinance; provided, however, that no variance may be made to any requirements imposed by the Subdivision Map Act.

**Article 7. FINAL MAPS.**

- (1) Preparation and Filing. Within one (1) year after the date of the approval or conditional approval of the Tentative Map by the Board the subdivider shall cause the proposed subdivision to be accurately surveyed in accordance with the Tentative Map and with any and all alterations or changes required therewith. Within said period the subdivider shall file with the Chief Engineer a Final Map with necessary duplicate tracings and paper prints of the land division conforming in all particulars to the provisions of the Subdivision Map Act and of this ordinance as required by the Chief Engineer. A statement as to the nature and type of street and drainage improvements to be constructed, together with the necessary sets of complete plans, profiles, details and specifications for such improvement shall also be filed.

If the subdivider fails to file such a Final Map with the Chief Engineer within one (1) year after the date of the approval or conditional approval of the Tentative Map by the Board, the Tentative Map shall expire. Upon application of the subdivider filed prior to the expiration of such Tentative Map, the time at which such map expires may be extended by the Board for a period or periods not exceeding a total of two (2) years.

- (2) Information in Final Maps. Every Final Map shall be drawn at a scale of one (1) inch equals one hundred (100) feet or less, on a sheet or sheets eighteen (18) by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown. A Final Map shall contain the information required by Appendix A.
- (3) Preliminary Soil Report. Prior to the submission of the Final Map the subdivider shall file with the Chief Engineer a preliminary soil report, prepared by a civil engineer who is registered by the State of California, based on such examination, borings, excavations and tests, as may be necessary. This report shall specify what measures are necessary so that any proposed grading will result in slopes that are in accordance with good engineering practices and are reasonably stable against sliding and excessive erosion. The report shall state whether critically expansive soils are present, and shall indicate any other characteristics of the soil which may create hazards or problems, and recommend what measures are necessary to avoid these hazards or problems. The preliminary soil report may be waived if the Chief Engineer shall determine that, due to his knowledge of the soil qualities of the subdivision site and the amount of grading work involved, no preliminary analysis is necessary.
- (4) Grading Work. All grading work shall be done under the direction of a civil engineer, registered by the State of California. Prior to the acceptance of the subdivision improvements, said civil engineer shall file with the Chief Engineer a certificate stating:
  - (a) That the grading work was done under his direction and in accordance with the recommendations of the preliminary report, if a preliminary report was required, or with such modifications thereof, if any, as may have been made by him. All modifications made

by the civil engineer shall be specifically set forth in his certificate.

- (b) That in his professional opinion the graded slopes are in accordance with good engineering practices and are reasonably stable against sliding.
- (c) That adequate measures have been taken to prevent erosion on the site, and/or deposition of eroded material on the site or on lower or adjacent properties.
- (d) The magnitude of the total settlements and differential settlements which are likely to occur, the allowable loads or bearing pressure which may be imposed, and that compaction is adequate for the uses proposed for the property and to develop the recommended bearing pressures.
- (e) Any limitations which should be imposed on the development of the property because of soil conditions, including the designation of such areas as he may determine to be unsafe for building.

The Chief Engineer may reject a certification which in the Chief Engineer's judgment does not adequately meet the requirements of this section (4).

- (5) Soil Investigation. If the preliminary soil report indicates the presence of critically expansive soils, instability of slopes, or other soil problems which may lead to structural damage, a soil investigation of each lot in the subdivision shall be made by a civil engineer who is registered by the State of California. The soil investigation shall be made after grading, and a report shall be submitted recommending corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the subdivision. Copies of the report shall be filed with the Chief Engineer. The information contained in the report of the soils investigation may be included in the certificate respecting the grading work.
- (6) Approval of Soil Reports. The Chief Engineer shall approve or disapprove the recommendations for corrective action to prevent structural damage to each structure to be constructed on each lot in the subdivision. Appeal from the Chief Engineer's disapproval shall be to the Board. The building permit shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of each structure.

- (7) Construction of Improvements. No Final Map shall be presented to the Board by the Chief Engineer for approval until the subdivider either completes the required improvements or enters into a contract with the Board agreeing to do such work and files with the Board improvement security approved by the Port Attorney. "Improvement security" means one or more of the following: (1) a cash deposit or deposits made with the Port; (2) a bond or bonds by one or more duly authorized corporate securities in the form required by the Subdivision Map Act; or (3) an instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment. Said improvement security shall be in the amounts, in addition to costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the Board in successfully enforcing the obligation secured, and for the following purposes: (a) An amount determined by the Board, not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement or contract; (b) an additional amount determined by the Board not less than 50 percent nor more than 100 percent of the total estimated cost of the improvement securing payment to the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement; and (c) an amount determined by the Board necessary for the guarantee and warranty for the work for a period of one (1) year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.
- (8) Installation of Monuments. Before the Board shall approve a Final Map approved permanent monuments shall be set at the locations indicated on the map and in conformity with Sections 66495-66496 of the Subdivision Map Act and with the Chief Engineer's specifications, or appropriate guarantee shall be included as an improvement under Section (7) of this Article 7. Monuments shall be installed at street intersections, between street intersections where necessary to preserve the street alignment and the angle points along the exterior boundaries where necessary. Deferred settings shall comply with the procedures provided by Sections 66496-66498 of the Subdivision Map Act.
- (9) Checking Engineering Information on Final Map. The subdivider shall furnish the Chief Engineer copies of the field notes, traverse sheets and all other data necessary to ascertain that the Final Map is technically correct. When the Final Map is presented to the Chief Engineer, the



subdivider shall pay a fee to the Port to cover the cost of checking the information shown on the Final Map in the sum of fifty dollars (\$50.00) plus one dollar (\$1.00) for each numbered lot shown on said Final Map. The Chief Engineer shall complete and file with the Secretary of the Board within twenty (20) days after receiving the Final Map and other required information, the certificate required by Paragraph 27 of Appendix A.

(10) Reversion to Acreage.

(a) Upon a title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words "Reversion to Acreage of \_\_\_\_\_." (insert legal description of the land being reverted).

(b) No dedication for street or other public purposes shall be required as a condition of approval of a Reversion to Acreage Map.

(c) Maps recorded solely for the purpose of combining portions of vacated streets with adjoining lots shall be treated procedurally as Reversion to Acreage Maps.

(11) Application of Final Map Provisions. Except as otherwise provided in this ordinance, the provisions and procedures relating to Final Maps shall apply to all land divisions.

(12) Action on Final Map and Dedication of Land for Public Use. When all the certifications which are required on the Final Map (except the approval certificate of the Secretary of the Board) have been signed and, where necessary, acknowledged the Final Map may be filed with the Secretary of the Board for approval by the Board. The Board shall approve or disapprove the Final Map and shall request that the Oakland City Council accept or reject any or all offers of dedication of land for public use. If the Board disapproves a Final Map it shall accompany its disapproval with findings identifying the requirements or conditions which have not been made or performed. The Board shall approve the Final Map if it finds that the Final Map is in substantial compliance with the previously approved Tentative Map. The Secretary of the Board shall certify on the map the action taken by the Board.

**Article 8. PARCEL MAPS.**

(1) When Required. Except as provided by subsections (2) and (3) below, a Parcel Map shall be required in all divisions of real property described by subsections (a), (b), (c) or

(d) of Section 66426 of the Subdivision Map Act or for other subdivisions for which a Final Map is not required.

- (2) Waiver of Parcel Map. The requirements of a Parcel Map may be waived by the Executive Director if the Executive Director finds that the proposed division of land complies with the requirements of this ordinance and the Subdivision Map Act as to consistency with general or specific plans, area, improvement and design, flood water and drainage control, street improvement, sanitary disposal facilities, water supply availability, environmental protection and any other requirements of this ordinance and the Subdivision Map Act. Requests for waiver shall be accompanied by a \$15.00 processing fee. If a Parcel Map is required, the \$15.00 fee shall be deducted from the Parcel Map filing fee.
- (3) Contents of Tentative Parcel Map. A Tentative Parcel Map, prepared by a registered civil engineer or licensed land surveyor, shall be filed with the Secretary of the Board. A Tentative Parcel Map shall contain the information required by Appendix.
- (4) Filing Fee and Review of Tentative Parcel Map. Five (5) prints of a Tentative Parcel Map, prepared in conformance with this ordinance shall be filed with the Secretary of the Board, together with payment of a filing fee of \$50.00. The Secretary of the Board shall refer to the Chief Engineer of the Port the Tentative Parcel Map for review and reporting. The Chief Engineer shall submit to the Executive Director a report and recommendation. The Executive Director, within fifty (50) days after the Secretary's receipt of the Tentative Parcel Map meeting all requirements of this ordinance, shall act upon the map and thereafter notify the subdivider that the map is: (a) approved, (b) conditionally approved, or (c) disapproved. The Executive Director shall not approve the Tentative Parcel Map or Parcel Map unless he finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the City of Oakland General Plan and any applicable Port specific plan. If the Executive Director fails to act within the prescribed time limit, the Tentative Parcel Map shall be deemed approved.

The time limits prescribed herein for acting upon a Tentative Parcel Map may be extended by mutual consent of the subdivider and the Executive Director.

- (5) Preliminary Soil Report. Prior to the submission of the Parcel Map the subdivider shall file with the Chief Engineer a preliminary soil report prepared in accordance with the provisions of Section (3) of Article 7 of this

ordinance, unless waived in accordance with said Section (3).

- (6) Contents of Parcel Map. A Parcel Map, prepared by a registered civil engineer or licensed land surveyor in compliance with all of the provisions pertaining to the approval of such maps in the Subdivision Map Act, the Land Surveyors Act and this ordinance, and containing the certificates required by the Subdivision Map Act, shall be filed subsequent to a Tentative Parcel Map. Such Map shall consist of one or more 18-inch by 26-inch sheets with 1-inch margin along each side and shall conform to all provisions of Section 66445 of the Subdivision Map Act. The Parcel Map shall contain the information required by Appendix A.
- (7) Parcel Map Filing and Map Check. Two (2) prints of a Parcel Map prepared in conformance with Section (6) of this Article 8 shall be filed with the Chief Engineer within one (1) year from the date of approval or conditional approval of the Tentative Parcel Map, or within such additional time as may be granted by the Executive Director, not exceeding a total of two (2) years. Failure to file a Parcel Map within these time limits shall nullify the previous approval or conditional approval of the Tentative Parcel Map.

Within twenty (20) days after receiving the Parcel Map prints or within such additional time as may be reasonably necessary, the Chief Engineer shall examine it for the survey information shown thereon and for substantial conformance with the approved Tentative Parcel Map. If he is satisfied that it is technically correct and in conformance, he shall notify the subdivider that a transparency of the Parcel Map may be submitted, and the Chief Engineer shall sign the appropriate certificate thereon. The divider shall promptly thereafter furnish the Chief Engineer with the following copies for the Port's permanent files: one (1) Mylar duplicate tracing and one (1) paper print.

The procedure for approval or disapproval of Parcel Maps and modification shall be the same for Parcel Maps as provided by this ordinance for Final Maps, except that the Executive Director shall act instead of the Board.

#### **Article 9. COMPLIANCE.**

- (1) Technical and Inadvertent Error. A map which fails to satisfy the provisions of this ordinance as the result of a technical and inadvertent error may be approved if the Board or Executive Director, as appropriate, determines

that the error does not materially affect the validity of the map.

- (2) Notice of Violation. Whenever the Port has knowledge that real property has been divided in violation of the provisions of this ordinance or of the Subdivision Map Act it shall cause to be filed for record with the recorder of the County of Alameda, notices of violation in accordance with Section 66499.36 of the Subdivision Map Act, describing the real property in detail, naming the owner thereof and describing the violation. Such notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property.
- (3) Certificate of Compliance. A certificate of compliance shall be issued and recorded as provided in Section 66499.35 of the Subdivision Map Act. Application therefore shall be made to the Chief Engineer and a fee of twenty dollars (\$20.00) shall be assessed to cover the cost of issuing and recording the certificate.
- (4) Transmittal of Map to Board of Supervisors. After the Board approves a Final or Parcel Map the Secretary shall transit the map to the Clerk of the Alameda County Board of Supervisors for ultimate filing with the County Recorder.

**APPENDIX A**  
**Information Required On Tentative, Final,**  
**Tentative Parcel and Parcel Maps**

- |  |                                      |
|--|--------------------------------------|
| 1. True north arrow, scale and date.   | All Maps                             |
| 2. Name and address of subdivider, record owners and surveyor or civil engineer preparing the map.   | All Maps                             |
| 3. Location and name, tract number or other description of subdivision according to the real estate records of the County Recorder of Alameda County.  | All Maps                             |
| 4. Boundary line of the tract to be subdivided.  | All Maps                             |
| 5. Tract number or names of adjacent subdivisions or names of record owners of adjoining parcels of unsubdivided land.   | Tentative & Tentative<br>Parcel Maps |
| 6. Location, width and names of all existing or platted streets of other public ways within, adjacent to or intersection the boundary of the tract.  | All Maps                             |
| 7. Location, size and names of any existing structure or features to remain on parcels.  | Tentative & Tentative<br>Parcel Maps |
| 8. Existing sewers, culverts or underground structures within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated.  | Tentative & Tentative<br>Parcel Maps |
| 9. Contours with intervals of five (5) feet or less referred to Port of Oakland Datum (the equation between Port of Oakland Datum and City of Oakland Datum shall be shown); sufficient elevation shall be shown to determine slope of land and drainage features. | Tentative & Tentative<br>Parcel Maps |

- |  |                                      |
|--|--------------------------------------|
| 10. Layout of proposed lots, dimensions, square footage and numerical or alphabetical designation of each parcel.  | All Maps                             |
| 11. Location, layout, purpose, names and width of all existing and proposed public and private easements including streets .....   | All Maps                             |
| 12. Indication of any land or portions thereof with the boundaries of a proposed subdivision or adjacent thereto subject to overflow, inundation or flooding by storm or tidal waters.                 | Tentative & Tentative<br>Parcel Maps |
| 13. Proposed vehicular access to each parcel.  | Tentative & Tentative<br>Parcel Maps |
| 14. All parcels of land intended to be dedicated for public use or reserved for use of property owners in the proposed subdivision, with purposes indicated thereon.                                   | All Maps                             |
| 15. Profile of each proposed street with tentative grades.   | Tentative Map                        |
| 16. Cross sections of proposed streets showing the width of roadways, location and width of sidewalks.   | Tentative Map                        |
| 17. Provisions of drainage, flood control, sewage disposal and water supply. Plan and profile of proposed sanitary and storm water sewers and other public utilities, with grades and sizes indicated. | Tentative & Tentative<br>Parcel Maps |
| 18. The amount of street grading, paving, curbing and sidewalk and storm, sanitary and other improvements proposed to be constructed.  | Tentative Map                        |

- |  |                       |
|--|-----------------------|
| 19. Proposed land use, development density. Any restrictions as to use, occupancy of land, building setback lines, value of construction etc., as imposed by subdivider.   | All Maps              |
| 20. Locations, distances and bearings for tract and parcel boundary lines, established street lines or official monuments which shall be accurately tied to the lines of the subdivision by said distances and bearings.         | Final and Parcel Maps |
| 21. Lengths of all arcs, radii, internal angles, points of curvature, length and bearings of the tangents.   | Final and Parcel Maps |
| 22. Location of public access to and/or along waterfront, if applicable.   | All Maps              |
| 23. Reference to soils report, if prepared, including date of the report and name of engineer making the report.   | Final Map             |
| 24. A certificate as required by Section 66436 of the Subdivision Map Act, signed and acknowledged by all parties having any record title interest in the land subdivided consenting to preparation and recordation of said map. | Final Map             |
| 25. A certificate as required by Section 66439 of the Subdivision Map Act, signed and acknowledged as above, offering for dedication for certain specified public uses those parcels to be dedicated.                            | Final Map             |

- |  |  |
|--|--|
| <p>26. A certificate as required by Section 66441 of the Subdivision Map Act, by the engineer or surveyor stating that the survey is a true copy and complete, that monuments are of character and occupy positions indicated, and that the survey can be retraced from monuments and data provided.</p> | <p>Final Map</p>                                 |
| <p>27. A certificate as required by Section 66442 of the Subdivision Map Act, by the Chief Engineer stating that he has examined the Final Map and it: 1) is in accord with the Tentative Map, 2) complies with the Subdivision Map Act and this ordinance, and 3) is technically correct.</p>           | <p>Final Map</p>                                 |
| <p>28. A certificate as required by Section 66440 of the Subdivision Map Act, for execution by the Secretary of the Board stating that the Board approved the Final Map.</p>   | <p>Final Map</p>                                 |
| <p>29. Any protective covenants in form for recording.</p>   | <p>Final and Parcel Maps</p>                     |
| <p>30. Other certificates, affidavits, endorsements, or stipulations as may be required by the Port in the enforcement of rules And Regulations.</p>   | <p>Final and Parcel Maps</p>                     |
| <p>31. Location, type and trunk diameter of trees measuring at least twelve (12) inches in diameter at a location four (4) feet above grade.</p>   | <p>Tentative &amp; Tentative<br/>Parcel Maps</p> |
| <p>32. Certificates of surveyor, owner, Chief Engineer, Secretary of the Board and County Recorder as required by Sections 66445, 66449 and 66450 of the Subdivision Map Act.</p>  | <p>Parcel Map</p>                                |

Any required information which is impossible or impractical to place on maps shall be submitted in writing with the maps.



**Section 2.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Port Commissioners of the City of Oakland hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

In Board of Port Commissioners, Oakland, California, May 7, 2002.  
Passed to print for one day by the following vote: Ayes:  
Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe  
and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

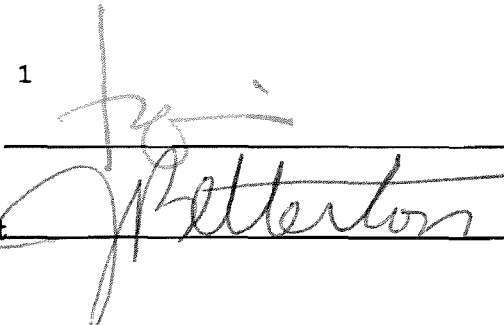
Adopted at a regular meeting held May 21, 2002

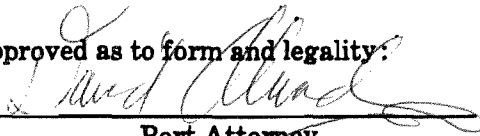
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer,  
Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

Attest  \_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. **93225**

## PROOF OF PUBLICATION

the matter of:

### PORT ORDINANCE NO. 3700

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MAY 15, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hammer Seble*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601  
Legal No. 93225

Wednesday, May 15, 2002

## PROOF OF PUBLICATION

the matter of:

All Maps and City Council accept or  
If the Board disapproves a other description of subdivision according  
Executive Director shall act instead of 30. Other certificates, affidavits,  
endorsements, or stipulations as may be  
required by the Port in the enforcement of  
Final and Parcel Maps  
31. Location, type and trunk diameter of  
trees measuring at least twelve (12) inches  
in diameter at a location four (4) feet above  
grade.  
32. Certificates of survey, owner, Chief  
Engineer, Secretary of the Board and  
County Recorder as required by Sections  
66445, 66449 and 66450 of the Subdivision  
Map Act.  
Any required information which is  
impossible or impractical to place on maps  
shall be submitted in writing with the  
maps.  
Such notice, when recorded,  
shall be deemed to be constructive notice of  
violation to all successors in interest in  
property.  
A certificate of Compliance shall be issued and recorded  
in Section 66499.35 of the  
Division Map Act. Application  
made to the Chief  
Commissioners of the City of Oakland  
hereby declares that it would have passed  
this ordinance, clause and phrase  
and recording the certificate.  
The cost  
(0) shall be assessed to cover the cost  
of a fee of twenty dollars  
per and a fee of twenty dollars  
Application shall be made to the Chief  
Commissioners of the City of Oakland  
hereby declares that it would have passed  
this ordinance, clause and phrase  
and recording the certificate.

Technical and Inadvertent Error. A  
which fails to satisfy the provisions of  
ordinance as the result of a technical  
Board or Executive Director, as  
inadvertent error may be approved if  
partially affect the validity of the map.  
32. Certificates of survey, owner, Chief  
Engineer, Secretary of the Board and  
County Recorder as required by Sections  
66445, 66449 and 66450 of the Subdivision  
Map Act.  
Any required information which is  
impossible or impractical to place on maps  
shall be submitted in writing with the  
maps.  
Such notice, when recorded,  
shall be deemed to be constructive notice of  
violation to all successors in interest in  
property.  
A certificate of Compliance shall be issued and recorded  
in Section 66499.35 of the  
Division Map Act. Application  
made to the Chief  
Commissioners of the City of Oakland  
hereby declares that it would have passed  
this ordinance, clause and phrase  
and recording the certificate.  
The cost  
(0) shall be assessed to cover the cost  
of a fee of twenty dollars  
per and a fee of twenty dollars  
Application shall be made to the Chief  
Commissioners of the City of Oakland  
hereby declares that it would have passed  
this ordinance, clause and phrase  
and recording the certificate.

Section 2. If any section, subsection,  
sentence, clause or phrase of this ordinance  
is for any reason held to be invalid or  
unconstitutional, such decision shall not  
affect the validity of the remaining portions  
of this ordinance. The Board of Port  
Commissioners of the City of Oakland  
hereby declares that it would have passed  
this ordinance, clause and phrase  
and recording the certificate.  
The cost  
(0) shall be assessed to cover the cost  
of a fee of twenty dollars  
per and a fee of twenty dollars  
Application shall be made to the Chief  
Commissioners of the City of Oakland  
hereby declares that it would have passed  
this ordinance, clause and phrase  
and recording the certificate.

Each bidder must supply all the information required by the bid documents and specifications.  
All labor on the project shall be paid no less than the minimum wage rates established by the U.S. Secretary of Labor or by the Director of the Department of Industrial Relations of the State of California, whichever is higher, for the particular crafts, classifications or types of workers employed on the project, which are in effect at the time of advertising for bids.  
The proposed contract is under and subject to Executive Order 11246, as amended, of September 24, 1965, and to the Equal Employment Opportunity (EEO) and Federal labor Provisions.  
The Port of Oakland's Non-Discrimination and Small/Local Business Utilization Policy including preference points allocation for local business, does not apply to this project.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.

Each bidder must supply all the information required by the bid documents and specifications.  
All labor on the project shall be paid no less than the minimum wage rates established by the U.S. Secretary of Labor or by the Director of the Department of Industrial Relations of the State of California, whichever is higher, for the particular crafts, classifications or types of workers employed on the project, which are in effect at the time of advertising for bids.  
The proposed contract is under and subject to Executive Order 11246, as amended, of September 24, 1965, and to the Equal Employment Opportunity (EEO) and Federal labor Provisions.  
The Port of Oakland's Non-Discrimination and Small/Local Business Utilization Policy including preference points allocation for local business, does not apply to this project.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.

Each bidder must supply all the information required by the bid documents and specifications.  
All labor on the project shall be paid no less than the minimum wage rates established by the U.S. Secretary of Labor or by the Director of the Department of Industrial Relations of the State of California, whichever is higher, for the particular crafts, classifications or types of workers employed on the project, which are in effect at the time of advertising for bids.  
The proposed contract is under and subject to Executive Order 11246, as amended, of September 24, 1965, and to the Equal Employment Opportunity (EEO) and Federal labor Provisions.  
The Port of Oakland's Non-Discrimination and Small/Local Business Utilization Policy including preference points allocation for local business, does not apply to this project.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.

Each bidder must supply all the information required by the bid documents and specifications.  
All labor on the project shall be paid no less than the minimum wage rates established by the U.S. Secretary of Labor or by the Director of the Department of Industrial Relations of the State of California, whichever is higher, for the particular crafts, classifications or types of workers employed on the project, which are in effect at the time of advertising for bids.  
The proposed contract is under and subject to Executive Order 11246, as amended, of September 24, 1965, and to the Equal Employment Opportunity (EEO) and Federal labor Provisions.  
The Port of Oakland's Non-Discrimination and Small/Local Business Utilization Policy including preference points allocation for local business, does not apply to this project.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.

Each bidder must supply all the information required by the bid documents and specifications.  
All labor on the project shall be paid no less than the minimum wage rates established by the U.S. Secretary of Labor or by the Director of the Department of Industrial Relations of the State of California, whichever is higher, for the particular crafts, classifications or types of workers employed on the project, which are in effect at the time of advertising for bids.  
The proposed contract is under and subject to Executive Order 11246, as amended, of September 24, 1965, and to the Equal Employment Opportunity (EEO) and Federal labor Provisions.  
The Port of Oakland's Non-Discrimination and Small/Local Business Utilization Policy including preference points allocation for local business, does not apply to this project.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.  
DBE's as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this agreement.

which the annexed is a printed copy, was published in every issue  
of the OAKLAND TRIBUNE, on the following dates:

MAY 15, 2002

## PUBLIC NOTICE

undersigned below, deposes and says that he/she was the public  
Advertising Clerk of the OAKLAND TRIBUNE a newspaper of  
Alameda County of the State of  
California, County of Alameda (Order Nos. 23798, December 4,  
) which is published and circulated in Oakland Township in said  
County and state seven days a week.

PORT ORDINANCE NO. 3700

certify (or declare) under the penalty of perjury that the foregoing is  
true and correct.

Public Notice Advertising Clerk

Handwritten signature: *Thomas Seble*

CT  
10-  
1A-

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3699**

**AN ORDINANCE ESTABLISHING GENERAL RULES AND  
REGULATIONS GOVERNING USE AND DISTRIBUTION  
OF RECYCLED WATER.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1. FINDING AND INTENT.**

The Board of Port Commissioners of the City of Oakland ("Board") finds that:

- a) Statewide policies contained in the California Water Code attempt to prevent the waste and unreasonable use of water. In appropriate circumstances, using potable water for landscaping and other non-potable uses may be considered unreasonable where recycled water of suitable quality is available, use of said recycled water is economically justified and provision thereof is technically and financially feasible.
- b) The Port of Oakland ("Port") is dependent on limited imported, well, or surface water. The Port must consider the long-term reliability of local and imported supplies. By developing and utilizing recycled water, the Port's need for additional well, imported, surface, or ground water may be reduced.
- c) State law mandates that local water agencies, which provide recycled water to cities and counties within their jurisdictions, designate "recycled water use areas." The East Bay Municipal Utility District ("EBMUD") has informed the Port that recycled water will be available to the Port and that EBMUD's designated recycled water use areas will include portions of the Port Area. A complete list of EBMUD's designated recycled water use areas, and the precise geographic boundary descriptions and maps of such areas shall be filed with and maintained by the Port Engineering Permits Section.
- d) State law mandates that cities and counties which have recycled water available to them and are part of designated recycled water

use areas, adopt and enforce an ordinance that meets certain requirements.

- e) In light of these findings, this Ordinance is necessary to protect and enhance public health and safety and economic development.
- f) This Ordinance meets the mandate by, *inter alia*, making certain findings and establishing general rules and regulations governing use and distribution of recycled water.
- g) Port Ordinance No. 2124, "An Ordinance Establishing Rules and Regulations for the Subdivision of Land and the Filing and Approval of Subdivision Maps, and Establishing Fees in Connection Therewith," shall also be modified to conform herewith.

## **Section 2. POLICY AND PURPOSE.**

- a) It is the policy of the Board that recycled water determined to be available pursuant to California Water Code section 13550 shall be used for non-potable uses within designated recycled water use areas in the Port Area when the Port determines that there is not an alternative higher or better use for the recycled water, and use thereof is economically justified and is financially and technically feasible for projects under consideration by the Board.
- b) This Ordinance does not apply to either of the following:
  - 1) A tentative map as defined in California Government Code section 66424.5, or a development as defined in California Government Code section 65927, that was approved by the Board prior to the receipt of notification from a recycled water producer pursuant to California Government Code section 65604.
  - 2) A subdivision map application that is deemed complete pursuant to California Government Code section 65493 prior to the Board's receipt of notification from a recycled water producer pursuant to California Government Code section 65604.

## **Section 3. DEFINITIONS.**

The words, terms, and phrases hereinafter in this section defined shall, whenever used in this Ordinance, have the meaning set forth in this section, unless the context requires a different meaning:

- 1) "CEQA" means the California Environmental Quality Act.
- 2) "Designated recycled water use area" means areas within the boundaries of EBMUD that can or may in the future be served with recycled water in lieu of potable water and are so designated by EBMUD.

3) "Development entitlement application" means an application for a project or activity requiring approval of the project's land use or an activity associated with the implementation or construction of a project and where the Board has discretionary approval authority over such application or project, including, but not limited to, applications for or projects requiring a tentative or parcel map pursuant to California Government Code section 66426.

4) "Landscaping" means the design and improvement of common areas as provided or described in the development entitlement application, including, but not limited to, the installation, application or operation of vegetated areas, lawns, trees, golf courses, parks, greenbelts, landscaped streets, and landscaped medians.

5) "Non-potable water" means water that is unsuitable for human consumption, including groundwater or surface water which may be used for a beneficial purpose in compliance with applicable federal, state, and local laws defining standards for non-potable water uses.

6) "Port Area" means that area defined in Article VII, Section 725 of the Charter of the City of Oakland.

7) "Potable water" means water that conforms to federal, state, and local agency standards for human consumption.

8) "Recycled water" means water that, as a result of treatment, is suitable for direct beneficial use or controlled use that would not otherwise occur. This term is used interchangeably with "reclaimed water."

9) "Recycled water use area" means a geographic area identified by the EBMUD and for which recycled water is either currently available or is expected to be available within ten years of the effective date of this Ordinance.

10) "Water reuse system" or "Recycled water distribution system" means a system intended for the delivery of recycled water separate from any potable water distribution system, including, but not limited to, pipelines, pumps and reservoirs. The system controls the source of supply to the point of connection with a building or structural lateral supply pipeline, intended for the delivery of recycled water. The system also complies with all material and construction specifications contained in applicable federal, state, and local laws.

#### **Section 4. GENERAL RULES AND REGULATIONS.**

a) Save for development entitlement applications on file with the Board on or before December 31, 2001 and as provided in Section 2 b) and Section 4 e) of this Ordinance, all development entitlement

applications filed with the Board for projects which are in a recycled water use area in the Port Area and are:

- 1) greater than five (5) acres; or
- 2) greater than 200,000 square feet in floor area; or
- 3) a portion of an area of aggregate development potential greater than five (5) acres or 200,000 square feet in floor area shall be referred by the Board to EBMUD for determination and possible designation of requirements for water reuse. The threshold requirements listed under Section 4 are to be considered guidelines only. The Board may use its discretion to change these threshold requirements when appropriate.

b) All development entitlement applications subject to Section 4 a) presented to the Board for approval shall be referred to EBMUD as soon as it may be reasonably done after the Board receives such a development entitlement application (but in no event more than thirty (30) days after such an application is determined or deemed complete by the Board).

c) Except as provided in section 4 d), no development entitlement application subject to Section 4 a) will be approved by the Board until

- 1) the Board receives written notification of all requirements imposed and required by EBMUD for non-potable water facilities,
- 2) such requirements are reviewed and considered by the Board for inclusion as a condition or otherwise in any approval of the pending application, and
- 3) the Board determines whether there is not an alternative higher or better use for the recycled water, its use is economically justified, and its use is financially and technically feasible for the landscaping, and other non-potable uses, of such development.

d) Should EBMUD fail to provide the written notification described in section 4 c) 1) within thirty (30) days of the date on which the Board referred said application to EBMUD, the Board will deem that EBMUD has determined not to require water reuse and may consider the involved pending application for approval.

e) With respect to development entitlement applications subject to Section 4 a) for which a tentative or parcel map is required pursuant to California Government Code 66426, the Board determines that recycled water is available and a water reuse system, separate and distinct from the plumbing system used to serve domestic,

residential and other potable uses, shall be required to serve or provide for landscaping and other non-potable uses so long as the Board makes the requisite finding under Section 4 c) 3).

f) Notwithstanding the other provisions of the section, the Board may take action at any time and approve or deny a pending development entitlement application if the said application would otherwise be deemed approved or otherwise decided by operation of law.

g) Compliance with this section shall be deemed compliance with the policy set forth in Section 2, hereof.

h) CEQA COMPLIANCE. The "Lead Agency" as defined in CEQA (California Public Resources Code §§ 21000-21177) shall have responsibility for all of the requirements therein.

**Section 5. SEVERABILITY.**

If any section, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof, is for any reason held unconstitutional, invalid, or ineffective by any court of competent jurisdiction, said decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase herein, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton, Secretary of the Board

**Adopted at a regular meeting held May 21, 2002**

**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

**Noes:** None

**Absent:** Commissioner Scates - 1

\_\_\_\_\_  
President.  
Attest John T. Betterton  
Secretary.

Approved as to form and legality:  
[Signature]  
Port Attorney



# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. **93161**

ING

## PROOF OF PUBLICATION

:

the matter of:

aste  
nd-  
ater  
ovi-

### PORT ORDINANCE NO. 3699

ter.  
ing  
ind

nd  
ci-  
he  
prt  
lo-  
by

m  
at  
c  
g  
The undersigned below, deposes and says that he/she was the public  
Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of  
general circulation as defined by Government Code Section  
5000 adjudicated as such by the Superior Court of the State of  
California, County of Alameda (Order Nos. 237798, December 4,  
1951) which is published and circulated in Oakland Township in said  
county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue  
of the OAKLAND TRIBUNE, on the following dates:

**MAY 15, 2002**

certify (or declare) under the penalty of perjury that the foregoing is  
true and correct.



Public Notice Advertising Clerk

u  
o  
5  
p



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 3698**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 2833 RELATING TO MODIFICATION OF BASIC CRANE RENTAL RATES, DELETING CRANES NOS. X-423, X-441 AND X-442 AND ADDING NEW CRANES NOS. X-434, X-435, X-C14, X-C15, X-C16, X-C17, X-C18 AND X-C19 TO TARIFF NO. 2-A.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The rental provisions of Item No. 09150 of Port Ordinance No. 2833 are hereby amended to read as follows:

TERMINAL LOCATION: TRANS BAY CONTAINER TERMINAL BERTHS 25-26					ITEM NO.
PORT CRANE NO.	X-411	X-412	X-434	X-435	09150
TYPE	PACECO	PACECO	ZPMC	ZPMC	
Preferential Assignee:	International Transportation Services	International Transportation Services	International Transportation Services	International Transportation Services	
Rental Basis Per Lift:	Loaded or Empty TEU	Loaded or Empty TEU	Loaded or Empty TEU	Loaded or Empty TEU	
Basic Rental:	\$ 11.55	\$ 11.55	\$ 13.00	\$ 13.00	
Additional: Maintenance & Repair: Power:	\$ 3.50 .50	\$ 3.50 .50	\$ 3.50 .70	\$ 3.50 .70	
Total Rental:	\$ 15.55	\$ 15.55	\$ 17.20	\$ 17.20	
Subject to Notes:	1, 2, 4 & 5	1, 2, 4 & 5	1, 3, 4 & 5	1, 3, 4 & 5	

NOTE 1:	This is an electric powered traveling gantry-type container crane.
NOTE 2:	Rated capacity under the spreader of this crane is not to exceed 40,600 kg.
NOTE 3:	Rated capacity under the spreader of this crane is not to exceed 66,040 kg.
NOTE 4:	This crane can be used at Berths 23, 24, 25 and 26.
NOTE 5:	Electrical power for these cranes will be provided and billed by the Port.

Section 2. Item No. 09155 of Port Ordinance No. 2833 and Notes 2 and 3 thereto, respectively, are hereby amended to read as follows:

(a) The rental provisions are amended to read as follows:

TERMINAL LOCATION: BEN E. NUTTER TERMINAL BERTH 35-38					
PORT CRANE NO.	X-424	X-425	X-426	X-437	09155
TYPE	KOCKS	KOCKS	KOCKS	ZPMC	
Preferential Assignee:	Marine Terminals Corp.	Marine Terminals Corp.	Marine Terminals Corp.	Marine Terminals Corp.	
Rental Basis Per Lift:	Loaded or Empty TEU	Loaded or Empty TEU	Loaded or Empty TEU	Loaded or Empty TEU	
Basic Rental:	\$ 11.55	\$ 11.55	\$ 11.55	\$ 11.55	
Additional:					
Power:	\$ .70	\$ .70	\$ .70	\$ .70	
Total Rental:	\$ 12.25	\$ 12.25	\$ 12.25	\$ 12.25	
Subject to Notes:	1, 2 & 4	1, 2 & 4	1, 2 & 4	1, 3 & 4	

(b) Note 2 is amended to read as follows:  
"Rated capacity under the spreader of this crane is not to exceed 50,800 kg."

(c) Note 3 is amended to read as follows:  
"Rated capacity under the spreader of this crane is not to exceed 50,900 kg."

Section 3. Item No. 09157 of Port Ordinance No. 2833 is hereby deleted.

Section 4. Item No. 09160 of Port Ordinance No. 2833 is hereby deleted.

Section 5. Item No. 09163 of Port Ordinance No. 2833 shall be amended to change the Preferential Assignee regarding Crane Nos. X-C10, X-C11, X-C12 and X-C13 from "Hanjin Shipping Company Ltd." to "Total Terminals International, LLC" and to change Note 4 to read as follows: "Electrical power for these cranes will be provided and billed by the Port".

Section 6. A new Tariff Item No. 09164 is hereby added to Port Ordinance No. 2833, to read as follows:

TERMINAL LOCATION: SSA TERMINALS, LLC					
BERTHS 57-59					
PORT CRANE NO.	X-C14	X-C15	X-C16	X-C17	
TYPE	ZPMC	ZPMC	ZPMC	ZPMC	
Preferential Assignee:	SSA Terminals, LLC	SSA Terminals, LLC	SSA Terminals, LLC	SSA Terminals, LLC	
Rental Basis Per Lift:	Loaded or Empty TEU	Loaded or Empty TEU	Loaded or Empty TEU	Loaded or Empty TEU	09164
Basic Rental:	\$ 14.00	\$ 14.00	\$ 14.00	\$ 14.00	
Additional:					
Maintenance &	\$ 3.50	\$ 3.50	\$ 3.50	\$ 3.50	
Repair:	\$ .70	\$ .70	\$ .70	\$ .70	
Power:					
Total Rental:	\$ 18.20	\$ 18.20	\$ 18.20	\$ 18.20	
Subject to Notes:	1, 2, 3 & 4	1, 2, 3 & 4	1, 2, 3, & 4	1, 2, 3 & 4	
NOTE 1: This is an electric powered traveling gantry-type container crane.					
NOTE 2: Rated capacity under the spreader of each crane is not to exceed 66,044 kg.					
NOTE 3: This crane is capable of twin lift.					
NOTE 4: Electrical power for these cranes will be provided and billed by the Port.					

TERMINAL LOCATION: SSA TERMINALS, LLC				
BERTHS 57-59				
PORT CRANE NO.	X-C18	X-C19	This space intentionally left blank	09164
TYPE	ZPMC	ZPMC		
Preferential Assignee:	SSA Terminals, LLC	SSA Terminals, LLC		
Rental Basis Per Lift:	Loaded or Empty TEU	Loaded or Empty TEU		
Basic Rental:	\$ 14.00	\$ 14.00		
Additional:				
Maintenance & Repair:	\$ 3.50	\$ 3.50		
Power:	\$ .70	\$ .70		
Total Rental:	\$ 18.20	\$ 18.20		
Subject to Notes:	1, 2, 3 & 4	1, 2, 3 & 4		

NOTE 1: This is an electric powered traveling gantry-type container crane.

NOTE 2: Rated capacity under the spreader of each crane is not to exceed 66,044 kg.

NOTE 3: This crane is capable of twin lift.

NOTE 4: Electrical power for these cranes will be provided and billed by the Port.

Section 7. This ordinance shall take effect the later of (1) the first day after its final approval and (2) May 22, 2002.

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton, Secretary of the Board

**Adopted at a regular**

**meeting held May 21, 2002**

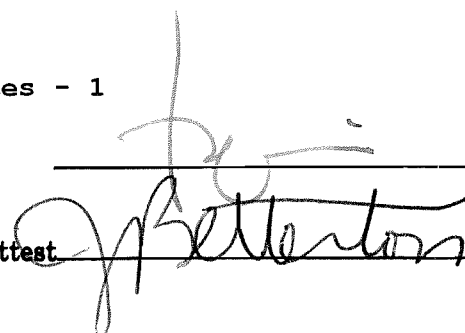
**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

**Noes:** None

**Absent:** Commissioner Scates - 1

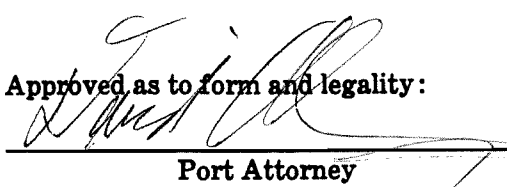
Attest



\_\_\_\_\_  
President.

\_\_\_\_\_  
Secretary.

Approved as to form and legality:



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

# The Oakland Tribune

c/o ANG Newspapers  
 401 13th Street, Oakland, CA 94612  
 Legal Advertising  
 (510) 293-2601

Legal No. **93219**

**PORT ORDINANCE AMENDMENT**  
**MODIFICATION OF BASIC**  
**423, X-441 AND X-442**  
**C14, X-C15, X-C16, X-**

BE IT ORDAINED by the Board of Port  
 City of Oakland as follows:

Section 1. The rental provisions of  
 Ordinance No. 2833 are hereby amended to read:

TERMINAL LOCATION: TRANS BAY COMPLEX BERTHS 25-26			
PORT CRANE NO.	X-411	X-412	X-413
TYPE	PACCO	PACCO	ZPMC
Preferential Assignee:	International Transportation Services	International Transportation Services	International Transportation Services
Rental Basis Per Day:	Loaded or Empty TDU	Loaded or Empty TDU	Loaded or Empty TDU
Basic Rental:	\$ 11.55	\$ 11.55	\$ 13.00
Additional:			
Maintenance & Repair:	\$ 3.50	\$ 3.50	\$ 3.50
Power:	.50	.50	.70
Total Rental:	\$ 15.55	\$ 15.55	\$ 17.20
Subject to Notes:	1, 2, 4 & 5	1, 2, 4 & 5	1, 3, 4 & 5

- NOTE 1: This is an electric powered traveling crane.
- NOTE 2: Rated capacity under the spreader of the 40,600 kg.
- NOTE 3: Rated capacity under the spreader of the 66,040 kg.
- NOTE 4: This crane can be used at Berths 23, 24
- NOTE 5: Electrical power for these cranes will be provided at the Port.

Section 2. Item No. 09155 of Port Ordinance No. 2833, as amended, and Notes 2 and 3 thereto, respectively, are hereby amended to read as follows:

(a) The rental provisions of the table above shall apply to all cranes at the Port.

Free Service Call Anytime  
 510-407-6228

Lic# 700 Bonded  
 510-489-0000

**5520 Paint/Decorative**

**1-2-3-A**

**PAINTING CO.**

★BEST PRICE  
 ★TOP QUALITY

CALL **510-407-6228**  
 Lic. 3000

**Western Paint & Co.**

**Painting & Co.**

**Exterior & Interior**

**OFF ANY**

Experience

Workmanship


Guarantee on All Jobs!

**ESTIMATES**

**8-6911**

**03**

**7-0090**



**MAST**

## PROOF OF PUBLICATION

in the matter of:

**PORT ORDINANCE NO. 3698**

I, the undersigned below, depose and says that he/she was the public notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 26000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MAY 15, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hamara Seble*

Public Notice Advertising Clerk

**95 More Readers... More Results**

Place Your Ad by Phone Monday through Friday 7:00 a.m. to 6:00 p.m.

**200 OFF**

**HOLE JOBS**

Aluminum Gutters  
 ★ Reinstall  
 ★ Repair  
 ★ Clean  
 Work Guaranteed  
 Free Estimates  
 510-406-0878

**1-800-595-9599**

More Readers  
 More Results  
 Place Your Ad by Phone  
 Mon-Fri. 7 a.m.-6 p.m.

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. **93219**

## PROOF OF PUBLICATION

in the matter of:

### PORT ORDINANCE NO. 3698

The undersigned below, deposes and says that he/she was the public notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 1000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1995) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MAY 15, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3697**

**AN ORDINANCE APPROVING AND AUTHORIZING THE  
EXECUTION OF A NON-EXCLUSIVE PREFERENTIAL  
ASSIGNMENT AGREEMENT WITH TRANS PACIFIC CONTAINER  
SERVICE CORPORATION ADDING APPROXIMATELY 12.56  
ACRES OF ADJACENT LAND TO ITS BERTH 30 PREMISES.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") hereby approves a new Non-exclusive Preferential Assignment Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **TRANS PACIFIC CONTAINER SERVICE CORPORATION** a California corporation ("Trapac"), as Assignee, whereby certain premises consisting of approximately 12.56 acres of land with improvements by the Port to include construction for grading, asphalt pavement, concrete rubber type gantry runways, storm drains, electrical system, fire system, striping of area, light poles and fixtures, fencing and gates and terminal signage, located near Berth 30, Outer Harbor Terminal Area adjacent to the premises presently occupied and used by Trapac under its existing Non-Exclusive Preferential Assignment Agreement with the Port dated June 4, 1991, Federal Maritime Commission Agreement No. 224-200563, as amended ("Existing Berth 30 Agreement"), which will allow Trapac to expand its current Berth 30 premises to create one terminal totaling approximately 45 acres, excluding berthing area, are assigned to Assignee on a non-exclusive preferential basis, to be used by Assignee, together with Trapac's premises under the Existing Berth 30 Agreement, as a containership terminal, for an initial term of approximately 17 years commencing on the later of 30 days from and after the adoption of this ordinance and any required filing of the Agreement with the Federal Maritime Commission and its effectiveness pursuant to Section 6 of the Shipping Act of 1984, and expiring on January 19, 2019, the same date as expiration of the term of the Existing Berth 30 Agreement, with one option for Assignee to extend the term by 5 years, at a compensation and other terms and conditions as set forth in Agenda Sheet Item No. 21, May 7, 2002, and such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

Section 2. The Executive Director is hereby authorized to execute and the Secretary to attest said Agreement.

Section 3. This ordinance is not evidence of and does not create or constitute (a) a contract, lease 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 Board. This ordinance approves and authorizes the execution of said Non-Exclusive Preferential Agreement in accordance with the terms of this ordinance. Unless and until a separate written Non-Exclusive Preferential Assignment Agreement 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 Assignee, there shall be no valid or effective Non-Exclusive Preferential Assignment Agreement or any other contract or agreement.

Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held May 21, 2002

By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

\_\_\_\_\_  
President.  
Attest John T. Betterton  
Secretary.

Approved as to form and legality:  
[Signature]  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800, 995-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PORT ORDINANCE NO. 3697

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798. on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**5/15/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hamere Soble  
Public Notice Advertising Clerk

Legal No. 0000093212

PORT ORDINANCE NO. 3697

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A NON-EXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH TRANS PACIFIC CONTAINER SERVICE CORPORATION ADDING APPROXIMATELY 12.56 ACRES OF ADJACENT LAND TO ITS BERTH 30 PREMISES.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves a new Non-exclusive Preferential Assignment Agreement ("Agreement") between the CITY OF OAKLAND, a municipal corporation, acting by and through the Board, and TRANS PACIFIC CONTAINER SERVICE CORPORATION a California corporation ("Trapac"), as Assignee, whereby certain premises consisting of approximately 12.56 acres of land with improvements by the Port to include construction for grading, asphalt pavement, concrete rubber type gantry runways, storm drains, electrical system, fire system, striping of area, light poles and fixtures, fencing and gates and terminal signage, located near Berth 30, Outer Harbor Terminal Area adjacent to the premises presently occupied and used by Trapac under its existing Non-Exclusive Preferential Assignment Agreement with the Port dated June 4, 1991, Federal Maritime Commission Agreement No. 224-200563, as amended ("Existing Berth 30 Agreement"), which will allow Trapac to expand its current Berth 30 premises to create one terminal totaling approximately 45 acres, excluding berthing area, are assigned to Assignee on a non-exclusive preferential basis, to be used by Assignee, together with Trapac's premises under the Existing Berth 30 Agreement, as a containership terminal, for an initial term of approximately 17 years commencing on the later of 30 days from and after the adoption of this ordinance and any required filing of the Agreement with the Federal Maritime Commission and its effectiveness pursuant to Section 6 of the Shipping Act of 1984, and expiring on January 19, 2019, the same date as expiration of the term of the Existing Berth 30 Agreement, with one option for Assignee to extend the term by 5 years, at a compensation and other terms and conditions as set forth in Agenda Sheet Item No. 21, May 7, 2002, and such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

**Section 2.** The Executive Director is hereby authorized to execute and the Secretary to attest said Agreement.

**Section 3.** This ordinance is not evidence of and does not create or constitute (a) a contract, lease 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 Board. This ordinance approves and authorizes the execution of said Non-Exclusive Preferential Agreement in accordance with the terms of this ordinance. Unless and until a separate written Non-Exclusive Preferential Assignment Agreement 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 Assignee, there shall be no valid or effective Non-Exclusive Preferential Assignment Agreement or any other contract or agreement.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #93212  
May 15, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3696**

ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR AERIAL FACILITIES ON NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT.

---

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** Based upon the information contained in Board Agenda Sheet Item No. 11S dated May 7, 2002 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to **PACIFIC GAS AND ELECTRIC COMPANY** ("PGE"), a California corporation, the following:

(1) A Grant of Easement, providing for the relocation of four PG&E poles from the CalTrans right-of-way onto Port property which is located adjacent to the shoulder of Doolittle Drive and is approximately 15,250 square feet in area;

(2) A Pacific Gas and Electric Company Tariff Schedule Agreement; and

(3) Payment for \$31,501.86 for said work as described in said Agenda Sheet;

and said agreement and easements shall contain such terms and conditions as the Executive Director or Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** The Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Guidelines Sections 15162 and 15269(c).

**Section 3.** This ordinance 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 Board. This ordinance approves and authorizes the execution of said agreement and easements in accordance with the terms of this ordinance. Unless and until a separate written agreement and easements are duly executed on behalf of the Board as authorized by this ordinance, are signed and approved as to form and legality by the Port Attorney and are delivered to PGE, there shall be no valid or effective agreement or easements.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held May 21, 2002

By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

\_\_\_\_\_  
President.  
Attest John T. Betterton  
Secretary.

Approved as to form and legality:  
Loretta Amodeo  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Let Advertising  
(800, 95-9595 opt.4

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION FILE NO.

In the matter of

### PORT ORDINANCE NO. 3696

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 70, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**5/15/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hanore Seble  
Public Notice Advertising Clerk

Legal No.

0000093200

PORT ORDINANCE NO. 3696

ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR AERIAL FACILITIES ON NORTH FIELD, OAKLAND INTERNATIONAL AIRPORT.

BE IT ORDAINED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** Based upon the information contained in Board Agenda Sheet Item No. 11S dated May 7, 2002 (herein the "Agenda Sheet"), the Board of Port Commissioners hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to PACIFIC GAS AND ELECTRIC COMPANY ("PGE"), a California corporation, the following:

(1) A Grant of Easement, providing for the relocation of four PG&E poles from the CalTrans right-of-way onto Port property which is located adjacent to the shoulder of Doolittle Drive and is approximately 15,250 square feet in area;

(2) A Pacific Gas and Electric Company Tariff Schedule Agreement; and

(3) Payment for \$31,501.86 for said work as described in said Agenda Sheet;

and said agreement and easements shall contain such terms and conditions as the Executive Director or Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** The Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Guidelines Sections 15162 and 15269(c).

**Section 3.** This ordinance 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 Board. This ordinance approves and authorizes the execution of said agreement and easements in accordance with the terms of this ordinance. Unless and until a separate written agreement and easements are duly executed on behalf of the Board as authorized by this ordinance, are signed and approved as to form and legality by the Port Attorney and are delivered to PGE, there shall be no valid or effective agreement or easements.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, May 7, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #93200  
May 15, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3694**

AN ORDINANCE ESTABLISHING A PUBLIC ART PROGRAM, A PUBLIC ART COMMITTEE AND GUIDELINES, RULES AND REGULATIONS FOR INCORPORATING PUBLIC ART INTO THE PORT'S MAJOR EXPANSION AND DEVELOPMENT GOALS AND PRIVATE AND PUBLIC DEVELOPMENT WITHIN THE JURISDICTION OF THE PORT OF OAKLAND, POLICY AND PROCEDURE FOR ACQUISITION, REVIEW AND ACCEPTANCE OF GIFTS AND LOANS, AND DE-ACCESSIONING OF PUBLIC ART.

---

**WHEREAS**, artistic and cultural resources enhance the quality of life for individuals living in, working in and visiting the Port of Oakland; and

**WHEREAS**, economic benefits are to be gained by the Port in the form of public pride, increased tourism, enhancement of public spaces, increases in retail and other commercial activity and enhanced economic growth of and in the Port Area and affected by the Port Area enhancements to commerce, shipping and navigation resulting from the development by the Board of artistic and cultural resources; and

**WHEREAS**, the Board is committed to commissioning a wide range of artistic styles, forms, media, and disciplines that characterize the breadth of contributions an artist can make to public arena; and

**WHEREAS**, the Board is committed to providing uniform procedures for the review and acceptance of gifts and loans of artwork to the Port; and

**WHEREAS**, the Board is committed to evaluating the collection of public art as a whole on a regular basis to determine the current condition of the artwork, maintenance needs, and to consider the de-accessioning of individual artwork;

**WHEREAS**, the Board hereby delegates to the Director of Communications the responsibility for the implementation of this ordinance;

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**ARTICLE I. POLICY AND PROCEDURE FOR ACQUISITION OF PUBLIC ART**

**Section 1. Purpose.**

This ordinance is enacted to provide an opportunity for the public to experience high quality art of enduring value that reflects the diversity of the region served by the Port of Oakland and its people.

This ordinance is enacted to establish a Public Art Program, a Public Art Committee and guidelines, rules and regulations for (1) including works of public art in certain public improvement projects in the Port's Capital Improvement Program and in certain private commercial, industrial and revitalization developments in the Port's Commercial Real Estate Program; and (2) meeting the on-going day-to-day maintenance and conservation needs to preserve the works of public art.

**Section 2. Definitions.**

a. "Administrative Costs" shall mean all costs incurred in connection with the development and implementation of the Public Art Program established by this Ordinance and the selection, creation, acquisition, installation, maintenance, and presentation of, including publicity and community education about, works of Public Art in the Port's Collection.

b. "Artist" shall mean a person who has established a reputation of artistic excellence in the visual, performing, media or literary arts, as judged by peers, through a record of exhibitions or performances, public commissions, sale of works, and/or educational attainment.

c. "Artist Selection Panel" shall mean the panel appointed by the Public Art Committee (PAC), on a project-by-project basis, to review and recommend to the PAC appropriate artists and artwork according to the criteria and procedures set forth in the Administrative Procedures.

d. "Administrative Procedures" shall mean the process and procedures that govern the implementation of this Ordinance, including detailed information on the composition and responsibilities of the Public Art Committee and Artist Selection Committee, criteria for artist and artwork selection, and process for approval of artists and artwork.

e. "Building Valuation" shall mean the total value of all construction work for which a building permit is issued, and includes all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanently installed work of permanently installed equipment.

f. "Conservation" shall mean the treatment of a deteriorated or damaged artwork to approximate as nearly as possible its original form, design, color, and function with minimal further sacrifice of aesthetic and historic integrity.

g. "Construction Costs" shall mean the cost of a Port Development Project or Public Facility, excluding "Demolition Costs", "Equipment Costs", "Debt Issuance" and "Permits and Fees".



h. "De-accessioning" shall mean the procedure for the removal of an artwork from a location on Port property or within the jurisdiction of the Port.

i. "Debt Issuance" shall mean those expenses incurred by the Port for the issuance of bonds for a Port Development Project or Public Facility.

j. "Demolition Costs" shall mean payments for any work required for the removal of buildings or other existing structures from the Port Development Project or Public Facility site.

k. "Development Project" shall mean any project involving construction of a new permanent structure located on Port owned property and requiring issuance or approval of a building permit or a zoning permit.

l. "Donor" shall mean an individual or group who proposes a donation of a work of art or funded project for placement on a public site under the jurisdiction of the Port.

m. "Equipment Costs" shall mean payments for any equipment or furnishings that are portable or of standard manufacture. Equipment does not mean items that are custom designed or that create a new use for a Port Development Project or Public Facility, whether portable or affixed.

n. "Executive Director" shall mean the Executive Director of the Port of Oakland or his or her designee.

o. "Fee" shall mean a monetary exaction other than a tax or special assessment that is collected under the terms of this ordinance to provide funds for public art.

p. "Gift" shall mean an existing or proposed work of art or funded project offered as a donation by someone to the Port for placement at a public site under the jurisdiction of the Port.

q. "Lifetime of the Artwork" shall mean for each work of art, the period of time a work of art can be reasonably maintained to accurately represent the condition of the artwork when it was first installed.

r. "Long Term Loan" shall mean a loan of artwork for a period of two years or more.

s. "Maintenance" shall mean actions taken to retard or prevent deterioration or damage to artwork by control of the environment and/or treatment of the artwork on a routine basis.

t. "Non-archival" shall mean does not meet accepted artwork preservation standards, practices, and principles.

u. "Permits and Fees" shall mean payments made for all permits and fees associated with a Port Development Project or Public Facility.

v. "Program Administrator" shall mean the staff person designated by the Communications Division to oversee all functions of the Port Public Art Program and to provide vision for the program. This person works

with division directors in the development of public art goals and with private developers to include public art in private projects located on Port property.

w. "Public Art Account" shall mean the account created with separate sub-accounts allocating funds to be used for the selection, acquisition, installation, and substantive structural repair and maintenance of art and art projects in, upon, and adjacent to Port facilities. One Public Art Account shall be created with separate sub-accounts for each Port Revenue Division. The Executive Director or designee, and, as appropriate, the Board of Port Commissioners, shall authorize all disbursements from the Public Art Account.

x. "Port of Oakland" or "Port" shall mean the City of Oakland, a municipal corporation acting by and through its Board of Port Commissioners and the officers, employees and agents, authorized to act for and on behalf of the Board with respect to the matter for which the term is used.

y. "Port Property" shall mean parcels of land, buildings and structures owned in fee or held in trust by the Board of Port Commissioners.

z. "Port Revenue Division" shall mean the following divisions of the Board: Aviation, Maritime and Commercial Real Estate and such other divisions as may be established from time to time by the Board of Port Commissioners which are expressly made subject to this ordinance.

aa. "Public Amenities" shall mean areas designated for public access, public traffic, and/or public accommodation within private or public development projects upon Port owned lands.

bb. "Public Art" shall mean original works of art accessible to the public and conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

cc. "Public Art Collection" shall mean all works of art owned by the Port of Oakland, located on Port property, and within the jurisdiction of the Port.

dd. "Public Art Committee" shall mean a standing committee appointed by the Port to develop overall Public Art Program policy and procedures, as required, to provide review responsibility for the provisions of this Ordinance such as acceptance of gifts of art and de-accessioning of artwork, and to advise the Port on the Public Art Program.

ee. "Public Art Project" shall mean any initiative for the creation, presentation and/or performance of public art, recommended by the Public Art Committee and approved by the Board of Port Commissioners for expenditure from the Public Art Account for the purposes of this ordinance.

ff. "Public Facility" shall mean any publicly accessible, capital project paid for wholly or in part by the Port of Oakland that results in the construction or remodel of any building, decorative or commemorative structure, parking facility and any portion thereof.

gg. "Quality of Artwork" shall mean the overall accomplishment in the art form, content and craftsmanship, as judged in accordance with accepted standards within the professional arts discipline.

hh. "Real Property Acquisition Costs" shall mean payments made for the purchase of parcels of land, existing building and structures, and costs incurred by the Port for the appraisals or negotiations in connection with such purchase for a Port Development Project; provided, however, that a Port Development Project for the acquisition and/or development of parkland or parks shall have included in its construction cost the Real Property Acquisition Costs, as defined above.

ii. "Short Term Loan" shall mean a loan of artwork not exceeding two years.

jj. "Temporary Art" shall mean a work of art displayed for a limited amount of time, generally not exceeding two years.

kk. "Work of Art" shall mean all forms of art created by an Artist and conceived in any discipline or medium, including visual, performance, literary, media and temporary works.

**Section 3. Establishment Of A Public Art Requirement.**

There is hereby established a Public Art requirement applicable to the Port's Revenue Divisions covering respectively, their Development Projects and Public Facilities identified in the Port's Capital Improvements Program and, within their respective areas, covering other private and public development projects upon Port owned lands that include Public Amenities or provide for access to the general public as more fully set forth below.

a. Aviation

(1) The Director of Aviation shall include in all estimates for necessary expenditures and all requests for authorization or appropriations for Port Development Projects and Public Facilities, excluding construction of roadways, utilities, airfield projects and non-Port funded tenant developments, an amount to be set aside and made a part of the Public Art Account and used for the selection, acquisition and display or works of art equal to at least one percent (1%) of the related Construction Costs.

(2) Funding set aside for Public Art as defined above shall be expended for Public Art within one-year from the date of completion of the Development Project or Public Facility from which the funds were derived.

(3) For projects or programs that have been approved by the Board of Port Commissioners before the approval of this policy, but not yet completed, the Board shall determine on a case by case basis whether or not to apply this policy retroactively.

(4) If the rules or limitations governing a source of funding or appropriate law governing any particular project does not permit

the expenditure of such funds on art or certain forms of art, the amount of funds so restricted shall be excluded from the Construction Cost, as defined herein, in making the aforesaid calculations.

b. Maritime

(1) The Maritime Director shall include in all estimates for annual budget expenditures an annual budget allocation of not less than \$150,000 to be set aside and made a part of the Public Art Account and used for the commission, acquisition and performance of Public Art.

(2) Funding set aside for Public Art as defined above shall be expended for Public Art in projects that include Public Amenities.

c. Commercial Real Estate

The majority of CRE land was given in trust to the Port under the state Tidelands Trust. To uphold the public trust, the Port requires developers who buy tidelands or lease tidelands on a long-term basis to do the following:

(1) The Developer shall provide and maintain public art in a publicly accessible place on or in the vicinity of the project site pursuant to this chapter. The cost of such Public Art shall be as follows:

(i) For development projects with 50,000 square feet or more of new construction, the developer shall commit 0.5% of the building valuation up to \$150,000 toward the purchase or commission of Public Art for the project site.

In lieu of purchasing or commissioning public art for the project site, the developer may elect to pay 0.5% of the building valuation up to \$150,000 to the Public Art Account, as identified below.

(ii) For development projects with less than 50,000 square feet of new construction, the developer is required to commit 0.5% of the building valuation up to \$50,000 toward the purchase or commission of Public Art for the project site.

In lieu of purchasing or commissioning public art for the project site, the developer may elect to pay the amount required by this ordinance to the Commercial Real Estate Public Art Account, as identified below.

(2) For any project, the developer may request that the Board of Port Commissioners consider an alternate approach to Public Art if the terms of this policy pose unnecessary hardship to the ability of the development project to be realized.

(3) If a development project is required to purchase or commission Public Art by both the Port of Oakland and the City of

Oakland, the developer only will be required to participate in the City of Oakland public art program.

(4) Applicability.

The provisions of this ordinance shall apply only to public and private development projects for which a building permit has not been issued as of the effective date of this ordinance.

(5) Public Art Standards.

(i) The Public Art of a private developer subject to this ordinance is to be privately owned and maintained by developer or his successor(s), including the future occupants or owners of the Development Project, and such private ownership and maintenance shall be adequately provided for by written agreement, or other appropriate provisions shall be made based on the characteristics of the Public Art.

(ii) The Public Art may be used or viewed by or is freely accessible to the patrons, occupants and owners of the development project;

(iii) The Public Art shall be in an area open and freely accessible to the general public during business hours at least eight (8) hours each day of at least five (5) days per week (to the extent there are five business days in each week), except for holidays, or public accessibility shall be otherwise provided in an equivalent manner based on the characteristics of the Public Art or its placement on the site;

(iv) The Public Art shall be in substantial compliance with any policies and implementation procedures adopted by the Board of Supervisors.

(6) Ineligible Costs

(i) The architecture of the building or facility, or any portion thereof, including decorative, ornamental or functional elements, unless designed by an artist specifically commissioned for this design enhancement purpose;

(ii) Landscape architecture and landscape gardening, except where these elements are designed by an artist specifically commissioned for this design enhancement purpose; or

(iii) Costs for services or utilities necessary to operate or maintain the Public Art over time.

**Section 4. Public Art Account.**

a. A Public Art Account shall be established in the Capital Improvement Program (CIP) and shall continue from year to year unless specifically terminated by the Board of Port Commissioners. The Public

Art Account shall consist of separate sub-accounts established by the Finance Division.

(1) A separate sub-accounts for each of the three Port Revenue Divisions shall be established from which expenditures may be made for the creation, acquisition, presentation, and performance of works of Public Art.

(2) A separate Administration - Maintenance sub-account shall be established into which shall be deposited funds appropriated as provided pursuant to Section 5 of this Ordinance not to exceed 35% of the aggregate of the Revenue Division subaccounts together with such other funds as the Board may appropriate, for Public Art Program staff costs and administrative costs that are associated with developing and implementing this Ordinance including restoration and conservation of Public Art in the Port's collection.

(3) A separate Proceeds from Sales of Public Art sub-account shall be established and expended for future creation, acquisition, presentation, and performance of works of Public Art.

b. For non-capital projects, funds may be moved out of Maritime and Commercial Real Estate from the CIP into the Port's operating budget for expenditures related to said projects.

c. The use of fees collected shall be as follows:

(1) The Executive Director shall make recommendations to the Board of Port Commissioners for expenditures from the Public Art Account in accordance with Port budgetary procedures and adopted Public Art program policies and implementation procedures, which expenditures shall be exclusively for the commission, acquisition, installation, improvement, maintenance and insurance of works of Public Art, or for the restoration or preservation of existing Public Art, and for the Administration of the Public Art Program.

(2) The Executive Director shall provide an annual report to the Board of Port Commissioners on the provision of on-site art installations and arts services, programs, facilities and amenities, and the use of all funds collected and deposited in the Public Art Account, including identification of all income, expenditures, and balances of each of the accounts in the fund during the prior fiscal year and its recommendations for proposed expenditures for the subsequent fiscal year. Upon receipt of such report, the Board of Port Commissioners shall authorize expenditures from the Public Art Account.

**Section 5. Administration.**

a. Implementation Responsibility

The Board hereby delegates to the Director of Communications responsibility for the implementation of this Article.

b. Public Art Committee

The Executive Director shall appoint a Public Art Committee (PAC), subject to approval by the Board of Port Commissioners, to provide review responsibility for the provisions of this Ordinance and to advise the Port on the Public Art Program. The PAC shall:

(1) Promulgate Public Art program policies and implementation procedures for adoption by the Board of Port Commissioners.

(2) Prepare the annual Public Art Plan for approval by the Board of Port Commissioners. The plan shall include, but not be limited to, a prioritized list of public art projects to be commenced during the current fiscal year and a budget for each project.

c. Artist Selection Panel

An Artist Selection Panel shall be appointed by the PAC, on a project-by-project basis, to recommend appropriate artists and artwork according to the criteria and procedures set forth in the Administrative Procedures.

(1) The Artist Selection Panel functions in an advisory capacity to the PAC.

(2) The PAC reviews recommendations by the Artist Selection Panel, making further recommendations to the Board of Port Commissioners.

(3) All final decisions and approvals concerning the acquisition of artwork rest with the Board of Port Commissioners.

**ARTICLE II. POLICY AND PROCEDURE FOR REVIEW AND ACCEPTANCE OF GIFTS AND LOANS OF PUBLIC ART**

**Section 1. Summary.**

When gifts of works of Public Art are proposed for placement on Port property within the jurisdiction of the Port of Oakland, an artwork proposal is submitted by the potential donor for review by the Port. This procedure also applies to works of Public Art proposed for long-term loan to the Port. The objectives of this policy are to:

a. Provide uniform procedures for the review and acceptance of gifts and loans of works of Public Art to the Port of Oakland.

b. Maintain high artistic standards for works of Public Art located in the jurisdiction of the Port.

c. Acquire works of Public Art that contribute and enhance the Port's Public Art Collection.

d. Insure that the works of Public Art is adequately maintained.

e. Facilitate planning for the placement of works of Public Art within the jurisdiction of the Port of Oakland.

f. Vest in a single Port division the responsibility for insuring the management and maintenance of the Port's public works of Public Art.

The Program Administrator is responsible for implementation of this Article.

The review of proposed gifts is conducted by a Gifts Review Panel appointed by the PAC. The Gifts Review Panel is comprised of three to five arts professionals (artists, museum curators, art historians, conservators) and three representatives of Port revenue division staff.

The PAC reviews all recommendations of the Gifts Review Panel regarding proposed gifts and loans of works of Public Art. Following PAC review, the Program Administrator makes a recommendation for acceptance or rejection of the proposed gift to the Port Commission for review and action.

Funds to maintain works of Public Art in the Port's collection are limited. Therefore, in accepting a gift, the Port requires that the donor sign a maintenance agreement or establish a maintenance endowment to insure an adequate quality of care for the work of Public Art.

## **Section 2. Acceptance Conditions.**

a. The Port will consider gifts of works of art for placement on Port property and locations under the jurisdiction of the Port with the understanding that no Port funds will be required for production, sitting, installation or maintenance of the work of Public Art.

b. No gift of an work of Public Art will be accepted by the Port until all funds required for production, sitting, installation and maintenance of the work of Public Art have been secured by the donor.

c. The Port will be the owner of the work of Public Art and reserves the right to move or alter the work to meet public safety or other Port concerns.

d. The Port will consider the following types of proposals for works of Public Art intended for placement a public site under the Port's jurisdiction:

(1) A donor's offer of an already completed work of art.

(2) Art by a specific artist or artists.

(3) A donor's offer to commission a work of Public Art by means of a public competition as described in the Public Art Program Implementation Guidelines.

## **Section 3. Review Process.**

a. The donor discusses the nature of the gift and the Port procedures with the Program Administrator. Working with Port division staff, the donor develops a proposal for review by the Gifts Review Panel.



b. The Program Administrator will review each offer of a work of Public Art with Port division staff to determine whether it meets initial criteria as defined in this Article.

c. Each proposed gift of art is reviewed by the Gifts Review Panel on the basis of the criteria established below. Evidence that all issues are satisfactorily addressed will be required from the donor before a recommendation for acceptance or rejection of the gift is made.

d. Before presenting the Gifts Review Panel recommendation to the PAC, the Program Administrator may request further and more detailed information to be considered at additional review sessions. The PAC also may attach conditions to its recommendation of acceptance.

e. Based on the recommendation of the PAC, the Program Administrator recommends acceptance or rejection of the gift to the Port Commission.

f. The Port will accept donated works of Public Art only when accompanied by a legal instrument of conveyance of title, enumerating any conditions of the gift that the Port has agreed to accept, and the appropriate warranty of originality.

g. In general, gifts will be accepted without restrictions as to future use or disposition. Loans and temporary displays of a work of Public Art are not considered gifts, for the purposes of this Article.

h. The Program Administrator will forward copies of the conveyance of title and the stated insurance value for gifts of a work of Public Art to the appropriate Port divisions. The stated value of any loaned work of Public Art will be provided to the Port's Risk Management Office.

i. If the gift of art is accepted, the division under whose jurisdiction the work of Public Art will be placed is responsible to oversee the installation of the work of Public Art.

#### **Section 4. Placement.**

If a site for the work of Public Art has not been identified by the donor or if the site is deemed inappropriate in accordance with the criteria listed below, the placement of works of art will be determined by the PAC in consultation with Port division staff.

#### **Section 5. Costs.**

All costs of the proposed donation of art, including production, acquisition, siting, installation, and maintenance must be provided by the donor and be detailed in the proposal.

#### **Section 6. Timeline.**

If a proposed gift is not completed within the timeline originally established, or if significant changes in content, presentation, or financing of the gift of art occur, the gift must be reviewed again by

the panel. The Port is authorized to request that a proposal be resubmitted.

**Section 7. Legal.**

Consideration will be given to the proposed terms of donation, legal title, copyright authenticity, artist right to reproduce, liability and other issues as appropriate.

**Section 8. De-Accession.**

Gifts of works of Public Art will be reviewed on a regular basis and de-accessioned if necessary, through steps provided in Article III of this Ordinance and in accordance with national standards for de-accessioning works of art.

**Section 9. Exceptions.**

**a. Gifts of State**

(1) Gifts of State presented to the Port by foreign governments are exempt from the provisions of this Article and may be accepted by the Port Commission.

(2) Appropriate recognition and publicity will be the responsibility of the Program Administrator.

**b. Temporary Exhibitions in Port-Managed Facilities**

(1) The Port shall control the content and arrangement of all temporary exhibitions, and reserves the right to reject any part of an exhibition or to change the manner of display if the items to be exhibited are contrary to the Port's community responsibility.

(2) Every aspect of the exhibition must meet the Port's standards of quality, as defined in the Public Art Program Administrative Procedures.

(3) Artwork of exhibitions loaned for display on Port property for 60 (sixty) days or less will not be subject to the standard review process.

(4) Review and approval are the responsibility of the Program Administrator and the division with jurisdiction over the space where the work of Public Art is exhibited. It is understood that all decisions will be based on the standards recommended in this document.

(5) During the period of time that a work of art is displayed on Port property, the owner of the work of art must provide one of the following documents:

(i) An insurance rider covering the specific work of art for the entire negotiated display time OR

(ii) A signed waiver holding the Port harmless in the event of vandalism, damage, or theft.

**Section 10. Donor Submittal Requirements.**

The donor must submit a cover letter explaining why she/he is offering the gift of artwork to the Port.

a. Aesthetic Quality

(1) Written narrative proposal with detailed description of artwork.

(2) Information on the context of the artwork, provenance, history (where it comes from and where it has been previously displayed, if at all).

(3) Detailed drawings of the site plan, elevation and section view of artwork, as appropriate.

(4) Photographs, sketches, and/or model of the artwork.

(5) Dimensions, materials, and colors.

b. Intrinsic Value

(1) Background information and credentials of the artist.

(2) Other examples of the artist's work.

(3) A letter of authentication from the artist, stating that it is her/his own work.

(4) Statement of the current value of the artwork prepared by a certified art appraiser.

(5) A valid, signed contract between the donor and the artist that guarantees full payment for artwork by the donor, as appropriate.

c. Installation

(1) Construction and installation method.

(2) Power, plumbing or other utility requirements.

(3) Qualifications and insurance coverage of the contractor installing the artwork.

(4) Written commitment that the donor will cover all costs associated with installation of the artwork.

(5) Budget indicating cost of installation.

d. Maintenance

(1) A maintenance plan prepared by a qualified conservator.

(2) Written permission from the artist or artist's estate for a qualified conservator to conserve the artwork when necessary.

**Section 11. Panel Review Criteria.**

a. Aesthetic Quality

(1) Does the proposed gift of art have strong artistic merit?

(2) Strong, inherent aesthetic quality as measured against the recognized standards of excellence in the field.

(3) Qualifications, credentials, and other pertinent information on the artist.

(4) Warranty of originality of the artwork (artwork must be an original creation or limited edition)

(5) Durability and craftsmanship of the artwork.

b. Site and Environmental Considerations

(1) If a site for the artwork has been identified by the donor, is the relationship between the site and the artwork in the best interest of both?

(2) Appropriateness of artwork scale to the proposed site.

(3) Appropriateness of artwork to other aspects of its surroundings.

(4) Impact on ecology.

c. Relationship to the Port's Art Collection

(1) How is the proposed gift compatible or incompatible with the Port of Oakland's public art collection?

(2) Contribution to the diversity and breadth of the Port's art collection.

(3) Current representation of the artist in the Port's art collection.

d. Liability and Safety Considerations

(1) How susceptible is the artwork to vandalism and safety hazards?

(2) Potential safety hazards and how they are being addressed.

(3) Potential for graffiti and other vandalism and how it is being addressed.

(4) Special insurance requirements, if any.

e. Durability

(1) How has the donor provided for maintenance during the lifetime of the artwork?

(2) Expected life span of artwork in a public, non-archival exhibition setting.

(3) Durability of similar artworks constructed of the same materials.

(4) Environmental conditions and suitability of artwork materials to the conditions of its proposed site.

(5) Seismic safety considerations through report prepared by a licensed engineer.

(6) Adequate attention to unusual conditions of the site, such as poor drainage, steep slope, etc.

f. Maintenance

(1) Are the maintenance needs of the artwork reasonable and can they be adequately managed by the Port?

(2) On-going maintenance requirements and cost.

(3) Provision of maintenance funds or maintenance agreement by the donor.

(4) Artwork installation and removal specifications.

(5) Written permission from the artist or artist's estate for a qualified conservator to conserve the artwork when necessary.

(6) Written permission granted by the artist or artist's estate for removal of the work as a result of safety emergencies and changes in the future use of the site.

**Section 12. Administration.**

Implementation Responsibility

The Board hereby delegates to the Director of Communications responsibility for the implementation of this Article.

ARTICLE III. POLICY AND PROCEDURES FOR THE DE-ACCESSIONING OF PUBLIC ART

**Section 1. Purpose.**

This ordinance is enacted to provide Provision of procedures for periodic review and evaluation by the Port of Oakland of the Port's Collection of Public Art.

**Section 2. De-Accessioning Policy.**

De-accessioning is a procedure for the withdrawal of a work of Public Art from public exhibition for an indefinite duration. De-accessioning must be cautiously applied to avoid the influence of fluctuations of taste and the premature removal of a work of Public Art from the collection.

De-accessioning may occur only after a careful and impartial evaluation of the work of Public Art, and may be accomplished through storage or loan of the work of Public Art, or on a permanent basis through several methods of disposition available. Since artworks are acquired by the Port as a result of a thorough review process by impartial peer panels -- based on the quality of the artwork and the value of the work to the collection as a whole -- deaccessioning may be considered only after ten years have elapsed from the date of installation of a permanent work of Public Art, and five years after acceptance of a loan of work of Public Art subject to review by the Port Attorney for compliance with acquisition and/or deaccession covenants from funding and/or lending sources, if any.

**Section 3. Eligible Works Of Public Art.**

Works of Public Art eligible for consideration for de-accession through this Article include:

a. Works of Public Arts purchased or commissioned in accordance with Article I.

b. Gifts of works of Public Art accepted by the Port in accordance with Article II.

c. All other works of Public Art in the Port's Collection of Public Art purchased separately by Port divisions or received as gifts prior to the passage of this ordinance. Port evaluation of a work of Public Art may be requested by the division under whose jurisdiction the work of Public Art is located or may be initiated as an advisory action by the Board of Port Commissioners.

**Section 4. Deaccession Procedure.**

a. At least a minimum of once every five years the Director of Communications will review the Port's Collection of Public Art.

b. The Director of Communications shall designate an advisory panel comprised of visual art professionals (artists, museum curators, art historians, conservators) to review specific items proposed for de-

accession and make recommendations to the Board of Port Commissioners about the disposition of these works.

c. The De-accession Advisory Panel may consider the de-accessioning of works of Public Art for one or more of the following reasons:

(1) A work of Public Art is not, or is only rarely, on display because of lack of a suitable site.

(2) The condition or security of the work of Public Art cannot be reasonably guaranteed in its present location.

(3) The work of Public Art has been damaged or has deteriorated to the point that it can no longer be represented to be the original work of art.

(4) The work of Public Art has been damaged and repair is impractical or unfeasible, or the cost of repair or renovation is excessive in relation to the original cost of the work.

(5) The work of Public Art endangers public safety.

(6) Significant changes in the use, character or actual design of the site require a re-evaluation of the relationship of work of Public Art to the site.

(7) The work of Public Art has been determined to be of inferior quality relative to the quality of other works in the collection, or has been determined to be incompatible with the rest of the collection.

(8) The Port wishes to replace the work of Public Art with a work of more significance by the same artist.

(9) The work of Public Art requires excessive maintenance or has faults of design or workmanship.

**Section 5. Sequence Of Action To De-Accession.**

a. The Communications Division appoints a De-accession Advisory panel.

b. The De-Accession Advisory Panel and/or staff determines that a work of Public Art meets one of the criteria listed above.

c. The Communications Division staff prepares a report that indicates:

(1) Any restrictions that may apply to this specific work, based on contract review.

(2) An analysis of the reasons for de-accessioning.

(3) Options for storage or disposition of the work.

(4) Appraised value of the work, if obtainable.

d. The De-Accession Advisory Panel reviews the report at its next scheduled meeting. The panel may seek additional information regarding the work from the artist, art galleries, curators, appraisers or other professionals prior to making a recommendation to the Board of Port Commissioners.

e. A recommendation for action is sent to the Board of Port Commissioners.

f. The Board of Port Commissioners considers the recommendation at a regularly scheduled meeting.

g. Upon confirmation of its recommendation, the Communications Division will consider the following actions (in order of priority):

(1) Sale or trade:

(i) Sale through auction, art gallery or dealer resale, or direct bidding by individuals, in compliance with Port and city law and policies or requirements governing surplus property and any limits to which bonds are subject.

(ii) Trade through artist, gallery, museum, or other institutions for one or more other work(s) of Public Art(s) of comparable value by the same artist.

(2) Indefinite loan to another governmental entity.

(3) Destruction of work deteriorated or damaged beyond repair at a reasonable cost, and deemed to be of no or only a negligible value, in accordance with national standards for conservation and deaccession.

(4) Re-donation, sale or other arrangement agreed upon with the donor or artist at the time of the Port's acquisition of such work of Public Art.

#### **Section 6. Restrictions.**

No works of art shall be sold or traded to members or staff of the Port, consistent with Port conflict of interest policies.

#### **Section 7. Proceeds.**

Proceeds from the sale of Public Art shall be deposited into the Public Art account for Public Art acquisitions. Any pre-existing contractual agreements between the artist or donor and the Port regarding resale will be honored.



**Section 8. Administration.**

Implementation Responsibility

The Board hereby delegates to the Director of Communications responsibility for the implementation of this Article.

**ARTICLE IV. EFFECTIVE DATE.**

This ordinance shall be effective sixty (60) days after adoption.

In Board of Port Commissioners, Oakland, California, April 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

Adopted at a regular

meeting held May 7, 2002

By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

**Noes:** None

**Absent:** None

\_\_\_\_\_  
President.  
Attest JBetterton  
Secretary.

Approved as to form and legality:

[Signature]  
Port Attorney



# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 595-9595 opt.4

Legal No. 0000085857

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. Ord. 3694

In the matter of

**Port Ordinance 3694**

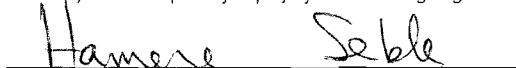
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 26000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**5/1/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3693**

AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH DOUG ROHN AND ELIZABETH ZENGER, DOING BUSINESS AS BAY AREA VETERINARY SPECIALISTS FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.09 ACRE PARCEL OF LAND LOCATED AT EDGEWATER ROAD AND PARDEE LANE.

---

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this ordinance as the "Property" is owned by the City of Oakland, is located within the "Port Area" of the City of Oakland and consists of an approximately 2.09 acre site located at the corner of Edgewater Road and Pardee Lane in the Oakland Airport Business Park.

**Section 2.** The Board hereby finds and determines as follows:

(a) That the Property has become unnecessary for port purposes or harbor development; and

(b) That the proposed sale of the Property complies with the provisions of Section 5.13(b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

**Section 3.** Based upon the findings and determinations made in Section 2 hereof, the Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port and **DOUG ROHN AND ELIZABETH ZENGER** doing business as BAY AREA VETERINARY SPECIALISTS ("Buyer") (the "Agreement") for the sale of the Property at a purchase price of \$1,459,440.00, and as otherwise described in Agenda Sheet Item No. 12, dated April 16, 2002.

**Section 4.** The Executive Director is authorized to execute and deliver a Grant Deed conveying the Property to Buyer and such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.

**Section 5.** The Board hereby finds and determines that the proposed sale of the Property, is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Guidelines Section 15312.

**Section 6.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the Agreement or the Grant Deed to Buyer. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance and delivery of a Grant Deed. Unless and until a separate written Agreement is 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 Buyer, there shall be no valid or effective Agreement.

**Section 7.** This ordinance shall take effect 30 days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, April 16, 2002.  
Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7.  
Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

**Adopted at a regular**


**meeting held May 7, 2002**


**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

**Noes:** None

**Absent:** None

  
\_\_\_\_\_  
**President.**

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

**Approved as to form and legality:**

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

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. **87709**

## PROOF OF PUBLICATION

In the matter of:

### PORT ORDINANCE NO. 3693

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MAY 1, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hawere Seble*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers

401 13th Street, Oakland, CA 94612

Legal Advertising  
(510) 293-2601

Legal No. **8770**

## PUBLIC NOTICES

PORT ORDINANCE NO. 3693

AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH DOUG ROHN AND ELIZABETH ZENGER, DOING BUSINESS AS BAY AREA VETERINARY SPECIALISTS FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 2.09 ACRE PARCEL OF LAND LOCATED AT EDGEWATER ROAD AND PARDEE LANE.

BE IT ORDAINED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this ordinance as the "Property" is owned by the City of Oakland, is located within the "Port Area" of the City of Oakland and consists of an approximately 2.09 acre site located at the corner of Edgewater Road and Pardee Lane in the Oakland Airport Business Park.

**Section 2.** The Board hereby finds and determines as follows:

(a) That the Property has become unnecessary for port purposes or harbor development; and

(b) That the proposed sale of the Property complies with the provisions of Section 5.13(b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

**Section 3.** Based upon the findings and determinations made in Section 2 hereof, the Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port and DOUG ROHN AND ELIZABETH ZENGER doing business as BAY AREA VETERINARY SPECIALISTS ("Buyer") (the "Agreement") for the sale of the Property at a purchase price of \$1,459,440.00, and as otherwise described in Agenda Sheet Item No. 12, dated April 16, 2002.

**Section 4.** The Executive Director is authorized to execute and deliver a Grant Deed conveying the Property to Buyer and such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.

**Section 5.** The Board hereby finds and determines that the proposed sale of the Property, is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Guidelines Section 15312.

**Section 6.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the Agreement or the Grant Deed to Buyer. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance and delivery of a Grant Deed. Unless and until a separate written Agreement is 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 Buyer, there shall be no valid or effective Agreement.

**Section 7.** This ordinance shall take effect 30 days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, April 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #87709

## PROOF OF PUBLICATION

In the matter of:

### PORT ORDINANCE NO. 3693

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

MAY 1, 2002

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hawera Seble*

Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3692**

AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH LINCOLN PROPERTY COMPANY COMMERCIAL, INC., FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 14 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS.

---

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this ordinance as the "Property" is owned by the City of Oakland, is located within the "Port Area" of the City of Oakland and consists of an approximately 14 acre irregularly-shaped site with dual frontage on Hegenberger and Pardee Roads.

**Section 2.** The Board hereby finds and determines as follows:

(a) That the Property has become unnecessary for port purposes or harbor development; and

(b) That the proposed sale of the Property complies with the provisions of Section 5.13(b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

**Section 3.** Based upon the findings and determinations made in Section 2 hereof, the Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port and LINCOLN PROPERTY COMPANY COMMERCIAL, INC. ("Buyer") (the "Agreement") for the sale of the Property at a purchase price of \$5,566,968, and as otherwise described in Agenda Sheet Item No. 11, dated April 16, 2002.

**Section 4.** The Executive Director is authorized to execute and deliver a Grant Deed conveying the Property to Buyer and such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.



**Section 5.** The Board hereby finds and determines that the proposed sale of the Property, is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Guidelines Section 15312.

**Section 6.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the Agreement or the Grant Deed to Buyer. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance and delivery of a Grant Deed. Unless and until a separate written Agreement is 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 Buyer, there shall be no valid or effective Agreement.

**Section 7.** This ordinance shall take effect 30 days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, April 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

**Adopted at a regular**

**meeting held May 7, 2002**

**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

**Noes:** None

**Absent:** None

\_\_\_\_\_  
**President.**  
Attest John T. Betterton  
**Secretary.**

**Approved as to form and legality:**  
David Alvarado  
**Port Attorney**

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

Legal No. **87718**

## PORT ORDINANCE NO. 3692

**AN ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH LINCOLN PROPERTY COMPANY COMMERCIAL, INC., FOR THE PORT OF OAKLAND'S SALE OF AN APPROXIMATELY 14 ACRE PARCEL OF LAND LOCATED AT HEGENBERGER AND PARDEE ROADS.**

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this ordinance as the "Property" is owned by the City of Oakland, is located within the "Port Area" of the City of Oakland and consists of an approximately 14 acre irregularly-shaped site with dual frontage on Hegenberger and Pardee Roads.

**Section 2.** The Board hereby finds and determines as follows:

(a) That the Property has become unnecessary for port purposes or harbor development; and

(b) That the proposed sale of the Property complies with the provisions of Section 5.13(b) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"), and does not, together with other transfers referred to therein, constitute a Significant Portion of the Port (as defined in the Indenture). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used in accordance with the provisions of Section 5.13 of the Indenture.

**Section 3.** Based upon the findings and determinations made in Section 2 hereof, the Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port and LINCOLN PROPERTY COMPANY COMMERCIAL, INC. ("Buyer") (the "Agreement") for the sale of the Property at a purchase price of \$5,566,968, and as otherwise described in Agenda Sheet Item No. 11, dated April 16, 2002.

**Section 4.** The Executive Director is authorized to execute and deliver a Grant Deed conveying the Property to Buyer and such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.

**Section 5.** The Board hereby finds and determines that the proposed sale of the Property, is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Guidelines Section 15312.

**Section 6.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the Agreement or the Grant Deed to Buyer. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance and delivery of a Grant Deed. Unless and until a separate written Agreement is 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 Buyer, there shall be no valid or effective Agreement.

**Section 7.** This ordinance shall take effect 30 days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, April 16, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

The Oakland Tribune, #87718  
May 1, 2002

## PROOF OF PUBLICATION

In the matter of:

### PORT ORDINANCE NO. 3692

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MAY 1, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hannah Seble*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

## PROOF OF PUBLICATION

the matter of:

### PORT ORDINANCE NO. 3692

The undersigned below, deposes and says that he/she was the public notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 5000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MAY 1, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Harvey Seble*

Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 3691**

ORDINANCE AMENDING SECTION 9.18 OF PORT ORDINANCE  
NO. 867 AMENDING THE SALARY SCHEDULE ASSIGNMENT FOR  
THE CLASSIFICATION OF YOUTH AIDES, CLASS D AND  
CLASS C.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of  
Oakland as follows:

Section 9.18 of Port Ordinance No. 867 is hereby amended to change  
the salary assignment of Youth Aide, Class "D" to \$8.50 per hour and to  
change the salary assignment of Youth Aide, Class "C" to \$12.00 per  
hour.

In Board of Port Commissioners, Oakland, California, April 2,  
2002. Passed to print for one day by the following vote: Ayes:  
Commissioners Ayers-Johnson, Kramer, Scates, Uribe and President Tagami  
- 5. Noes: None. Absent: Commissioners Kiang and Protopappas - 2.

John T. Betterton  
Secretary of the Board

**Adopted at a regular**

**meeting held April 16, 2002**

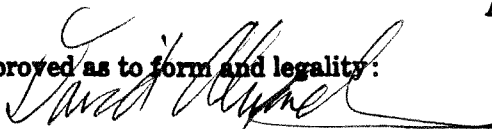
**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer,  
Protopappas, Scates, Uribe and President Tagami - 7


**Noes:** None

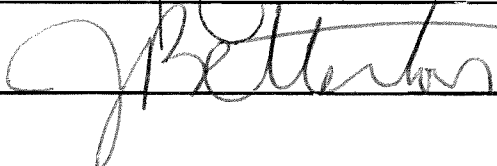
**Absent:** None

**Approved as to form and legality:**

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

**Attest**

  
\_\_\_\_\_  
**President.**

  
\_\_\_\_\_  
**Secretary.**

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 433-2601

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 38180

In the matter of

**PORT ORDINANCE NO. 3691**

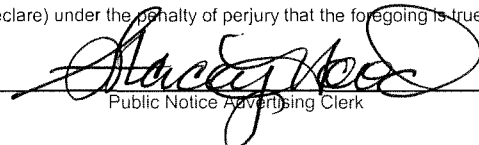
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 260, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798. on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**4/12/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000079655

PORT ORDINANCE NO. 3691  
**ORDINANCE AMENDING SECTION 9.18 OF PORT ORDINANCE NO. 867 AMENDING THE SALARY SCHEDULE ASSIGNMENT FOR THE CLASSIFICATION OF YOUTH AIDES, CLASS D AND CLASS C.**  
**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:  
Section 9.18 of Port Ordinance No. 867 is hereby amended to change the salary assignment of Youth Aide, Class "D" to \$9.50 per hour and to change the salary assignment of Youth Aide, Class "C" to \$12.00 per hour.  
In Board of Port Commissioners, Oakland, California, April 2, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kramer, Scates, Uribe and President Tagami - 5. Noes: None. Absent: Commissioners Kiang and Protopappas - 2.  
  
John T. Betterton  
Secretary of the Board  
  
The Oakland Tribune #79655  
April 12, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

**PORT ORDINANCE NO. 3690**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULES, NEW POSITIONS, AMENDING CERTAIN SECTIONS RELATING TO TITLE CHANGES AND AMENDMENT OF SALARY SCHEDULES, AND AMENDING PORT ORDINANCE NO. 3681 TO CORRECT SECTION 5.121 OF PORT ORDINANCE NO. 867.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Section 2.03 of Port Ordinance No. 867 is hereby amended to add new salary schedules which sections shall read as follows:

<u>SCHEDULE No.</u>	<u>Rate a.</u>	<u>Rate b.</u>	<u>Rate c.</u>	<u>Rate d.</u>	<u>Rate e.</u>
243.6	4923	5169	5427	5753	6098
257.5	5667	5950	6248	6623	7020
528.2	6190	6500	6825	7235	7669
565.5	7508	7883	8277	8774	9300
572.5	7790	8180	8589	9104	9650
579.2	8073	8477	8901	9435	10001
581.5	8152	8560	8988	9527	10099

Section 2. Port Ordinance No. 867 is hereby amended to add the following Section Nos. which shall read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
10.2	1	Assistant Airport Noise Abatement Specialist	226
10.21	1	Associate Airport Noise Abatement Specialist	240
7.2	1	Manager, Budget & Analysis	572.5
7.3	1	Manager, Financial Planning	579.2
7.4	1	Manager, Financial Systems	567
7.5	1	Port Accounting Supervisor	528.2
7.6	2	Port Budget Coordinator	528.2
7.7	1	Port Controller	586.2

12.2	1	Documentation & Statistics Assistant	230
21.21	3	Supervisor, Maritime Project Management Services	543.1

**Section 3.** Section 5.028 of Port Ordinance is hereby amended to reassign to Section 5.184.

**Section 4.** The following sections of Port Ordinance No. 867 are hereby amended to read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
5.184	3	Human Resource Supervisor	543.1
11.024	1	Marketing Communications Manager	565.5
11.0067	1	Manager, Project Management Services	576.3
11.0265	1	Maritime Accounts/Budget Analyst	243.6
11.0068	1	Maritime Project Services Assistant	230
11.0236	3	Pricing and Contracts Analyst	243.6
11.0031	3	Senior Maritime Account Manager	559.8
11.0265	1	Senior Maritime Accounts/Budget Analyst	257.5
11.0264	1	Supervisor, Maritime Accounts/Budget Services	543.1
11.0281	1	Senior Maritime Marketing Representative	257.5
11.0262	2	Senior Maritime Projects Administrator	538.4
11.0266	1	Supervisor, Pricing & Contract Services	543.1
11.0066	1	Manager, Business Development and Marketing	581.5
11.0033	1	Manager, Maritime Finance and Budgeting	576.3
12.02	1	Manager, Tenant Services and Chief Wharfinger	581.5
10.0132	1	Senior Airport Noise Abatement Specialist	254
5.07	1	Manager, Port Purchasing	567
5.022	1	Port Risk Manager	567

**Section 5.** Section 2 of Port Ordinance No. 3681 is hereby amended to read as follows:

**"Section 2.** Section 5.121 of Port Ordinance No. 867 is hereby amended to retittle the position of Deliveryman to Port Deliveryperson."

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

Adopted at a regular meeting held April 2, 2002

By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kramer, Scates, Uribe and President Tagami - 5

**Noes:** None

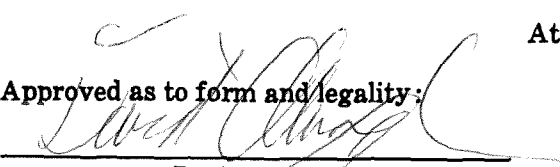
**Absent:** Commissioners Kiang and Protopappas - 2

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3689**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 2083, TO  
ALLOW BUILDING PERMITS TO BE GRANTED FOR MORE THAN 360  
DAYS.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the  
City of Oakland as follows:

**Section 1.** Subsection "4" of "Section 3" of Port Ordinance  
No. 2083 is hereby amended as follows:

"(4) Expiration. - Unless otherwise specified at  
the time of approval, a building permit  
application approved pursuant to this ordinance  
shall expire and become null and void if the  
building or work authorized by such building  
permit is not commenced within one hundred eighty  
(180) calendar days from the date of approval of  
the application or within an additional extension  
period of one hundred eighty (180) calendar days  
which the Chief Engineer of the Port may grant  
upon written application therefore, or if the  
building or work authorized by such building  
permit application is suspended or abandoned at  
any time after the work is commenced for a period  
in excess of three hundred sixty-five (365)  
calendar days."

**Section 2.** The Board finds and determines that this action by the Board is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**Section 3.** This ordinance shall take effect immediately upon its final adoption.

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

Adopted at a regular

meeting held April 2, 2002

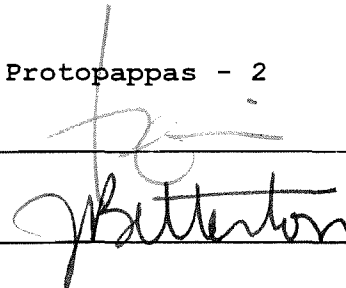
By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kramer, Scates, Uribe and President Tagami - 5

**Noes:** None

**Absent:** Commissioners Kiang and Protopappas - 2

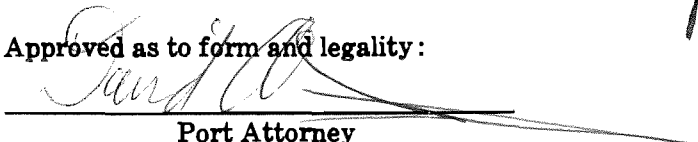
Attest



\_\_\_\_\_  
President.

\_\_\_\_\_  
Secretary.

Approved as to form and legality:



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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Let Advertising  
(510) 293-2601

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

**PORT ORDINANCE NO. 2083** 2009

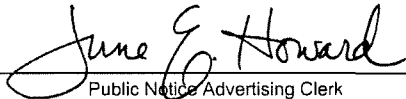
The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10. adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798. on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**3/13/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000067961

PORT ORDINANCE NO. 3689

### AN ORDINANCE AMENDING PORT ORDINANCE NO. 2083, TO ALLOW BUILDING PERMITS TO BE GRANTED FOR MORE THAN 360 DAYS.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Subsection "4" of "Section 3" of Port Ordinance No. 2083 is hereby amended as follows:

"(4) Expiration. - **Unless otherwise specified at the time of approval**, a building permit application approved pursuant to this ordinance shall expire and become null and void if the building or work authorized by such building permit is not commenced within one hundred eighty (180) calendar days from the date of approval of the application or within an additional extension period of one hundred eighty (180) calendar days which the Chief Engineer of the Port may grant upon written application therefore, or if the building or work authorized by such building permit application is suspended or abandoned at any time after the work is commenced for a period in excess of three hundred sixty-five (365) calendar days."

**Section 2.** The Board finds and determines that this action by the Board is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**Section 3.** This ordinance shall take effect immediately upon its final adoption.

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Klang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

**Christopher C. Marshall**  
Secretary of the Board

**The Oakland Tribune, #67961**  
March 13, 2002

# The Oakland Tribune

c/o ANG Newspapers  
 401 13th Street, Oakland, CA 94612  
 Legal Advertising  
 (510) 208-6306

Legal No. **67875**

**PORT ORDINANCE NO. 3681**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867, CREATING NEW SALARY SCHEDULES, NEW POSITIONS, AMENDING CERTAIN SECTIONS RELATING TO TITLE CHANGES AND AMENDMENT OF SALARY SCHEDULES, AND AMENDING PORT ORDINANCE NO. 3681 TO CORRECT SECTION 5.121 OF PORT ORDINANCE NO. 867.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:  
**Section 1.** Section 2.03 of Port Ordinance No. 867 is hereby amended to add new salary schedules which sections shall read as follows:

SCHEDULE No.	Rate a.	Rate b.	Rate c.	Rate d.	Rate e.
243.6	4923	5169	5427	5753	6098
257.5	5667	5950	6248	6623	7020
528.2	6190	6500	6825	7235	7669
565.5	7508	7883	8277	8774	9300
572.5	7790	8180	8589	9104	9650
579.2	8073	8477	8901	9435	10001
581.5	8152	8560	8988	9527	10099

**Section 2.** Port Ordinance No. 867 is hereby amended to add the following Section Nos. which shall read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
10.2	1	Assistant Airport Noise Abatement Specialist	226
10.21	1	Associate Airport Noise Abatement Specialist	240
7.2	1	Manager, Budget & Analysis	572.5
7.3	1	Manager, Financial Planning	579.2
7.4	1	Manager, Financial Systems	567
7.5	1	Port Accounting Supervisor	528.2
7.6	2	Port Budget Coordinator	528.2
7.7	1	Port Controller	586.2
12.2	1	Documentation & Statistics Assistant	230
21.21	3	Supervisor, Maritime Project Management Services	543.1

**Section 3.** Section 5.028 of Port Ordinance is hereby amended to reassign to Section 5.184.

**Section 4.** The following sections of Port Ordinance No. 867 are hereby amended to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
5.184	3	Human Resource Supervisor	543.1
11.024	1	Marketing Communications Manager	565.5
11.0067	1	Manager, Project Management Services	576.3
11.0265	1	Maritime Accounts/Budget Analyst	243.6
11.0068	1	Maritime Project Services Assistant	230
11.0236	3	Pricing and Contracts Analyst	243.6
11.0031	3	Senior Maritime Account Manager	559.8
11.0265	1	Senior Maritime Accounts/Budget Analyst	257.5
11.0264	1	Supervisor, Maritime Accounts/Budget Services	543.1
5.07	1	Manager, Port Purchasing	567
5.022	1	Port Risk Manager	567

**Section 5.** Section 2 of Port Ordinance No. 3681 is hereby amended to read as follows:

**Section 2.** Section 5.121 of Port Ordinance No. 867 is hereby amended to retitle the position of Deliveryman to Port Deliveryperson.

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protapappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

**CHRISTOPHER C. MARSHALL**  
 SECRETARY OF THE BOARD

The Oakland Tribune, #67875  
 March 13, 2002

## PROOF OF PUBLICATION

In the matter of

### PORT ORDINANCE NO. 3689

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MARCH 13, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Kara Blouin*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
208-6306

COPY

## PROOF OF PUBLICATION

In the matter of

**PORT ORDINANCE NO. 3689**

The undersigned below, deposes and says that he/she was the public notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

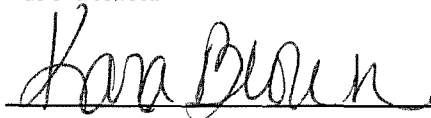
That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MARCH 13, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3688**

**AN ORDINANCE AMENDING PORT ORDINANCE  
NO. 3044, FIXING CERTAIN REVISED  
PARKING RATES AT THE PARKING  
FACILITIES IN JACK LONDON SQUARE**

---

**WHEREAS,** the Board of Port Commissioners ("Board") desires to amend Port Ordinance No. 3044 to further revise certain parking rates at the parking facilities in Jack London Square; now therefore

**BE IT ORDAINED** by the Board as follows:

**Section 1.** Sections 4(a), 4(b) and 4(c) of Port Ordinance No. 3044 are amended to read as follows:

<u>Parking Time</u>	<u>Validated Rate</u>	<u>Unvalidated Rate</u>
First Hour	\$ .75	\$1.25
Each additional 1/2 Hour (or portion thereof)	\$1.00	\$1.25
12 Hour Maximum	\$11.00	\$13.00

**(b) Underground Garage:**

<u>Parking Time</u>	<u>Validated Rate</u>	<u>Unvalidated Rate</u>
First Hour	\$ .75	\$1.50
Each 1/2 Additional Hour (or portion thereof)	\$1.50	\$1.50
12 Hour Maximum	\$13.00	\$15.00

**(c) Surface Lots:**

<u>Parking Time</u>	<u>Validated Rate</u>	<u>Unvalidated Rate</u>
First Hour	\$ .75	\$1.25
Each Additional 1/2 Hour (or portion thereof)	\$1.00	\$1.25
12 Hour Maximum	\$11.00	\$13.00

**Section 2.** Section 4(e) of Port Ordinance No. 3044 is amended to read as follows::

**(e) Monthly Parking**

Washington Street Garage

Open Parking: \$140 per month

Fifth - Seventh Level Parking: \$85 per month

Oak Street Lot

\$20.00 per month

Lots 5, 7, 9, 11

\$78 per month

Potomac Yard

\$74 per month

Amtrak Lot

\$74 per month

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton  
Secretary of the Board

**Adopted at a regular**

**meeting held April 2, 2002**

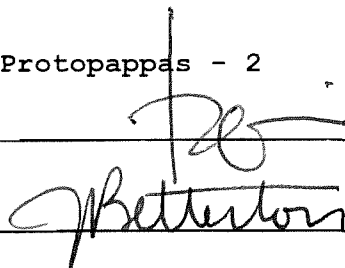
**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kramer, Scates, Uribe and President Tagami - 5

**Noes:** None

**Absent:** Commissioners Kiang and Protopappas - 2

Attest



\_\_\_\_\_  
**President.**

\_\_\_\_\_  
**Secretary.**

**Approved as to form and legality:**

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le Advertising  
(510) 93-2601

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

**PORT ORDINANCE NO. 3044**

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 90, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**3/13/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Hansel Sebb  
Public Notice Advertising Clerk

Legal No.

**0000067958**

**PORT ORDINANCE NO. 3688  
AN ORDINANCE AMENDING PORT ORDINANCE  
NO. 3044, FIXING CERTAIN REVISED  
PARKING RATES AT THE PARKING  
FACILITIES IN JACK LONDON SQUARE**

WHEREAS, the Board of Port Commissioners ("Board") desires to amend Port Ordinance No. 3044 to further revise certain parking rates at the parking facilities in Jack London Square; now therefore

**BE IT ORDAINED** by the Board as follows:

**Section 1.** Sections 4(a), 4(b) and 4(c) of Port Ordinance No. 3044 are amended to read as follows:

**(a) Washington Street Garage:**

Parking Time	Validated Rate	Unvalidated Rate
First Hour	\$ .75	\$ 1.25
Each additional 1/2 Hour (or portion thereof)	\$ 1.00	\$ 1.25
12 Hour Maximum	\$ 11.00	\$ 13.00

**(b) Underground Garage:**

Parking Time	Validated Rate	Unvalidated Rate
First Hour	\$ .75	\$ 1.50
Each 1/2 Additional Hour (or portion thereof)	\$ 1.50	\$ 1.50
12 Hour Maximum	\$ 13.00	\$ 15.00

**(c) Surface Lots:**

Parking Time	Validated Rate	Unvalidated Rate
First Hour	\$ .75	\$ 1.25
Each Additional 1/2 Hour (or portion thereof)	\$ 1.00	\$ 1.25
12 Hour Maximum	\$ 11.00	\$ 13.00

**Section 2.** Section 4(e) of Port Ordinance No. 3044 is amended to read as follows::

**(e) Monthly Parking**

Washington Street Garage  
Open Parking: \$140 per month  
Fifth - Seventh Level Parking: \$85 per month

Oak Street Lot  
\$20.00 per month

Lots 5, 7, 9, 11  
\$78 per month

Potomac Yard  
\$74 per month

Amtrak Lot  
\$74 per month

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.  
**CHRISTOPHER C. MARSHALL**  
SECRETARY OF THE BOARD

The Oakland Tribune, #67958  
March 13, 2002



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3687**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 3634  
RELATING TO LANDING AND TENANT TERMINAL SPACE  
RENTAL FEES AT METROPOLITAN OAKLAND INTERNATIONAL  
AIRPORT.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 2 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

**"Section 2.** Except as provided in Sections 3, 5 and 7 of this ordinance, or by a written agreement between the Port and an Airline Operator, or as may be waived pursuant to a marketing incentive policy authorized by the Port if such waiver is reflected in a written agreement between the Port and an Airline Operator, the following landing fees and operation charges are hereby established for each aircraft using the landing areas, including the helicopter landing areas, at the Airport:

a. (i) For Based Aircraft described in subsection (c) of this Section 2, and having a maximum gross landing weight of less than 12,500 pounds, the rate shall be \$14.25 per landing; provided, however, that effective April 1, 2002, if the operator of such Based Aircraft has not signed and returned the Port's Airline Operating Agreement, the rate shall be \$17.81 per landing until such Agreement has been signed and returned by the operator of such Based Aircraft.

(ii) For other Aircraft having a maximum gross landing weight of less than 12,500 pounds, the rate shall be \$17.81 per landing, except as hereafter set forth in subsection (c) of this Section 2.

b. For Aircraft having a maximum gross landing weight of more than 12,500 pounds, the rate shall be \$1.43 per 1,000 pounds of maximum gross landing weight per Aircraft, except as hereafter set forth in subsection (c) of this Section 2.

c. For aircraft operated by a Based Tenant Operator, a Certificated Airline Operator that is listed in the Official Airline Guide as providing scheduled service to and from the Airport, or an Airline Operator that leases or licenses a minimum of 20,000 square feet of land or ramp area on the South Field on at least a month-to-month basis, or that leases or licenses a minimum of 2,200 square feet of air cargo building space on the South Field on at least a month-to-month basis, the rate shall be \$1.14 per 1,000 pounds of maximum gross landing weight per Aircraft; provided however, that effective April 1, 2001, this subsection c shall not apply to any Airline Operator that has not signed and returned to the Port the Port's Airline Operating Agreement."

**Section 2.** Section 3 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"**Section 3.** A landing fee shall not be assessed against any Aircraft which, after taking off from the Airport, and without making a landing at any other airport, returns to land at the Airport because of meteorological conditions, mechanical or operating causes, or any other reason of emergency. The landing fee and operation charge for any other non-Revenue Landing, including but not limited to training and familiarization flights, of Aircraft operated by a Certificated Airline Operator are hereby established at \$.57 for each 1,000 pounds of maximum gross landing weight per Aircraft landed by Certificated Airline Operators covered by Section 2c hereof and \$.11 for each 1,000 pounds of maximum gross landing weight per Aircraft landed by Certificated Airline Operators covered by Section 2b hereof."

**Section 3.** Section 10.01 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"**Section 10.1.** Except as otherwise provided by a written agreement between the Port and an Airline Operator, the following charges for space rental or license of ticketing counters and related office, holding room and baggage area in the Terminal Buildings are hereby established:

a. Ticketing counter space in Building M-101 and Building M-130, \$7.470 per square foot per month;

b. Office space behind ticketing counters and in Buildings M-102, M-103, M-104 and M-130 and holding room space, \$6.723 per square foot per month;

c. Baggage claim area in Buildings M-101 and M-130, \$5.976 per square foot per month; and

d. Baggage make-up area, \$5.229 per square foot per month.

e. Ticket Counter Use - Airline Operators who lease or license the ticket counter on a per use basis to provide domestic or international scheduled or nonscheduled service to the Airport shall pay a use fee of \$200.00 per four-hour use. Such leasing or licensing of the ticket counter by an Airline Operator shall make such Airline Operator a Based Tenant Operator under this Ordinance."

**Section 4.** Section 10.12(a) - (f) of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"**Section 10.10.** All Airline Operators who are preferentially assigned the use of a ticketing unit and associated loading bridge gate in the second level of the Airport Terminal Finger Building (M-103) and Terminal II (M-130) shall pay to the Port a second level use fee in the sum of \$17,448 per month for each ticketing unit and associated loading bridge gate so assigned. Such assignment shall not include any specific seating areas, but shall include the right for assignee's passengers to use any of the common seating areas in said second level. The Airport General Manager shall have the right to secondarily assign any such ticketing unit and associated loading bridge gate to another Airline Operator, provided that such secondary assignee's use of said ticketing unit and associated loading bridge gate does not unreasonably interfere with the use of the preferential assignee. The fees for secondary use shall be as follows:

a. Based Tenant Operator with Holdroom - (i) Except as otherwise provided in subsection (ii) below, Based Tenant Operators that are assigned the use of a ticketing unit and associated loading bridge gate and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - \$111.80 per enplaning operation.

(ii) Effective April 1, 2002, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline

Operator under subsection (i) above shall be increased to \$139.75 per enplaning operation.

b. Based Tenant Operator without Holdroom - (i) Except as otherwise provided in subsection (ii) below, Based Tenant Operators who are not assigned the use of a ticketing unit and associated loading bridge gate and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - \$0.86 per enplaning passenger.

(ii) Effective April 1, 2002, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its right to use space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to \$1.08 per enplaning passenger.

c. Affiliated Operator - (i) Except as otherwise provided in subsection (ii) below, Airline Operators who are affiliated with a Based Tenant Operator and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - \$0.86 per enplaning passenger.

(ii) Effective April 1, 2002, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to \$1.08 per enplaning passenger.

d. Affiliated Operator using Small Aircraft  
(i) Except as otherwise provided in subsection (ii) below, Airline Operators who are affiliated with a Based Tenant Operator and are listed in the Official Guide as providing

scheduled service to and from the Airport utilizing Aircraft that are too small to be serviced with a loading bridge provided by the Port shall pay the following charge:

Holdroom Charge - \$0.72 per enplaning passenger.

(ii) Effective April 1, 2002, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its right to use space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to \$0.90 per enplaning passenger.

e. Non-Based, Non-Tenant Operator - Airline Operators who are not a Based Tenant Operator and are not listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Terminal Use Fee	\$1.09 per enplaning passenger
Holdroom & Loading Bridge Charge	\$1.08 per enplaning passenger
Security Fee	\$40.00 per enplaning passenger
Baggage Claim Area	\$.59 per deplaning passenger

f. Non-Terminal Operator - Airline Operators who do not use the Terminal Buildings and are not subject to the Airplane Operator Security requirements of 14 CFR 108 for domestic operators or 14 CFR 129 for foreign air carriers and foreign operators of U.S. registered Aircraft shall not be assessed a secondary use charge.

In the event a preferential assignee is unable to use the ticketing unit and loading bridge gate preferentially assigned to it by reason of the gate being temporarily inoperable, and if in such event said preferential assignee is required to use another ticketing unit and loading bridge gate in said second level of Building M-103 and Building M-130, said preferential assignee shall not be assessed an additional secondary use fee for such use.

For the purpose of this Section 10.10, a preferential assignment shall give the assignee the right to a preferential nonexclusive use of a certain ticketing unit

and associated loading bridge gate in the said second level of the Airport Terminal Finger Building (M-103) and Terminal II (M-130) on a month-to-month basis, together with the right to utilize for its passengers using said unit and gate, the common seating areas in said second level. For the purposes of this Section 10.10, a secondary assignment shall give the assignee the right to secondary use of a certain ticketing unit and loading bridge gate in said second level for a period specified, such right being subordinate to the prior rights of the preferential assignee, together with the right to utilize for its passengers using said unit and gate, the common seating areas in said second level. Except as hereinabove specifically provided, secondary assignments of said second level ticketing units and loading bridge gates shall not make the Airline Operator receiving such secondary assignments a Based Tenant Operator."

**Section 5.** The Board of Port Commissioners hereby finds and determines that the imposition of the changes referred to in Sections 1 - 4 of this ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code Section 21080(b)(8) and Title 14 of the California Code of Regulations Sections 15273 and 15061(b)(3).

**Section 6.** Section 1-4 of this ordinance shall be effective January 1, 2002 for airlines belonging to the Airline Affairs Committee and effective April 1, 2002 for non-based airlines, ground handlers and car rental companies.

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

John T. Betterton, Secretary of the Board

**Adopted at a regular**

**meeting held April 2, 2002**

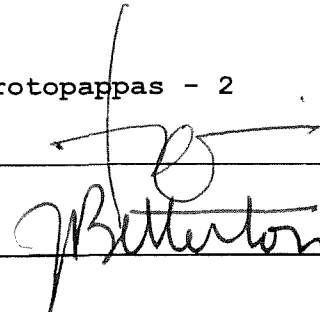
**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kramer, Scates, Uribe and President Tagami - 5

**Noes:** None

**Absent:** Commissioners Kiang and Protopappas - 2

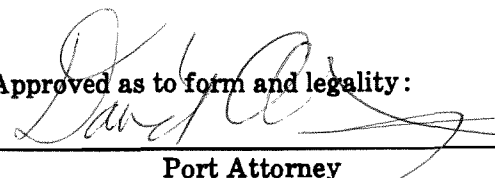
Attest



\_\_\_\_\_  
**President.**

\_\_\_\_\_  
**Secretary.**

**Approved as to form and legality:**

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

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6306

Legal No. **67160**

PORT ORDINANCE NO. 3687

AN ORDINANCE AMENDING PORT ORDINANCE NO. 3634 RELATING TO LANDING AND TENANT TERMINAL SPACE RENTAL FEES AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:  
Section 1. Section 2 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"Section 2. Except as provided in Sections 3, 5 and 7 of this ordinance, or by a written agreement between the Port and an Airline Operator, or as may be waived pursuant to a marketing incentive policy authorized by the Port if such waiver is reflected in a written agreement between the Port and an Airline Operator, the following landing fees and operation charges are hereby established for each aircraft using the landing areas, including the helicopter landing areas, at the Airport:

a. (i) For Based Aircraft described in subsection (c) of this Section 2, and having a maximum gross landing weight of less than 12,500 pounds, the rate shall be \$14.25 per landing; provided, however, that effective April 1, 2002, if the operator of such Based Aircraft has not signed and returned the Port's Airline Operating Agreement, the rate shall be \$17.81 per landing until such Agreement has been signed and returned by the operator of such Based Aircraft.

(ii) For other Aircraft having a maximum gross landing weight of less than 12,500 pounds, the rate shall be \$17.81 per landing, except as hereafter set forth in subsection (c) of this Section 2.

b. For Aircraft having a maximum gross landing weight of more than 12,500 pounds, the rate shall be \$1.43 per 1,000 pounds of maximum gross landing weight per Aircraft, except as hereafter set forth in subsection (c) of this Section 2.

c. For aircraft operated by a Based Tenant Operator, a Certificated Airline Operator that is listed in the Official Airline Guide as providing scheduled service to and from the Airport, or an Airline Operator that leases or licenses a minimum of 20,000 square feet of land or ramp area on the South Field on at least a month-to-month basis, or that leases or licenses a minimum of 2,000 square feet of air cargo building space on the South Field on at least a month-to-month basis, the rate shall be \$1.14 per 1,000 pounds of maximum gross landing weight per Aircraft; provided however, that effective April 1, 2001, this subsection c shall not apply to any Airline Operator that has not signed and returned to the Port the Port's Airline Operating Agreement."

Section 2. Section 3 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"Section 3. A landing fee shall not be assessed against any Aircraft which, after taking off from the Airport, and without making a landing at any other airport, returns to land at the Airport because of meteorological conditions, mechanical or operating causes, or any other reason of emergency. The landing fee and operation charge for any other non-Revenue Landing, including but not limited to training and familiarization flights, of Aircraft operated by a Certificated Airline Operator are hereby established at \$5.57 for each 1,000 pounds of maximum gross landing weight per Aircraft landed by Certificated Airline Operators covered by Section 2c hereof and \$7.11 for each 1,000 pounds of maximum gross landing weight per Aircraft landed by Certificated Airline Operators covered by Section 2b hereof."

Section 3. Section 10.01 of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"Section 10.1. Except as otherwise provided by a written agreement between the Port and an Airline Operator, the following charges for space rental or license of ticketing counters and related office, holding room and baggage area in the Terminal Buildings are hereby established:

- a. Ticketing counter space in Building M-101 and Building M-130, \$7,470 per square foot per month;
- b. Office space behind ticketing counters and in Buildings M-102, M-103, M-104 and M-130 and holding room space, \$6,723 per square foot per month;
- c. Baggage claim area in Buildings M-101 and M-130, \$5,976 per square foot per month; and
- d. Baggage make-up area, \$5,229 per square foot per month.
- e. Ticket Counter Use - Airline Operators who lease or license the ticket counter on a per use basis to provide domestic or international scheduled or non-scheduled service to the Airport shall pay a use fee of \$200.00 per four-hour use. Such leasing or licensing of the ticket counter by an Airline Operator shall make such Airline Operator a Based Tenant Operator under this Ordinance."

Section 4. Section 10.12(a) - (f) of Port Ordinance No. 3634 is hereby amended to read in full as follows:

"Section 10.12. All Airline Operators who are preferentially assigned the use of a ticketing unit and associated loading bridge gate in the second level of the Airport Terminal Finger Building (M-103) and Terminal II (M-130) shall pay to the Port a second level use fee in the sum of \$17,448 per month for each ticketing unit and associated loading bridge gate so assigned. Such assignment shall not include any specific seating areas, but shall include the right for assignee's passengers to use any of the common seating areas in said second level. The Airport General Manager shall have the right to secondarily assign any such ticketing unit and associated loading bridge gate to another Airline Operator, provided that such secondary assignee's use of said ticketing unit and associated loading bridge gate does not unreasonably interfere with the use of the preferential assignee. The fees for secondary use shall be as follows:

a. Based Tenant Operator with Holdroom - (i) Except as otherwise provided in subsection (i) below, Based Tenant Operators that are assigned the use of a ticketing unit and associated loading bridge gate and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - \$111.80 per enplaning operation.

(ii) Effective April 1, 2002, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to \$138.75 per enplaning operation.

b. Based Tenant Operator without Holdroom - (i) Except as otherwise provided in subsection (i) below, Based Tenant Operators who are not assigned the use of a ticketing unit and associated loading bridge gate and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall pay the following charge:

Holdroom and Loading Bridge Charge - \$0.86 per enplaning passenger.

(ii) Effective April 1, 2002, if an Airline Operator described in subsection (i) above has not signed and returned the Port's Space/Use Permit covering its space in the Terminal Buildings, and does not sign and return such Space/Use Permit within 60 days after its receipt of such Space/Use Permit, then commencing on the 61st day after Airline Operator's receipt of such Space/Use Permit, and ending on the date the Port receives the Space/Use Permit signed by such Airline Operator, the charge to such Airline Operator under subsection (i) above shall be increased to \$1.08 per enplaning passenger.

c. Affiliated Operator - (i) Except as otherwise provided in subsection (i) below, Airline Operators who are affiliated with a Based Tenant Operator and are listed in the Official Airline Guide as providing scheduled service to and from the Airport shall

For the purpose of this Section 10.10, a preferential assignment shall give the assignee the right to a preferential nonexclusive use of a certain ticketing unit and associated loading bridge gate in the said second level of the Airport Terminal Finger Building (M-103) and Terminal II (M-130) on a month-to-month basis, together with the right to utilize for its passengers using said unit and gate, the common seating areas in said second level. For the purposes of this Section 10.10, a secondary assignment shall give the assignee the right to secondary use of a certain ticketing unit and loading bridge gate in said second level for a period specified, such right being subordinate to the prior rights of the preferential assignee, together with the right to utilize for its passengers using said unit and gate, the common seating areas in said second level. Except as hereinabove specifically provided, secondary assignments of said second level ticketing units and loading bridge gates shall not make the Airline Operator receiving such secondary assignments a Based Tenant Operator."

Section 5. The Board of Port Commissioners hereby finds and determines that the imposition of the changes referred to in Sections 1-4 of this ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to Public Resources Code Section 21060(b)(5) and Title 14 of the California Code of Regulations Sections 15273 and 15061(d)(3).

Section 6. Section 1-4 of this ordinance shall be effective January 1, 2002 for airlines belonging to the Airline Affairs Committee and effective April 1, 2002 for non-based airlines, ground handlers and car rental companies.

In Board of Port Commissioners, Oakland, California, March 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Klang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

Christopher C. Marshall  
Secretary of the Board.

#67160 Oakland Tribune  
March 13, 2002

## PROOF OF PUBLICATION

In the matter of

### PORT ORDINANCE NO. 3687

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MARCH 13, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Kara Bowen*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
) 208-6306

Legal No. **67160**

COPY

## PROOF OF PUBLICATION

In the matter of

**PORT ORDINANCE NO. 3687**

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**MARCH 13, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3686**

ORDINANCE AMENDING PORT ORDINANCE NO. 1606 TO ADD SECTION 5.1., CLARIFYING THE APPLICATION OF THE CALIFORNIA SUBLETTING AND SUBCONTRACTING FAIR PRACTICES ACT (Pub. Con. C. §4100 *et seq.*) TO PORT CONTRACTS; ESTABLISHING EXCEPTIONS; DELEGATING TO THE EXECUTIVE DIRECTOR AUTHORITY TO IMPLEMENT THE ACT.

---

**WHEREAS** the mode of contracting for construction of public works constitutes a municipal affair of the City of Oakland; and

**WHEREAS** the Port is exempt from the requirements of the Public Contract Code; and

**WHEREAS** the California Legislature has recognized that the practices of bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements often result in poor quality of material and workmanship to the detriment of the public, deprive the public of the full benefits of fair competition among prime contractors and subcontractors, and lead to insolvencies, loss of wages to employees, and other evils; and

**WHEREAS** in order to address such concerns the California Legislature enacted the Subletting and Subcontracting Fair Practices Act (Pub. Con. C. §4100 *et seq.*) ("Act"); and

**WHEREAS** the Port of Oakland has complied with the requirements of the Act in recognition of the sound policy it represents; and

**WHEREAS** the Act requires that any person making a bid or offer to perform work must set forth the name and location of the business of each subcontractor performing in excess of one-half of 1 percent of the prime contractor's total bid; and

**WHEREAS** strict compliance with the requirement to list the names of subcontractors is impossible when the Port utilizes alternative project delivery processes in which the contract is awarded before completion of the design documents, such as design-build or construction manager at risk; and

**WHEREAS** the impossibility of compliance with the subcontractor listing requirement for such contracts constitutes a public necessity for postponing subcontractor identification until the project designs are completed; and

**WHEREAS** under Port Ordinance No. 1606, Section 5(i), the Board is authorized to waive standard bidding procedures and allow the Executive Director to negotiate a contract; and

**WHEREAS** in those circumstances where the Executive Director has been authorized to negotiate a contract, the complete scope of work may not be known until execution of the contract; and

**WHEREAS** in those circumstances where the Executive Director has been authorized to negotiate a contract, the contractor may not be able to identify all of its subcontracting needs until execution of the contract; and

**WHEREAS** the Board recognizes that in some circumstances, the risks of bid peddling and bid shopping may be outweighed by the Port's need for flexibility in its contracting process, in order to fulfill its role as a regional transportation center; and

**WHEREAS** Port staff possesses the technical expertise to make any necessary factual findings, to approve or disapprove of requests to substitute subcontractors, to determine violations of the Act, and to impose any sanctions for violations; and

**WHEREAS** nothing in this Ordinance is intended expressly or by implication to waive or limit the Board 's powers under the City Charter;

**NOW, THEREFORE BE IT ORDAINED** that Port Ordinance No. 1606, shall be and is amended to add Section 5.1., to read as follows:

"1. In the solicitation of bids for public work, the Executive Director shall ensure that the Port complies with the requirements of the Subletting and Subcontracting Fair Practices Act (Pub. Con. C. §4100 et seq.) ("Act"), except:

1. When the Board waives standard bidding procedures and authorizes the Executive Director to award a public works contract utilizing a project delivery process in which the contract is awarded prior to completion of the design-documents, the bidders shall submit a list of the names of subcontractors as required by Section 4104, subdivision (a), of the Act, not later than the date specified in the contract documents for the project. Under no circumstances shall the date specified in the contract documents for the submission of subcontractor information by bidders be after the date on which the Port approves the design for construction of the project. In the event that the work of a contract is separated into more than one phase, the Port shall specify dates for the submission of subcontractor information, which are not later than the date on which the Port authorizes construction for each phase.

2. When the Board waives standard bidding procedures and authorizes the Executive Director to award a public works contract utilizing a project delivery process in which the design-documents are complete at the time of solicitation, the bidders shall submit a list of the names of subcontractors as required by Section 4104, subdivision (a), of the Act, not later than the date specified in the contract documents for the project. Under no circumstances shall the date specified in the contract documents for the submission of subcontractor information by bidders be after execution of the contract by the contractor.
  
3. The Executive Director, or his or her designee, is duly authorized to implement the Act, including, but not limited to, approving or rejecting requests to substitute a subcontractor, conducting hearings, making findings, and imposing penalties. Any decisions made by the Executive Director, or his or her designee, in implementing the Act shall be supported by substantial evidence. The Executive Director shall inform the Board of any decisions he or she makes based on a contested hearing.
  
4. The Board may by resolution exempt any contract from the application of the Act, either prospectively or retroactively."

In Board of Port Commissioners, Oakland, California, February 20, 2002.  
 Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

Christopher C. Marshall  
 Secretary of the Board

**Adopted at a regular**

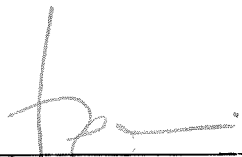
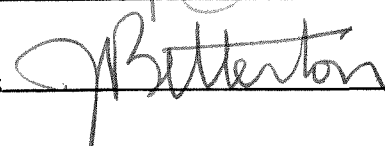
**meeting held March 5, 2002**

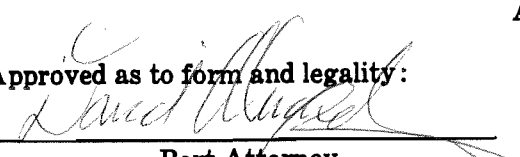
**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7

**Noes:** None

**Absent:** None

  
 \_\_\_\_\_ **President.**  
**Attest**   
 \_\_\_\_\_ **Secretary.**

**Approved as to form and legality:**  
  
 \_\_\_\_\_  
**Port Attorney**

# The Oakland Tribune

c/o ANG Newspapers  
1080 South Amphlett Blvd.  
San Mateo, CA 94402  
(415) 348-4467 Fax (415) 348-4459

Legal No. **61217**

## PUBLIC NOTICES

### PORT ORDINANCE NO. 3686

**ORDINANCE AMENDING PORT ORDINANCE NO. 1606 TO ADD SECTION 5.1., CLARIFYING THE APPLICATION OF THE CALIFORNIA SUBLETTING AND SUBCONTRACTING FAIR PRACTICES ACT (Pub. Con. C. §4100 et seq.) TO PORT CONTRACTS; ESTABLISHING EXCEPTIONS; DELEGATING TO THE EXECUTIVE DIRECTOR AUTHORITY TO IMPLEMENT THE ACT.**

**WHEREAS** the mode of contracting for construction of public works constitutes a municipal affair of the City of Oakland; and

**WHEREAS** the Port is exempt from the requirements of the Public Contract Code; and

**WHEREAS** the California Legislature has recognized that the practices of bid shopping and bid peddling in connection with the construction, alteration, and repair of public improvements often result in poor quality of material and workmanship to the detriment of the public, deprive the public of the full benefits of fair competition among prime contractors and subcontractors, and lead to insolvencies, loss of wages to employees, and other evils; and

**WHEREAS** in order to address such concerns the California Legislature enacted the Subletting and Subcontracting Fair Practices Act (Pub. Con. C. §4100 et seq.) ("Act"); and

**WHEREAS** the Port of Oakland has complied with the requirements of the Act in recognition of the sound policy it represents;

**WHEREAS** the Act requires that any person making a bid or offer to perform work must set forth the name and location of the business of each subcontractor performing in excess of one-half of 1 percent of the prime contractor's total bid; and

**WHEREAS** strict compliance with the requirement to list the names of subcontractors is impossible when the Port utilizes alternative project delivery processes in which the contract is awarded before completion of the design documents, such as design-build or construction manager at risk; and

**WHEREAS** the impossibility of compliance with the subcontractor listing requirement for such contracts constitutes a public necessity for postponing subcontractor identification until the project designs are completed; and

**WHEREAS** under Port Ordinance No. 1606, Section 5(i), the Board is authorized to waive standard bidding procedures and allow the Executive Director to negotiate a contract; and

**WHEREAS** in those circumstances where the Executive Director has been authorized to negotiate a contract, the complete scope of execution of the contract by the contractor.

3. The Executive Director, or his or her designee, is duly authorized to implement the Act, including, but not limited to, approving or rejecting requests to substitute a subcontractor, conducting hearings, making findings, and imposing penalties. Any decisions made by the Executive Director, or his or her designee, in implementing the Act shall be supported by substantial evidence. The Executive Director shall inform the Board of any decisions he or she makes based on a contested hearing.

4. The Board may by resolution exempt any contract from the application of the Act, either prospectively or retroactively.

In Board of Port Commissioners, Oakland, California, February 20, 2002. Passed to print the day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

**Christopher C. Marshall**  
Secretary of the Board

The Oakland Tribune, #61217  
February 27, 2002

ALARM 911 DISPATCHER  
Looking for Smo  
Lube Techs & Mi  
ics, Good Pay/Br  
Tank 510-329-01  
ings, Willing to train

## PROOF OF PUBLICATION

In the matter of

### PORT ORDINANCE NO. 3686

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such

by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**FEBRUARY 27, 2001**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
1080 South Amphlett Blvd.  
San Mateo, CA 94402  
(415) 348-4467 Fax (650) 348-4459

Legal No. 61217

COPY

## PROOF OF PUBLICATION

In the matter of

### PORT ORDINANCE NO. 3686

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such

by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

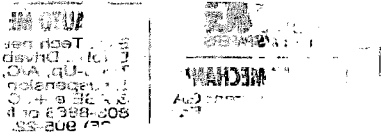
of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**FEBRUARY 27, 2001**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

---

Public Notice Advertising Clerk



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3685**

AN ORDINANCE IMPOSING A CUSTOMER FACILITY CHARGE ON EACH PERSON WHO RENTS AN AUTOMOBILE FROM A CUSTOMER FACILITY LOCATED ON THE AIRPORT OR WITHIN THE RENTAL CAR RADIUS; OBLIGATING EACH RENTAL CAR COMPANY THAT OPERATES A CUSTOMER FACILITY ON THE AIRPORT OR WITHIN THE RENTAL CAR RADIUS TO COLLECT A CUSTOMER FACILITY CHARGE FROM EACH PERSON WHO RENTS AN AUTOMOBILE FROM SUCH CUSTOMER FACILITY AND TO REMIT SUCH CUSTOMER FACILITY CHARGE TO THE PORT OF OAKLAND; IMPOSING CERTAIN REPORTING AND OTHER OBLIGATIONS ON SUCH RENTAL CAR COMPANIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

**ARTICLE I - DEFINITIONS**

Unless otherwise specifically defined herein, or unless a different meaning is apparent from the context, the following terms used in this Ordinance shall have the definitions specified in this Article I, whether or not such terms are capitalized. Except where otherwise indicated, words in the singular include the plural as well as the singular and vice versa.

**"Act"** shall mean Section 1936 of the California Civil Code, as amended.

**"Airport"** shall mean Metropolitan Oakland International Airport.

**"Automobile"** shall mean any passenger motor vehicle, including pickup trucks, vans, sports utility vehicles and station wagons.

**"Commercial Activity"** shall mean any activity that relates to the exchange, trading, buying, hiring, selling or renting of commodities, goods, services, Automobiles or other tangible or intangible property of any kind, or any revenue producing activity on the Airport or related to any revenue producing activity off of the Airport.

**"Common Use Busing System"** shall mean the busing system operated by or on behalf of the On-Airport Rental Car Companies pursuant to their agreements with the Port.

**"Contract"** shall mean the written agreement under which an Automobile is rented to a Person by a Rental Car Company.

**"Customer Facility"** shall mean any facility located on the Airport or within the Rental Car Radius and operated by a Rental Car Company for the processing and/or servicing of, or for the delivery of rented Automobiles to, its customers.

**"Customer Facility Charge"** shall mean the charge required to be imposed pursuant to the Act and Article II of this Ordinance.

**"Director"** shall mean the Director of Aviation employed by the Port, or his or her designee.

**"Interim Period"** shall mean the period commencing on the first day of the first calendar month after the Port's written notice to the Rental Car Companies in accordance with the notice requirements contained in Article VII below that the Customer Facility Charge will be used by the Port to pay any of the costs of the Common Use Busing System, and ending on the Termination Date.

**"Interim Rental Car Facility"** shall mean the consolidated rental car facility to be constructed northwest of the Doolittle Drive and Langley Street intersection in the North Field at the Airport.

**"Long Term Facility"** shall mean the consolidated rental car facility at the Airport that the Port may construct in the future to replace the Interim Rental Car Facility.

**"North Field"** shall mean that portion of the Airport located north of Air Cargo Road.

**"Off-Airport Customer Facility"** shall mean a Customer Facility that is not located on the Airport.

**"Off-Airport Rental Car Company"** shall mean a Person that is not an On-Airport Rental Car Company and that operates a Customer Facility within the Rental Car Radius.

**"On Airport Customer Facility"** shall mean a Customer Facility that is located on the Airport.

**"On-Airport Rental Car Company"** shall mean a Person that operates a Customer Facility on the Airport and is a party to a license and

concession agreement with the Port authorizing it to conduct an automobile rental business concession at the Airport.

**"Person"** shall mean any individual, firm, partnership, corporation, company, association, joint stock association, body politic or other entity, and includes any trustee, receiver, committee, assignee or other representative or employee thereof.

**"Port"** shall mean the Port of Oakland, which consists of the Port Department of the City of Oakland, under the exclusive control and management of the Board of Port Commissioners of the City of Oakland, acting for and on behalf of the City of Oakland.

**"Rental Car Company"** shall mean any On-Airport Rental Car Company or any Off-Airport Rental Car Company.

**"Rental Car Facility"** shall mean the Interim Rental Car Facility or the Long Term Facility.

**"Rental Car Radius"** shall mean the geographic area within the boundaries extending from the Airport to and including Bay Farm Island in Alameda, from the Bay Farm Island Bridge in Alameda, across San Leandro Bay to the intersection of Oakport Street and 66<sup>th</sup> Avenue in Oakland; and the area encompassed by and the frontage on both sides of the following streets: 66<sup>th</sup> Avenue, from Oakport Street to San Leandro Boulevard in Oakland; San Leandro Boulevard, from 66<sup>th</sup> Avenue to Hegenberger Road in Oakland; Hegenberger Road, from San Leandro Boulevard to Baldwin Street in Oakland, Baldwin Street, from Hegenberger Road to 85<sup>th</sup> Avenue in Oakland; 85<sup>th</sup> Avenue, from Baldwin Street to Edes Avenue in Oakland; Edes Avenue, from 85<sup>th</sup> Avenue to 98<sup>th</sup> Avenue in Oakland; 98<sup>th</sup> Avenue, from Edes Avenue to Interstate 880 in Oakland; Interstate 880, from 98<sup>th</sup> Avenue in Oakland to Williams Street in San Leandro; and Williams Street, from Interstate 880 to and including Oyster Bay Regional Shoreline in San Leandro; and Oyster Bay Regional Shoreline extending to Eden Road in Oakland and extending to the Airport, as illustrated on the map attached hereto as Exhibit "A".

**"Termination Date"** shall mean the date on which the Common Use Busing System will cease operating, as determined by the Director. The Director shall give the Rental Car Companies at least thirty (30) days prior written notice of the Termination Date, in accordance with the notice requirements contained in Article VII below.

## **ARTICLE II - CUSTOMER FACILITY CHARGE**

(a) Pursuant to the Act, each Person who rents an Automobile at an On-Airport Customer Facility shall pay a Customer Facility Charge of \$10.00 for each Contract.



(b) Pursuant to the Act, each Person who rents an Automobile at an Off-Airport Customer Facility during the Interim Period shall pay a Customer Facility Charge of \$6.00 for each Contract, or such other amount as may be set forth in a written notice given from time to time by the Port to the Rental Car Companies in accordance with the notice requirements contained in Article VII below.

(c) Each Rental Car Company shall collect the applicable Customer Facility Charge, as set forth in subparagraph (a) or (b) above, on each Contract for an Automobile rented at any Customer Facility or rented elsewhere and delivered at any Customer Facility; shall separately identify the amount of such Customer Facility Charge in such Contract and shall describe such fee as a "Customer Facility Charge" or a "Facility Fee"; shall collect such Customer Facility Charge at the time the first payment is made under the Contract, and shall remit the full amount of such Customer Facility Charge to the Port pursuant to Article III(b) below, regardless of whether or not the full amount of such Customer Facility Charge is actually collected by the Rental Car Company from the Person who rented the Automobile under such Contract.

### **ARTICLE III - REPORTING AND REMITTANCE**

(a) Each Rental Car Company liable for the collection and payment of a Customer Facility Charge pursuant to this Ordinance shall, on or before the last day of a calendar month, prepare and submit a monthly fee report to the Port on a form approved in writing by the Director, specifying the total number of Contracts entered into at each Customer Facility and the total amount of Customer Facility Charges collected at each Customer Facility in the prior calendar month.

(b) The total amount of Customer Facility Charges owed by the Rental Car Company under Article II(c) above for the prior calendar month shall be remitted to the Port with such monthly fee report.

### **ARTICLE IV - RECORD KEEPING REQUIREMENTS AND AUDIT RIGHTS**

Each Rental Car Company liable for the collection and payment of a Customer Facility Charge pursuant to this Ordinance shall be obligated to keep and preserve all books and records as would normally be examined by an independent certified public accountant pursuant to generally accepted auditing standards in performing an audit or examination of the Customer Facility Charges owed by such Rental Car Company to the Port under this Ordinance, and any other financial or statistical reports or records as the Port may reasonably request. The Rental Car Company shall retain such books and records and other

financial reports for a period of no less than four (4) years following the end of the calendar year to which such books and records and financial reports relate; provided, however, that if prior to the end of such four (4) year period, any audit, review or investigation is commenced by the Port, or any claim is made or litigation is commenced against the Rental Car Company arising under this Ordinance, such books and records and financial reports shall continue to be maintained by the Rental Car Company, and the Port shall continue to have the right to inspect such books and records and financial reports, as provided herein, until the audit, claim or litigation is final.

The books and records and financial reports that the Company is obligated to maintain under this Article IV shall be made available by the Rental Car Company at one of its Customer Facilities, on thirty (30) days prior written notice, for inspection and copying by the Port or its duly authorized representative. The Port shall have the right to audit or cause an audit to be made of such books and records and financial reports to determine the correctness of the Customer Facility Charges paid by the Rental Car Company to the Port for any calendar year that ended no more than four (4) years prior to the commencement of such audit. If as a result of such audit it is established that additional amounts are owed the Port, the Rental Car Company shall, upon written demand from the Port, promptly pay to the Port such additional amount, together with the delinquency charge provided for in Article V below. Further, if such audit establishes that the Rental Car Company has underpaid its Customer Facility Charges for any calendar year by three percent (3%) or more, then the entire expense of such audit shall be paid by the Rental Car Company.

#### **ARTICLE V - DELINQUENCY CHARGE**

Any payment required to be made to the Port under this Ordinance that remains due and unpaid for a period of ten (10) days after it becomes due and payable shall be subject to a delinquency charge, for violation of this Ordinance, and as liquidated damages, of \$50.00 plus a sum equal to .05% per day of such delinquent payment, but not to exceed the maximum interest rate permitted by applicable law, for each day from the date such payment became due until payment has been received by the Port, to cover the administrative expenses incurred by the Port for such delinquency.

#### **ARTICLE VI - VIOLATIONS OF ORDINANCE**

Any Off-Airport Rental Car Company that violates any provision of this Ordinance, in addition to all remedies available to the Port under California law or other Port Ordinances, shall have violated Port Ordinance No. 3648, as it may hereafter be amended or superceded by subsequently adopted Port Ordinance, and shall be barred from using

the Airport or its facilities for any Commercial Activity until such violation has been corrected by such Off-Airport Rental Car Company.

Any On-Airport Rental Car Company that violates any provision of this Ordinance, in addition to all remedies available to the Port under California law or other Port Ordinances, is using its Customer Facility in violation of this Ordinance, and shall be subject to the default provisions contained in its agreement or permit with the Port covering such Customer Facility.

#### **ARTICLE VII - EFFECTIVE DATE; NOTICE**

This Ordinance shall become effective on the first day of the first calendar month after the Port's written notice to the Rental Car Companies that the Port has incurred debt to finance the Interim Rental Car Facility; provided, however, that the effective date of this Ordinance shall not occur before April 1, 2002. This Ordinance shall be suspended during such periods as are set forth in a written notice from the Port to the Rental Car Companies advising that the Port has no debt outstanding that was incurred to finance a Rental Car Facility.

The Port shall give written notice to a Rental Car Company pursuant to this Ordinance by postage prepaid United States Postal Service mail at the address for such Rental Car Company that is on file at the Port's Airport Properties Department. A photocopy of a properly addressed and postmarked envelope and an affirmative written representation by the individual who deposited the notice in the mail that the notice was deposited in the mail shall constitute conclusive evidence of compliance by the Port with the notice requirements of this Article VII.

#### **ARTICLE VIII - PORT'S OBLIGATIONS**

The Port shall only use Customer Facility Charges to pay costs that may lawfully be paid under California law, and shall not collect Customer Facility Charges in excess of the aggregate amount that may lawfully be collected under California law.

#### **ARTICLE IX - ATTORNEYS FEES**

If the Port commences any action or proceeding against a Rental Car Company to enforce any provision of this Ordinance or to collect any unpaid Customer Facility Charges, and is the prevailing party in such action or proceeding, then it shall be entitled to have and recover from the losing party reasonable attorneys' fees and costs of suit and any appeals. The Port shall also be entitled to reasonable attorneys fees and costs to protect the Port's interest in Customer Facility Charges in the event of a Rental Car Company's bankruptcy,



# The Oakland Tribune

c/o ANG Newspapers  
1080 South Amphlett Blvd.  
San Mateo, CA 94402  
(415) 348-4467 Fax (650) 348-4459

Legal No. 60951

COPY

## PROOF OF PUBLICATION

In the matter of

### PORT ORDINANCE NO. 3685

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 0000 adjudicated as such

by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**FEBRUARY 27, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Haweser Soble*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
1080 South Amphlett Blvd.  
San Mateo, CA 94402  
(415) 348-4467 Fax (650) 348-4459

Legal No. **60951**

## PORT ORDINANCE NO. 3685

**AN ORDINANCE IMPOSING A CUSTOMER FACILITY CHARGE ON EACH PERSON WHO RENTS AN AUTOMOBILE FROM A CUSTOMER FACILITY LOCATED ON THE AIRPORT OR WITHIN THE RENTAL CAR RADIUS; OBLIGATING EACH RENTAL CAR COMPANY THAT OPERATES A CUSTOMER FACILITY ON THE AIRPORT OR WITHIN THE RENTAL CAR RADIUS TO COLLECT A CUSTOMER FACILITY CHARGE FROM EACH PERSON WHO RENTS AN AUTOMOBILE FROM SUCH CUSTOMER FACILITY AND TO REMIT SUCH CUSTOMER FACILITY CHARGE TO THE PORT OF OAKLAND; IMPOSING CERTAIN REPORTING AND OTHER OBLIGATIONS ON SUCH RENTAL CAR COMPANIES; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

### ARTICLE I - DEFINITIONS

Unless otherwise specifically defined herein, or unless a different meaning is apparent from the context, the following terms used in this Ordinance shall have the definitions specified in this Article I, whether or not such terms are capitalized. Except where otherwise indicated, words in the singular include the plural as well as the singular and vice versa.

"Act" shall mean Section 1836 of the California Civil Code, as amended.

"Airport" shall mean Metropolitan Oakland International Airport.

"Automobile" shall mean any passenger motor vehicle, including pickup trucks, vans, sports utility vehicles and station wagons.

"Commercial Activity" shall mean any activity that relates to the exchange, trading, buying, hiring, selling or renting of commodities, goods, services, Automobiles or other tangible or intangible property of any kind, or any revenue producing activity on the Airport or related to any revenue producing activity off of the Airport.

"Common Use Busing System" shall mean the busing system operated by or on behalf of the On-Airport Rental Car Companies pursuant to their agreements with the Port.

"Contract" shall mean the written agreement under which an Automobile is rented to a Person by a Rental Car Company.

"Customer Facility" shall mean any facility located on the Airport or within the Rental Car Radius and operated by a Rental Car Company for the processing and/or servicing of, or for the delivery of rented Automobiles to, its customers.

"Customer Facility Charge" shall mean the charge required to be imposed pursuant to the Act and Article II of this Ordinance.

"Director" shall mean the Director of Aviation employed by the Port, or his or her designee.

"Interim Period" shall mean the period commencing on the first day of the first calendar month after the Port's written notice to the Rental Car Companies in accordance with the notice requirements contained in Article VII below that the Customer Facility Charge will be used by the Port to pay any of the costs of the Common Use Busing System, and ending on the Termination Date.

"Interim Rental Car Facility" shall mean the consolidated rental car facility to be constructed at the intersection of the Doolittle Drive and Langley Street intersection in the North Field at the Airport.

"Long Term Facility" shall mean the consolidated rental car facility at the Airport that the Port may construct in the future to replace the Interim Rental Car Facility.

"North Field" shall mean that portion of the Airport located north of Air Cargo Road.

"Off-Airport Customer Facility" shall mean a Customer Facility that is not located on the Airport.

"On-Airport Customer Facility" shall mean a Customer Facility that is located on the Airport.

"Rental Car Company" shall mean any person or entity that is licensed to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

"Rental Car Radius" shall mean the area within which a Rental Car Company is permitted to rent automobiles to the public.

## PROOF OF PUBLICATION

In the matter of

## PORT ORDINANCE NO. 3685

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such

by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

## PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**FEBRUARY 27, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Handwritten signature: Hanser Soble*

Public Notice Advertising Clerk

**CHRISTOPHER C. MARSHALL**  
Secretary of the Board

The Oakland Tribune, #60951  
February 27, 2002

<p>7:00 PM PA • You Name It • Electrical • Carpentry • Painting</p>	<p>www.call4carfax.com Mark: 510-262-1666</p>	<p><b>Public Notices</b> <i>Handwritten: Best Deal</i></p>	<p>510-247-1593 Call Jeff @ Satterthwaite &amp; Associates Landscaping, Tree Est. Sprinklers &amp; General clean-ups, new lawns, mowing, hauling, yard</p>
---	---	--	--

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3684**

**AN ORDINANCE AUTHORIZING AND APPROVING THE  
EXECUTION OF NON-EXCLUSIVE PREFERENTIAL ASSIGNMENT  
AGREEMENT WITH EVERGREEN MARINE CORP. (TAIWAN)  
LTD.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") hereby approves a Non-Exclusive Preferential Assignment Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **EVERGREEN MARINE CORP. (TAIWAN) LTD**, a Republic of China corporation ("Evergreen"), as Assignee, whereby certain premises consisting of approximately 58 acres and four gantry cranes, at the Port of Oakland's Ben E. Nutter Container Terminal ("Nutter Terminal"), are assigned to Assignee on a nonexclusive preferential basis, to be used by Assignee as a containership terminal, for a term of 10 years commencing the first day of the calendar month following the expiration of thirty (30) days from and after the adoption of this ordinance, any required filing of the Agreement with the Federal Maritime Commission and its effectiveness pursuant to Section 6 of the Shipping Act of 1984, and the termination of the Management Agreement for the Nutter Terminal between the Port and **MARINE TERMINALS CORPORATION**, dated May 3, 1994, as amended (Federal Maritime Commission No. 224-200870) and the Terminal Use Agreement for the Nutter Terminal between the Port and Evergreen, dated July 18, 2000, as amended (Federal Maritime Commission No. 201114), with two separate consecutive options for Assignee to extend the term by 5 years pursuant to each option, at a compensation and other terms and conditions as set forth in Agenda Sheet Item No. 24, February 5, 2002, and such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

Section 2. The Executive Director is hereby authorized to execute and the Secretary to attest said Agreement.

Section 3. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, or 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 Board. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement 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 User, there shall be no valid or effective Agreement or other obligation or liability on the part of the Board.

Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, February 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5. Noes: None. Absent: Commissioners Kramer and Uribe - 2.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular

meeting held February 19, 2002

By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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



# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
) 208-6306

Legal No. **56156**

COPY

**PORT ORDINANCE NO. 3684**

**AN ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION OF NON-EXCLUSIVE PREFERENTIAL ASSIGNMENT AGREEMENT WITH EVERGREEN MARINE CORP. (TAIWAN) LTD.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves a Non-Exclusive Preferential Assignment Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **EVERGREEN MARINE CORP. (TAIWAN) LTD.**, a Republic of China corporation ("Evergreen"), as Assignee, whereby certain premises consisting of approximately 58 acres and four gantry cranes, at the Port of Oakland's Ben E. Nutter Container Terminal ("Nutter Terminal"), are assigned to Assignee on a nonexclusive preferential basis, to be used by Assignee as a containership terminal, for a term of 10 years commencing the first day of the calendar month following the expiration of thirty (30) days from and after the adoption of this ordinance, any required filing of the Agreement with the Federal Maritime Commission and its effectiveness pursuant to Section 6 of the Shipping Act of 1984, and the termination of the Management Agreement for the Nutter Terminal between the Port and **MARINE TERMINALS CORPORATION**, dated May 3, 1994, as amended (Federal Maritime Commission No. 224-200870) and the Terminal Use Agreement for the Nutter Terminal between the Port and Evergreen, dated July 18, 2000, as amended (Federal Maritime Commission No. 201114), with two separate consecutive options for Assignee to extend the term by 5 years pursuant to each option, at a compensation and other terms and conditions as set forth in Agenda Sheet Item No. 24, February 5, 2002, and such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

**Section 2.** The Executive Director is hereby authorized to execute and the Secretary to attest said Agreement.

**Section 3.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, or any right, entitlement or property interest, or (b) any obligation or liability of any part of the Board or any officer or employee of the Board. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance. Unless and until a separate written Agreement 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 User, there shall be no valid or effective Agreement or other obligation or liability on the part of the Board.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption. In Board of Port Commissioners, Oakland, California, February 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5. Noes: None. Absent: Commissioners Kramer and Uribe - 2.

**Christopher C. Marshall**  
Secretary of the Board

The Oakland Tribune, #56156  
February 13, 2002

## PROOF OF PUBLICATION

In the matter of

### PORT ORDINANCE NO. 3684

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That he

## PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**FEBRUARY 13, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*Hansere Soble*

Public Notice Advertising Clerk

# The Oakland Tribune

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
) 208-6306

Legal No. 56156

COPY

## PROOF OF PUBLICATION

In the matter of

### PORT ORDINANCE NO. 3684

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

### PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**FEBRUARY 13, 2002**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3683**

**AN ORDINANCE APPROVING AND AUTHORIZING THE  
EXECUTION OF A NON-EXCLUSIVE PREFERENTIAL  
ASSIGNMENT AGREEMENT WITH AMERICAN PRESIDENT  
LINES, LTD.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") hereby approves a new Non-exclusive Preferential Assignment Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **AMERICAN PRESIDENT LINES, LTD.**, a corporation ("APL"), as Assignee, whereby certain premises, that are presently occupied and used by APL under existing agreements between the Port and APL which will be terminated by the new Agreement consisting of approximately 79.38 acres of land and water area, and a total berthing area of approximately 9.17 acres, to be improved by the Port with major portions of the work to include demolition and/or reconstruction of the maintenance and marine operations buildings, the reefer wash facility and the outbound canopy, reconstruction of the container yard pavement, refurbishment of the electrical and lighting systems, and work regarding the reefer bunkers and racks, commonly referred to as Berths 60-63, the Port of Oakland's Inner Harbor Area, are assigned to Assignee on a nonexclusive preferential basis, to be used by Assignee as a containership terminal, for a term of 15 years commencing on the later of 30 days from and after the adoption of this ordinance and any required filing of the Agreement with the Federal Maritime Commission and its effectiveness pursuant to Section 6 of the Shipping Act of 1984, with two separate consecutive options for Assignee to extend the term by 5 years pursuant to each option, at a compensation and other terms and conditions as set forth in Agenda Sheet Item No. 23, February 5, 2002, and such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

Section 2. The Executive Director is hereby authorized to execute and the Secretary to attest said Agreement.

Section 3. This ordinance is not evidence of and does not create or constitute (a) a contract, lease 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 Board. This ordinance approves and authorizes the execution of said Non-Exclusive

Preferential Agreement in accordance with the terms of this ordinance. Unless and until a separate written Non-Exclusive Preferential Assignment Agreement 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 Assignee, there shall be no valid or effective Non-Exclusive Preferential Assignment Agreement or any other contract or agreement.

Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, February 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5. Noes: None. Absent: Commissioners Kramer and Uribe - 2.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular

meeting held February 19, 2002

By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

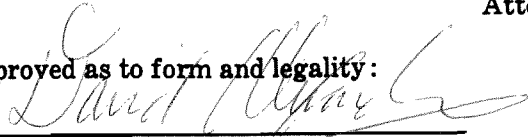
Absent: Commissioner Scates - 1

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 333-2601

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. ORD. # 3683

In the matter of

**AMERICAN PRESIDENT LINES, LTD.**


The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 0, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**2/13/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

Legal No. 0000056152

**PORT ORDINANCE NO. 3683  
AN ORDINANCE APPROVING  
AND AUTHORIZING THE EXECUTION  
OF A NON-EXCLUSIVE PREFERENTIAL  
ASSIGNMENT AGREEMENT WITH  
AMERICAN PRESIDENT LINES, LTD.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves a new Non-exclusive Preferential Assignment Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **AMERICAN PRESIDENT LINES, LTD.**, a corporation ("APL"), as Assignee, whereby certain premises, that are presently occupied and used by APL under existing agreements between the Port and APL which will be terminated by the new Agreement consisting of approximately 79.38 acres of land and water area, and a total berthing area of approximately 9.17 acres, to be improved by the Port with major portions of the work to include demolition and/or reconstruction of the maintenance and marine operations buildings, the reefer wash facility and the outbound canopy, reconstruction of the container yard pavement, refurbishment of the electrical and lighting systems, and work regarding the reefer bunkers and racks, commonly referred to as Berths 60-63, the Port of Oakland's Inner Harbor Area, are assigned to Assignee on a nonexclusive preferential basis, to be used by Assignee as a containership terminal, for a term of 15 years commencing on the later of 30 days from and after the adoption of this ordinance and any required filing of the Agreement with the Federal Maritime Commission and its effectiveness pursuant to Section 6 of the Shipping Act of 1984, with two separate consecutive options for Assignee to extend the term by 5 years pursuant to each option, at a compensation and other terms and conditions as set forth in Agenda Sheet Item No. 23, February 5, 2002, and such standard terms and conditions as specified in the Agreement and approved by the Executive Director.

**Section 2.** The Executive Director is hereby authorized to execute and the Secretary to attest said Agreement.

**Section 3.** This ordinance is not evidence of and does not create or constitute (a) a contract, lease 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 Board. This ordinance approves and authorizes the execution of said Non-Exclusive Preferential Agreement in accordance with the terms of this ordinance. Unless and until a separate written *Non-Exclusive Preferential Assignment Agreement* 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 Assignee, there shall be no valid or effective Non-Exclusive Preferential Assignment Agreement or any other contract or agreement.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, February 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5. Noes: None. Absent: Commissioners Kramer and Uribe - 2.

**Christopher C. Marshall**  
Secretary of the Board

The Oakland Tribune, #56152  
February 13, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3682**

**ORDINANCE APPROVING ADDITIONAL SIGNATORIES TO THE  
AIRLINE OPERATING AGREEMENT AND SPACE/USE PERMIT  
AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Executive Director is hereby authorized to enter into additional individual agreements with additional prospective airline carriers providing regularly scheduled service at Metropolitan Oakland International Airport ("MOIA") at 1 Airport Drive, Oakland, California, as more fully set forth in Agenda Sheet Item No. 4S dated February 5, 2002.

Section 2. The following additional scheduled airlines would enter into a Standard Airline Operating Agreement and Space/Use Permit:

American Eagle Airlines

Section 3. The following tenants would enter into a Space/Use Permit only:

American Eagle Airlines  
Evergreen Aviation Ground Logistics Enterprises  
OneSource Building Services

Section 4. The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

Section 5. 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. This resolution approves and authorizes the execution of an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, February 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5. Noes: None. Absent: Commissioners Kramer and Uribe - 2.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular

meeting held February 19, 2002

By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

Noes: None

Absent: Commissioner Scates - 1

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 43-2601

PORT OF OAKLAND  
530 WATER ST./ARVAYNE M.,ATTN: EDITHA  
HERNANDEZ,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3682

In the matter of

**PORT ORDINANCE NO. 3682**

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10. Adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**2/13/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000056148

### PORT ORDINANCE NO. 3682 ORDINANCE APPROVING ADDITIONAL SIGNATORIES TO THE AIRLINE OPERAT- ING AGREEMENT AND SPACE/USE PER- MIT AT METROPOLITAN OAKLAND INTERNATIONAL AIRPORT.

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** The Executive Director is hereby authorized to enter into additional individual agreements with additional prospective airline carriers providing regularly scheduled service at Metropolitan Oakland International Airport ("MOIA") at 1 Airport Drive, Oakland, California, as more fully set forth in Agenda Sheet Item No. 4S dated February 5, 2002.

**Section 2.** The following additional scheduled airlines would enter into a Standard Airline Operating Agreement and Space/Use Permit:

American Eagle Airlines

**Section 3.** The following tenants would enter into a Space/Use Permit only:

American Eagle Airlines

Evergreen Aviation Ground

Logistics Enterprises

OneSource Building Services

**Section 4.** The Board of Port Commissioners hereby finds and determines that based on the information set forth in the Agenda Sheet, these projects have been determined to be categorically exempt from the requirements of the California Environmental Quality Act and the Port CEQA Guidelines pursuant to Class 1 of Guidelines Section 15301.

**Section 5.** 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. This resolution approves and authorizes the execution of an agreement or Lease in accordance with the terms of this resolution. Unless and until a separate written agreement 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 other contracting party, there shall be no valid or effective agreement or Lease.

In Board of Port Commissioners, Oakland, California, February 5, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5. Noes: None. Absent: Commissioners Kramer and Uribe - 2.

**CHRISTOPHER C. MARSHALL**  
Secretary of the Board

The Oakland Tribune, #56148  
February 13, 2002



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3681**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE THE NEW POSITION OF AIRPORT SECURITY MANAGER, TO AMEND SECTION 5.121 OF PORT ORDINANCE NO. 867 AND AMENDING PORT ORDINANCE NO. 3675 TO CORRECT AND UPDATE PORT ORDINANCE NO. 867.

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

**Section 1.** Section 13.9 is hereby added to Port Ordinance No. 867 to read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
13.9	1	Airport Security Manager	575.2

**Section 2.** Section 5.121 of Port Ordinance No. 867 is hereby amended to retittle the position of Deliveryman to Port Deliveryman.

**Section 3.** Port Ordinance No. 3675 is hereby amended by changing the No. of Positions of Airport Ground Transportation & Parking Operations Coordinator from 1 position to 2 positions.

**Section 4.** Port Ordinance No. 3675 is hereby amended by adding Section 2 which section shall read as follows:

**"Section 2.** Section 14 is hereby added to Port Ordinance No. 867 to read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
14	1	Assistant to the Executive Director	559.8"

In Board of Port Commissioners, Oakland, California, January 29, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular meeting held February 5, 2002

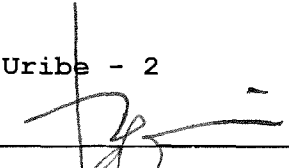
By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

**Noes:** None

**Absent:** Commissioners Kramer and Uribe - 2

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 433-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 37106-C

In the matter of

**PORT ORDINANCE NO. 3681**

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**2/4/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000053181

PORT ORDINANCE NO. 3681

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE THE NEW POSITION OF AIRPORT SECURITY MANAGER, TO AMEND SECTION 5.121 OF PORT ORDINANCE NO. 867 AND AMENDING PORT ORDINANCE NO. 3675 TO CORRECT AND UPDATE PORT ORDINANCE NO. 867.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Section 13.9 is hereby added to Port Ordinance No. 867 to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
13.9	1	Airport Security Manager	575.2

Section 2. Section 5.121 of Port Ordinance No. 867 is hereby amended to retitle the position of Deliveryman to Port Deliveryman.

Section 3. Port Ordinance No. 3675 is hereby amended by changing the No. of Positions of Airport Ground Transportation & Parking Operations Coordinator from 1 position to 2 positions.

Section 4. Port Ordinance No. 3675 is hereby amended by adding Section 2 which section shall read as follows:

"Section 2. Section 14 is hereby added to Port Ordinance No. 867 to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
14	1	Assistant to the Executive Director	559.8"

In Board of Port Commissioners, Oakland, California, January 29, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

**CHRISTOPHER C. MARSHALL**  
SECRETARY OF THE BOARD

The Oakland Tribune, #53181  
February 4, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3680**

ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO CARPENTERS UNION LOCAL 2236 AND PACIFIC GAS AND ELECTRIC (PG&E) FOR BUILDING ENCROACHMENT, EMERGENCY INGRESS AND EGRESS AND SUBSURFACE UTILITIES LOCATED AT BROADWAY STREET, OAKLAND, CALIFORNIA.

---

BE IT ORDAINED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to **CARPENTERS UNION LOCAL 2236 ("Carpenters Union")**, an Encroachment Easement and an Emergency Ingress and Egress Easement, all in accordance with Agenda Sheet Item No. 13S dated January 29, 2002 (the "Agenda Item"). Said agreements and easements shall contain such terms and conditions as the Executive Director and the Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** The Board further hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to **PACIFIC GAS AND ELECTRIC COMPANY ("PG&E")**, a California corporation, a Subsurface Utility Easement in accordance with the Agenda Item.

**Section 3.** This ordinance 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 Board. This ordinance approves and authorizes the execution of said agreement and easements in accordance with the terms of this ordinance. Unless and until a separate written agreement and easements are duly executed on behalf of the Board as authorized by this ordinance, are signed as approved as to form and legality by the Port Attorney and are delivered to Carpenters Union and PG&E, there shall be no valid or effective agreement or easements.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, January 29, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

Christopher C. Marshall  
Secretary of the Board

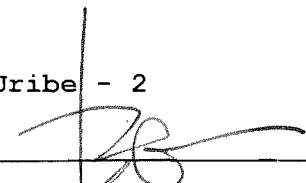
Adopted at a regular meeting held February 5, 2002

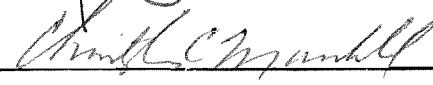
By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

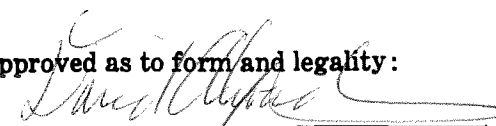
**Noes:** None

**Absent:** Commissioners Kramer and Uribe - 2

  
\_\_\_\_\_  
**President.**

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

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 93-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 37107-C

In the matter of

**PORT ORDINANCE NO. 3680**

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 20, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**2/4/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000053172

PORT ORDINANCE NO. 3680

**ORDINANCE APPROVING AND AUTHORIZING EXECUTION AND DELIVERY OF EASEMENT DOCUMENTS TO CARPENTERS UNION LOCAL 2236 AND PACIFIC GAS AND ELECTRIC (PG&E) FOR BUILDING ENCROACHMENT, EMERGENCY INGRESS AND EGRESS AND SUBSURFACE UTILITIES LOCATED AT BROADWAY STREET, OAKLAND, CALIFORNIA.**

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to **CARPENTERS UNION LOCAL 2236** ("Carpenters Union"), an Encroachment Easement and an Emergency Ingress and Egress Easement, all in accordance with Agenda Sheet Item No. 13S dated January 29, 2002 (the "Agenda Item"). Said agreements and easements shall contain such terms and conditions as the Executive Director and the Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** The Board further hereby approves and authorizes the Executive Director to execute for and on behalf of the Board and deliver to **PACIFIC GAS AND ELECTRIC COMPANY ("PG&E")**, a California corporation, a Subsurface Utility Easement in accordance with the Agenda Item.

**Section 3.** This ordinance 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 Board. This ordinance approves and authorizes the execution of said agreement and easements in accordance with the terms of this ordinance. Unless and until a separate written agreement and easements are duly executed on behalf of the Board as authorized by this ordinance, are signed as approved as to form and legality by the Port Attorney and are delivered to Carpenters Union and PG&E, there shall be no valid or effective agreement or easements.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, January 29, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

**CHRISTOPHER C. MARSHALL  
SECRETARY OF THE BOARD**

The Oakland Tribune, #53172  
February 4, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3679**

ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF  
A RIGHT OF WAY AGREEMENT FOR TEMPORARY EASEMENTS  
WITH STATE OF CALIFORNIA, DEPARTMENT OF  
TRANSPORTATION.

WHEREAS the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION ("Caltrans") is planning to seismically retrofit the Webster and Posey Tubes between Oakland and Alameda, which project will impact areas within Jack London Square as further described in Board Agenda Sheet Item No. 12, dated January 29, 2002 (herein the "Agenda Sheet"); now, therefore,

BE IT ORDAINED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board a Right of Way Agreement for Temporary Easements with the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION ("Caltrans") to for temporary construction easements to facilitate the retrofit work and as more fully described in the Agenda Sheet. Said easement shall contain such terms and conditions as the Executive Director or Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** The Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15268.

**Section 3.** This ordinance 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 Board. This ordinance approves and authorizes the execution of an easement in accordance with the terms of this ordinance. Unless and until a separate written easement is 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 easement.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, January 29, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular meeting held February 5, 2002

By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

**Noes:** None

**Absent:** Commissioners Kramer and Uribe - 2

\_\_\_\_\_  
**President.**  
Attest \_\_\_\_\_  
**Secretary.**

Approved as to form and legality:  
\_\_\_\_\_  
**Port Attorney**



# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 433-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 37108-C

In the matter of

**PORT ORDINANCE NO. 3679**

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 260, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**2/4/02**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000053168

PORT ORDINANCE NO. 3679

### ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A RIGHT OF WAY AGREEMENT FOR TEMPORARY EASEMENTS WITH STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION.

WHEREAS the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION ("Caltrans") is planning to seismically retrofit the Webster and Posey Tubes between Oakland and Alameda, which project will impact areas within Jack London Square as further described in Board Agenda Sheet Item No. 12, dated January 29, 2002 (herein the "Agenda Sheet"); now, therefore, **BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The Board of Port Commissioners ("Board") hereby approves and authorizes the Executive Director to execute for and on behalf of the Board a Right of Way Agreement for Temporary Easements with the STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION ("Caltrans") to for temporary construction easements to facilitate the retrofit work and as more fully described in the Agenda Sheet. Said easement shall contain such terms and conditions as the Executive Director or Port Attorney may determine necessary in order to protect the interests of the Port.

**Section 2.** The Board hereby finds and determines that this project has been determined to be categorically exempt from requirements of the California Environmental Quality Act (CEQA) and the Port CEQA Guidelines pursuant to Section 15268.

**Section 3.** This ordinance 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 Board. This ordinance approves and authorizes the execution of an easement in accordance with the terms of this ordinance. Unless and until a separate written easement is 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 easement.

**Section 4.** This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, January 29, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopoulos, Uribe and President Tagami - 6. Noes: None. Absent: Commissioner Scates - 1.

**CHRISTOPHER C. MARSHALL  
SECRETARY OF THE BOARD**

The Oakland Tribune, 53168  
February 4, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3678**

AN ORDINANCE AMENDING SECTIONS 5.026, 8.114,  
8.0636, 8.0611, 8.113 AND 8.0615 OF PORT  
ORDINANCE NO. 867 AND ADDING SECTION 8.119 TO  
PORT ORDINANCE NO. 867.

**BE IT ORDAINED** by the Board of Port Commissioners of the City  
of Oakland as follows:

**Section 1.** Section 8.119 is hereby added to Port Ordinance  
No. 867 to read as follows:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
8.119	1	Port Engineering Technician I	65.7

**Section 2.** The following sections of Port Ordinance No. 867 are hereby amended to read as follows::

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
5.026	13	Executive Assistant	227.85
8.114	5	Port Engineering Technician II	48.1
8.0636	6	Port Engineering Technician II	48.1
8.0611	2	Port Senior Engineering Technician	54.5
8.113	1	Port Senior Engineering Technician	79.8
8.0615	1	Port Principal Engineering Technician	504.2

In Board of Port Commissioners, Oakland, California, January 15, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6. Noes: None. Absent: Commissioner Uribe - 1.

Christopher C. Marshall  
Secretary of the Board

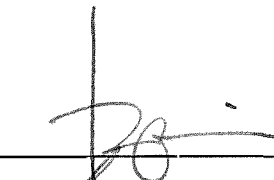
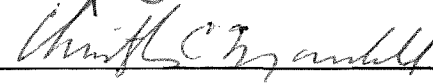
Adopted at a Adjourned regular meeting held January 29, 2002

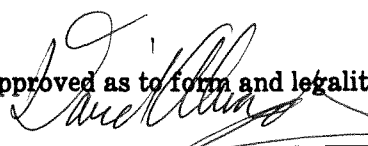
By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Uribe and President Tagami - 6

**Noes:** None

**Absent:** Commissioner Scates - 1

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

FILE NO. 3678

In the matter of

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 20000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

1/23/02

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000047841

PORT ORDINANCE NO. 3678

AN ORDINANCE AMENDING SECTIONS 5.026, 8.114, 8.0636, 8.0611, 8.113 AND 8.0615 OF PORT ORDINANCE NO. 867 AND ADDING SECTION 8.119 TO PORT ORDINANCE NO. 867.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. Section 8.119 is hereby added to Port Ordinance No. 867 to read as follows:

Section No.	No. of Positions	Title	Salary or Schedule No.
8.119	1	Port Engineering Technician I	65.7

Section 2. The following sections of Port Ordinance No. 867 are hereby amended to read as follows::

Section No.	No. of Positions	Title	Salary or Schedule No.
5.026	13	Executive Assistant	227.85
8.114	5	Port Engineering Technician II	48.1
8.0636	6	Port Engineering Technician II	48.1
8.0611	2	Port Senior Engineering Technician	54.5
8.113	1	Port Senior Engineering Technician	79.8
8.0615	1	Port Principal Engineering Technician	504.2

In Board of Port Commissioners, Oakland, California, January 15, 2002. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protapappas, Scates and President Tagami - 6. Noes: None. Absent: Commissioner Uribe - 1.

Christopher C. Marshall  
Secretary of the Board

The Oakland Tribune, #47841  
January 23, 2002

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3677**

AN ORDINANCE AMENDING PORT ORDINANCE NO.  
1606 TO CONFIRM THAT THE PORT OF OAKLAND IS  
EXEMPT FROM THE CALIFORNIA PUBLIC CONTRACT  
CODE.

---

**WHEREAS**, the manner in which the Board of Port Commissioners for the City of Oakland lets and administers contracts for public works is a municipal affair; and

**WHEREAS**, the procedures set forth in Port Ordinance No. 1606 are established for the benefit and protection of taxpayers and not to enrich bidders or those who contract with the Port of Oakland; and

**WHEREAS**, the California Public Contract Code establishes a mode of contracting that is well-suited to municipalities and special districts engaged in traditional non-revenue generating public works construction; and

**WHEREAS**, the Port's best interests require that it establish modes of contracting tailored to the unique character of large, complex and competitive maritime and aviation enterprises;

**WHEREAS**, Section 1100.7 of the Public Contract Code is an invalid encroachment on the home-rule authority of charter cities.

**BE IT ORDAINED** by the Board of Port Commissioners for the City of Oakland as follows:

Section 1. Section 18 of Port Ordinance No. 1606 shall be and the same is hereby amended to read in full as follows:

"SECTION 18.

This ordinance is intended to supersede all provisions of the California Public Contract Code and, for the purposes of Section 1100.7 of that Code, to conflict with all provisions of that Code, except solely to the extent, if any, that the provisions of that Code are binding on the City of Oakland under the Constitution of the State of

California. Notwithstanding this section, nothing shall prevent the Port from stipulating to the application of any provision(s) of the Public Contract Code, through resolution or contract with respect to any particular work. In no event shall the Port's exercise of its power to stipulate to the application of any particular provision(s) of the Public Contract Code be interpreted as a waiver of the terms of this Section. Subject to the foregoing, unless otherwise specifically provided by Port ordinance or other applicable law, the law applicable to a Port public works contract, including bidding procedures for such contract, shall be that law that is in effect on the date the Board by resolution approves the plans and specifications for such contract.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and Vice President Uribe - 6. Noes: None. Absent: President Tagami - 1.

Christopher C. Marshall  
Secretary of the Board

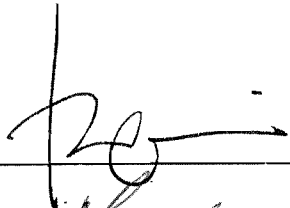

Adopted at a regular meeting held January 15, 2002

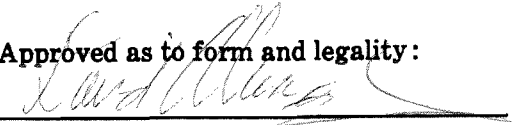
By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Noes: None

Absent: Commissioner Uribe - 1

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:  
  
\_\_\_\_\_  
Port Attorney

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Le Advertising  
(510) 293-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PORT ORDINANCE NO.3677

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 20, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**12/28/01**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No.

0000038462

PORT ORDINANCE NO. 3677

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 1606 TO CONFIRM THAT THE PORT OF OAKLAND IS EXEMPT FROM THE CALIFORNIA PUBLIC CONTRACT CODE.**

**WHEREAS**, the manner in which the Board of Port Commissioners for the City of Oakland lets and administers contracts for public works is a municipal affair; and

**WHEREAS**, the procedures set forth in Port Ordinance No. 1606 are established for the benefit and protection of taxpayers and not to enrich bidders or those who contract with the Port of Oakland; and

**WHEREAS**, the California Public Contract Code establishes a mode of contracting that is well-suited to municipalities and special districts engaged in traditional non-revenue generating public works construction; and

**WHEREAS**, the Port's best interests require that it establish modes of contracting tailored to the unique character of large, complex and competitive maritime and aviation enterprises;

**WHEREAS**, Section 1100.7 of the Public Contract Code is an invalid encroachment on the home-rule authority of charter cities.

**BE IT ORDAINED** by the Board of Port Commissioners for the City of Oakland as follows:

Section 1. Section 18 of Port Ordinance No. 1606 shall be and the same is hereby amended to read in full as follows:

"SECTION 18.

This ordinance is intended to supersede all provisions of the California Public Contract Code and, for the purposes of Section 1100.7 of that Code, to conflict with all provisions of that Code, except solely to the extent, if any, that the provisions of that Code are binding on the City of Oakland under the Constitution of the State of California. Notwithstanding this section, nothing shall prevent the Port from stipulating to the application of any provision(s) of the Public Contract Code, through resolution or contract with respect to any particular work. In no event shall the Port's exercise of its power to stipulate to the application of any particular provision(s) of the Public Contract Code be interpreted as a waiver of the terms of this Section. Subject to the foregoing, unless otherwise specifically provided by Port ordinance or other applicable law, the law applicable to a Port public works contract, including bidding procedures for such contract, shall be that law that is in effect on the date the Board by resolution approves the plans and specifications for such contract.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, and Vice President Uribe - 6. Noes: None. Absent: President Tagami - 1.

Christopher C. Marshall  
Secretary of the Board

The Oakland Tribune, #38462  
December 28, 2001

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE No. 3676**

ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING THE SALE OF CERTAIN IMPROVEMENTS LOCATED IN JACK LONDON SQUARE TO A JACK LONDON SQUARE PARTNERS ("JLSP") ENTITY, AUTHORIZING GROUND LEASES RELATED TO SUCH ASSETS, APPROVING EXECUTION OF AN AMENDMENT TO THE AGREEMENT FOR ACQUISITION OF GROUND LEASE INTERESTS, AND AUTHORIZING AN OPERATIONS AGREEMENT, WITH RELATED DOCUMENTS.

---

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this Ordinance and Agenda Sheet Item No. 13, dated December 18, 2001, as the "Property" is owned by the City of Oakland, a municipal corporation by one through this Board, (the "Board") is located within the Jack London Square area of the City of Oakland, and consists of approximately 136,000 square feet of land on four sites commonly referred to as 70 Washington, 66 Franklin Street, 427 Water Street and 430 Water Street (the "Property"). The improvements located on the Property and referred in this Ordinance and Agenda Sheet Item No. 13, dated December 18, 2001, (the "Agenda Sheet") as the Improvements (the "Improvements"), are owned by either the Port or Oakland Portside Associates ("OPA"), a California limited partnership corporation. The Port is the general partner of OPA.

**Section 2.** The Board hereby finds and determines as follows:

(a) That the Improvements have become unnecessary for port purposes or harbor development; and

(b) That the Board will receive fair market value for the sale of the Improvements and the lease of the Property as described herein based on the Certificate of the Director of Commercial Real Estate; and

(c) That the Consultants' Certificate presented to the Board indicates that the independent consultants preparing such certificate estimate that the Board will be in compliance with Sections 5.04(a) and 5.04(b) of the Indenture notwithstanding the sale of the Improvements and the lease of the Property, and taking into account the expected uses of the proceeds of these transactions as set forth in the Certificate of Authorized Board Representative; and

(d) That the Board expects to use the proceeds of the sale of the Improvements and the leasing of the Property as set forth in the



Certificate of Authorized Board Representative presented to the Board;  
and

(e) That the proposed sale of the Improvements and leasing of the Property comply with the provisions of Section 5.13(c) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used to provide additional revenue-producing Port Facilities (as defined in the Indenture), as set forth in the Certificate of Authorized Board Representative presented to the Board, or otherwise in accordance with the provisions of Section 5.13 of the Indenture.

**Section 3.** The Board hereby approves the Ground Leases and related documents between the Port as Lessor and a JLSP Entity as Lessee, covering the Property for the purposes and subject to the terms and conditions of the Agenda Sheet and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney (the "Ground Leases"). The Executive Director is hereby authorized to execute the Ground Leases.

**Section 4.** Based upon the findings and determinations made in Section 2 hereof, the Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port and a JLSP Entity for the sale of the Improvements located on 66 Franklin Street and related documents (the "Port Purchase Agreement"), and as general partner in OPA, the Board hereby authorizes the Executive Director to execute one or more Purchase and Sale Agreements(s) between OPA and JLSP Entity for the sale of the Improvements located at 70 Washington Street, 427 Water Street and 430 Water Street and related documents (the "OPA Purchase Agreements(s)") (the Port Purchase Agreement, the OPA Purchase Agreement are collectively referred to as the "Purchase Agreement"), at a total purchase price for all of the Improvements of \$17.2 million and as otherwise described in the Agenda Sheet, and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney.

**Section 5.** The Board hereby approves the Amended and Restated Agreement for Acquisition of Ground Lease Interests between the Port and Jack London Square Partners, LLC with related documents (the "Amended Acquisition Agreement") as described in the Agenda Sheet, and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney.

**Section 6.** The Board hereby approves the Assets Management Agreement between the Port and Ellis Partners, LLC or a related entity with related documents (the "Assets Management Agreement") as described in the Agenda Sheet, and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney.

**Section 7.** Based upon the information set forth in the Agenda Sheet, the Board hereby finds and determines in accordance with Section 9.02(e) of the Charter of the City of Oakland, that the performance of common area maintenance services for the Jack London Square common area as provided for in the above described Operations Agreements, Assets Management Agreement, Amended Acquisition Agreement, Purchase Agreement

and Ground Leases is in the public interest because of economy and or better performance.

**Section 8.** The Board hereby finds and determines for all the reasons set forth in the Agenda Sheet, that the adoption of this Ordinance and the items and matters approved and authorized thereby are exempt pursuant to the CEQA Guidelines Section 1506(b)(4) and 15262 and Port CEQA Guidelines Section 15301(p) from the California Environmental Quality Act ("CEQA") and the State and Port CEQA Guidelines.

**Section 9.** The Board further finds and determines that the approvals and authorization made pursuant to this Ordinance are in conformance with the Oakland General Plan.

**Section 10.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port or OPA to execute or deliver any of the agreements described herein. This ordinance approves and authorizes the execution and delivery of said agreements in accordance with the terms of this ordinance. Unless and until separate written agreements are duly executed on behalf of the Board as authorized by this ordinance, signed and approved as to form and legality by the Port Attorney, and delivered to Buyer, there shall be no valid or effective agreements.

**Section 11.** This ordinance shall take effect 30 days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates, Uribe and President Tagami - 6. Noes: Commissioner Kramer - 1. Absent: None.

Christopher C. Marshall  
Secretary of the Board

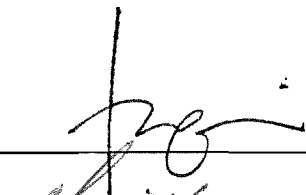
**Adopted at a regular meeting held January 15, 2002**

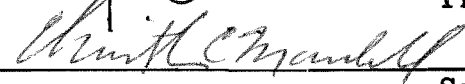
**By the following Vote:**

**Ayes:** Commissioners Ayers-Johnson, Kiang, Protopappas, Scates and President Tagami - 5

**Noes:** Commissioner Kramer - 1

**Absent:** Commissioner Uribe - 1

  
\_\_\_\_\_  
**President.**

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

**Approved as to form and legality:**

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

# The Oakland Tribune

COPY

c/o ANG Newspapers  
401 13th Street, Oakland, CA 94612  
Legal Advertising  
(510) 208-6306

Legal No. **38472**

## PORT ORDINANCE NO. 3676

**ORDINANCE MAKING CERTAIN FINDINGS AND DETERMINATIONS IN SUPPORT OF, AND AUTHORIZING THE SALE OF CERTAIN IMPROVEMENTS LOCATED IN JACK LONDON SQUARE TO A JACK LONDON SQUARE PARTNERS ("JLSP") ENTITY, AUTHORIZING GROUND LEASES RELATED TO SUCH ASSETS, APPROVING EXECUTION OF AN AMENDMENT TO THE AGREEMENT FOR ACQUISITION OF GROUND LEASE INTERESTS, AND AUTHORIZING AN OPERATIONS AGREEMENT, WITH RELATED DOCUMENTS.**

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this Ordinance and Agenda Sheet Item No. 13, dated December 18, 2001, as the "Property" is owned by the City of Oakland, a municipal corporation by one through this Board, (the "Board") is located within the Jack London Square area of the City of Oakland, and consists of approximately 136,000 square feet of land on four sites commonly referred to as 70 Washington, 66 Franklin Street, 427 Water Street and 430 Water Street (the "Property"). The improvements located on the Property and referred in this Ordinance and Agenda Sheet Item No. 13, dated December 18, 2001, (the "Agenda Sheet") as the Improvements (the "Improvements"), are owned by either the Port or Oakland Portside Associates ("OPA"), a California limited partnership corporation. The Port is the general partner of OPA.

**Section 2.** The Board hereby finds and determines as follows:

(a) That the Improvements have become unnecessary for port purposes or harbor development; and

(b) That the Board will receive fair market value for the sale of the Improvements and the lease of the Property as described herein based on the Certificate of the Director of Commercial Real Estate; and

(c) That the Consultants' Certificate presented to the Board indicates that the independent consultants preparing such certificate estimate that the Board will be in compliance with Sections 5.04(a) and 5.04(b) of the Indenture notwithstanding the sale of the Improvements and the lease of the Property, and taking into account the expected uses of the proceeds of these transactions as set forth in the Certificate of Authorized Board Representative; and

(d) That the Board expects to use the proceeds of the sale of the Improvements and the leasing of the Property as set forth in the Certificate of Authorized Board Representative presented to the Board; and

(e) That the proposed sale of the Improvements and leasing of the Property comply with the provisions of Section 5.13(c) of the Port's Master Trust Indenture, dated as of April 1, 1989, as amended (the "Indenture"). The Board hereby directs that the proceeds of such sale shall be deposited in the Port Revenue Fund and shall be used to provide additional revenue-producing Port Facilities (as defined in the Indenture), as set forth in the Certificate of Authorized Board Representative presented to the Board, or otherwise in accordance with the provisions of Section 5.13 of the Indenture.

**Section 3.** The Board hereby approves the Ground Leases and related documents between the Port as Lessor and a JLSP Entity as Lessee, covering the Property for the purposes and subject to the terms and conditions of the Agenda Sheet and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney (the "Ground Leases"). The Executive Director is hereby authorized to execute the Ground Leases.

**Section 4.** Based upon the findings and determinations made in Section 2 hereof, the Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port and a JLSP Entity for the sale of the Improvements located on 66 Franklin Street and related documents (the "Port Purchase Agreement"), and as general partner in OPA, the Board hereby authorizes the Executive Director to execute one or more Purchase and Sale Agreements(s) between OPA and JLSP Entity for the sale of the Improvements located at 70 Washington Street, 427 Water Street and 430 Water Street and related documents (the "OPA Purchase Agreements(s)") (the Port Purchase Agreement, the OPA Purchase Agreement are collectively referred to as the "Purchase Agreement"), at a total purchase price for all of the Improvements of \$17.2 million and as otherwise described in the Agenda Sheet, and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney.

**Section 5.** The Board hereby approves the Amended and Restated Agreement for Acquisition of Ground Lease Interests between the Port and Jack London Square Partners, LLC with related documents (the "Amended Acquisition Agreement") as described in the Agenda Sheet, and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney.

**Section 6.** The Board hereby approves the Assets Management Agreement between the Port and Ellis Partners, LLC or a related entity with related documents (the "Assets Management Agreement") as described in the Agenda Sheet, and approved by the Executive Director, consistent with the Agenda Sheet, and approved as to form and legality by the Port Attorney.

**Section 7.** Based upon the information set forth in the Agenda Sheet, the Board hereby finds and determines in accordance with Section 9.02(e) of the Charter of the City of Oakland, that the performance of common area maintenance services for the Jack London Square common area as provided for in the above described Operations Agreements, Assets Management Agreement, Amended Acquisition Agreement, Purchase Agreement and Ground Leases is in the public interest because of economy and or better performance.

**Section 8.** The Board hereby finds and determines for all the reasons set forth in the Agenda Sheet, that the adoption of this Ordinance and the items and matters approved and authorized thereby are exempt pursuant to the CEQA Guidelines Section 1506(b)(4) and 15262 and Port CEQA Guidelines Section 15301(p) from the California Environmental Quality Act ("CEQA") and the State and Port CEQA Guidelines.

**Section 9.** The Board further finds and determines that the approvals and authorization made pursuant to this Ordinance are in conformance with the Oakland General Plan.

**Section 10.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port or OPA to execute or deliver any of the agreements described herein. This ordinance approves and authorizes the execution and delivery of said documents in accordance with the terms of this ordinance. Unless and until separate written documents are duly executed on behalf of the Board as authorized by this ordinance, signed and approved as to form and legality by the Port Attorney, and delivered to Buyer, there shall be no valid or effective agreements.

**Section 11.** This ordinance shall take effect 30 days from and after its final adoption. In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Protopappas, Scates, Uribe and President Tagami - 6. Noes: Commissioner Kramer - 1. Absent: None. Christopher C. Marshall  
Secretary of the Board

## PROOF OF PUBLICATION

In the matter of

## PORT ORDINANCE NO. 3676

The undersigned below, deposes and says that he/she was the public Notice Advertising Clerk of the OAKLAND TRIBUNE a newspaper of general circulation as defined by Government Code Section 6000 adjudicated as such by the Superior Court of the State of California, County of Alameda (Order Nos. 237798, December 4, 1951) which is published and circulated in Oakland Township in said county and state seven days a week.

That the

## PUBLIC NOTICE

of which the annexed is a printed copy, was published in every issue of the OAKLAND TRIBUNE, on the following dates:

**DECEMBER 28, 2001**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Public Notice Advertising Clerk

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3675**

AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO  
CREATE THE NEW POSITION OF AIRPORT GROUND  
TRANSPORTATION & PARKING OPERATIONS COORDINATOR.

---

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Port Ordinance No. 867 is hereby amended to add the following position:

<u>Section No.</u>	<u>No. of Positions</u>	<u>Title</u>	<u>Salary or Schedule No.</u>
13.5	1	Airport Ground Transportation & Parking Operations Coordinator	230.43

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular meeting held January 15, 2002

By the following Vote:

Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Noes: None

Absent: Commissioner Uribe - 1

Attest

  
\_\_\_\_\_  
President.

  
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Let advertising  
(510, 493-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PORT ORDINANCE NO.3675

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 10, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

**12/28/01**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No.

**0000038491**

PORT ORDINANCE NO. 3675

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO CREATE THE NEW POSITION OF AIRPORT GROUND TRANSPORTATION & PARKING OPERATIONS COORDINATOR.**

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows: Port Ordinance No. 867 is hereby amended to add the following position:

Section No.	No. of Positions	Title	Salary or Schedule No.
13.5	1	Airport Ground Transportation & Parking Operations Coordinator	230.43

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None. Christopher C. Marshall Secretary of the Board

**The Oakland Tribune, #38491  
December 28, 2001**

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3674**

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 3439 AND  
ESTABLISHING RATES AND CHARGES FOR ELECTRICAL  
POWER FOR CERTAIN PARTS OF THE PORT AREA.**

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") has adopted Port Ordinances Nos. 3439, 3521, 3621 and 3651 to establish rates and charges for certain utilities, including electrical power, provided by the Port Department within the three portions of the Port Area, which include the Metropolitan Oakland International Airport, the Oakland Army Base (to the extent it is within the Port Area) and the remainder of the Port Area. It is the intention of the Board in adopting this ordinance to modify the rates and charges for electrical power provided by the Port Department to the Port Area other than the Metropolitan Oakland International Airport and the Oakland Army Base, rates and charges for certain utilities, such as electrical power, natural gas, water and sewer services, provided by the Port Department in the Port Area.

Section 2. Rates and charges for electrical power at Metropolitan Oakland International Airport, as adopted by Section 2 of Port Ordinance No. 3621, shall hereafter be referred to as adopted by Section 3 of Port Ordinance 3439. Existing Section 3 of Port Ordinance No. 3439 is hereby renumbered Section 5.

Section 3. Rates and charges for electrical power in the Port Area, except within the Metropolitan Oakland International Airport and except within the Oakland Army Base, as adopted by Section 2 of Port Ordinance No. 3651, shall hereafter be referred to as adopted by Section 2 of Port Ordinance No. 3439. Section 2 of Port Ordinance No. 3439 is hereby amended to read as follows:

"Section 2. The following rates and charges shall apply to the Port Department's provision of electrical power to any person or entity in the Port Area, except within the Metropolitan Oakland International Airport and except within the Oakland Army Base, unless a written agreement between the Board and such person or entity otherwise provides:

PORT OF OAKLAND  
ELECTRIC RATES SCHEDULE "A"

SMALL GENERAL SERVICES  
(SINGLE-PHASE)

- (1) APPLICABILITY: This schedule is applicable to single-phase alternating current service for customers at delivery voltage of less than 5,000 volts.
- (2) SERVICE AREA: Port Area except within the Metropolitan Oakland International Airport and except within the Oakland Army Base.

(3) RATE:

<u>Charge</u>	<u>Amount</u>
Customer Charge (per meter per monthly billing period)	\$8.10
Energy Charge (per kWh)	Summer \$0.22010 Winter \$0.14031

(4) DESCRIPTION OF SERVICE:

Single-Phase:

120/240 volts, 3-wire  
120/208 volts, 3-wire

*Note: Summer months are May - October, winter months are November - April*

PORT OF OAKLAND  
ELECTRIC RATE SCHEDULE "B"

GENERAL SERVICE  
(THREE-PHASE)

- (1) APPLICABILITY: This schedule is applicable to the three-phase alternating current service for customers at delivery voltage of less than 5,000 volts.
- (2) SERVICE AREA: Port Area except within the Metropolitan Oakland International Airport and except within the Oakland Army Base.

(3) RATE:

<u>Charge</u>	<u>Amount</u>
Customer Charge (per meter per monthly billing period)	\$12.00
Energy Charge (Per KWh)	Summer \$0.22010 Winter \$0.14031

(4) DESCRIPTION OF SERVICE:

Three-Phase  
  
208/120 volts, 4-wire  
480/277 volts, 4-wire  
4160/2400 volts, 4-wire

*Note: Summer months are May - October, winter months are November - April*

**PORT OF OAKLAND  
ELECTRIC RATE SCHEDULE "C"**

**(DEMAND METERED - SECONDARY SERVICE VOLTAGE)**

(1) APPLICABILITY: This schedule is applicable to single-phase and three-phase alternating current service for customers with a maximum demand greater than 100kw and a delivery voltage of less than 5,000 volts.

(2) SERVICE AREA: Port Area except within the Metropolitan Oakland International Airport and except within the Oakland Army Base.

(3) RATE:

<u>Charge</u>	<u>Amount</u>
Customer Charge per meter (per monthly billing period)	\$75.00
Demand Charge (per KW)	Summer \$6.70 Winter \$1.65
Energy Charge (per KWh)	Summer \$0.15957 Winter \$0.11167



(4) **BASIS FOR DEMAND CHARGE:**

The customer will be billed for demand according to the customer's "maximum demand" each monthly billing period. The number of KW used will be recorded over 15-minute intervals; the highest 15-minute average in the month will be the customer's maximum demand.

(5) **POWER FACTOR ADJUSTMENT:**

The bill will be adjusted based upon the power factor. The power factor is computed from the ratio of lagging reactive kilovolt-ampere-hours to the kilowatt-hours consumed in the monthly billing period. Power factors are rounded to the nearest whole percent.

The rate amounts in this rate schedule are based on a power factor of 85 percent or higher. If the average power factor is below 85 percent, the monthly bill will be increased by 0.06 percent for each percentage point below 85 percent.

(6) **STANDARD SERVICE FACILITIES:**

As a condition to the Port's installation of any new or additional service facilities to provide the customer with service, the Port may require that the customer first pay and/or agree to pay to the Port, by execution of a facilities charge agreement prepared by the Port, all or portions of the cost to the Port to make the installation.

(7) **DESCRIPTION OF SERVICE:**

Single-phase:

120/240 volts, 3-wire  
120/208 volts, 3-wire

Three-phase

208Y/120 volts, 4-wire  
480Y/277 volts, 4-wire  
4160Y/2400 volts, 4-wire

*Note: Summer months are May - October, winter months are November - April*

PORT OF OAKLAND  
ELECTRIC RATE SCHEDULE "D"

SERVICE TO CUSTOMERS WITH MAXIMUM DEMAND  
BETWEEN 500 AND 1000 KILOWATTS

(1) APPLICABILITY:

Initial Assignment: A customer is eligible for service under Schedule "D" if: (1) the customer's load does not meet the Schedule "E" requirements, but, (2) the customer's maximum demand (as defined below) has exceeded 499 kilowatts for at least three consecutive monthly billing periods during the most recent 12 monthly billing periods.

Customer accounts which fail to qualify under these requirements may, at the Port's election, be evaluated for transfer to service under a different applicable rate schedule.

Transfer Off Schedule "D": If a customer's maximum demand has failed to exceed 499 kilowatts for 8 or more out of the last 12 consecutive monthly billing periods and has also failed to exceed 499 kilowatts for three consecutive monthly billing periods during that period, the Port may transfer that customer's account to service under a different applicable rate schedule.

Assignment of New Customer: If a customer is new and the Port believes that the customer's maximum demand will exceed 499 kilowatts, the Port will serve the customer's account under Schedule "D".

Definition of Maximum Demand: Demand will be averaged over 15-minute intervals. "Maximum Demand" will be the highest of all the 15-minute averages for the monthly billing period. The customer's maximum peak period demand will be the highest of all the 15-minute averages for the peak period during the monthly billing periods. (See Paragraph (5) of this Schedule "D" for a definition of "Peak-Period.")

(2) SERVICE AREA: Port Area except within the Metropolitan Oakland International Airport and except within the Oakland Army Base.

(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u>		<u>Primary</u>	
	<u>(DS)</u>		<u>(DP)</u>	
<u>Charge</u>			<u>Rate</u>	
<u>Demand Charge (per KW):</u>	<u>Summer</u>	<u>Winter</u>	<u>Summer</u>	<u>Winter</u>
Maximum Peak Period Demand	\$13.35	N.A.	\$11.80	N.A.
Maximum Partial Peak Period Demand	\$3.70	\$3.65	\$2.65	\$2.65
Maximum Demand	\$2.55	\$2.55	\$2.55	\$2.55

<u>Charge</u> <u>Energy Charge (per KWh):</u>	<u>Rate</u>			
	<u>Summer</u>	<u>Winter</u>	<u>Summer</u>	<u>Winter</u>
On-Peak Period	\$0.18843	N.A.	\$0.16473	N.A.
Part-Peak Period	\$0.10941	\$0.11523	\$0.09999	\$0.10831
Off-Peak Period	\$0.09190	\$0.09169	\$0.08814	\$0.08913
Customer Charge (Per meter per monthly billing period)		\$175.00		\$140.00

Note: Summer months are May - October, winter months are November - April

a. **TYPES OF CHARGES:** The amount of a customer's monthly bill for service under Schedule "D" is the sum of the amounts of the customer charge, demand charge and energy charge:

- The customer charge is a flat monthly billing period fee.
- Schedule "D" has three demand charges: a maximum peak period charge, a maximum partial-peak period demand charge, and a maximum demand charge. The maximum peak period demand charge per kilowatt applies to the maximum demand during the monthly billing period's peak hours, the maximum partial-peak period demand charge per kilowatt applies to the maximum demand during the monthly billing period's partial peak hours, and the maximum demand charge per kilowatt applies to the maximum demand at any time during the monthly billing period. The bill will include all of these demand charges. (Time periods are defined in Paragraph (5).)
- Except when the Port elects to bill on an hourly basis, the energy charge is the sum of the energy charges from the peak, partial-peak and off-peak periods. The customer pays for energy by the kilowatt-hour (KWh), and rates are differentiated according to time of day.
- The monthly billing period charge amounts may be in-creased based upon the power factor. (See Paragraph 6 below.)
- As shown in the rates above, which set of customer, demand and energy charge amounts is paid depends on the voltage at which service is taken. Service voltages are defined in Paragraph (4) below.

(4) **DEFINITION OF SERVICE VOLTAGE:**

The following defines the two voltage classes of Schedule "D" rates.

- a. **Secondary:** This is the voltage class if the service voltage is less than 2,000 volts.

b. Primary: This is the voltage class if the service voltage is greater than 2,000 volts.

(5) DEFINITION OF TIME PERIODS:

Times of the day are defined as follows:

**Peak:** 12:00 noon to 6:00 PM-Monday to Friday (except holidays)

**Partial-Peak:** 8:30 AM to 12 Noon and 6:00 PM to 9:30 PM - Monday through Friday (except holidays)

**Off-Peak:** 9:30 PM to 8:30 AM - Monday through Friday. All day - Saturday, Sunday and holidays

**Holidays:** "Holidays" for the purposes of this rate schedule are New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. The dates will be those on which the holidays are legally observed.

(6) POWER FACTOR ADJUSTMENTS:

The bill will be adjusted based upon the power factor. The power factor is computed from the ratio of lagging reactive kilovolt-ampere-hours to the kilowatt-hours consumed in the monthly billing period. Power factors are rounded to the nearest whole percent.

The rate amounts in this rate schedule are based on a power factor of 85 percent or higher. If the average power factor is below 85 percent, the monthly bill will be increased by 0.06 percent for each percentage point below 85 percent.

(7) STANDARD SERVICE FACILITIES:

As a condition to the Port's installation of any new or additional service facilities to provide the customer with service, the Port may require that the customer first pay and/or agree to pay to the Port, by execution of a facilities charge agreement prepared by the Port, all or portions of the cost to the Port to make the installation.

PORT OF OAKLAND  
ELECTRIC RATE SCHEDULE "E"

SERVICE TO CUSTOMERS WITH MAXIMUM DEMAND  
OF 1,000 KILOWATTS OR MORE

(1) APPLICABILITY:

Initial Assignment: A customer is eligible for service under Schedule "E" if the customer's maximum demand (as defined below) has exceeded 999 kilowatts for at least three consecutive months during the most recent 12-month period.

Customer accounts which fail to qualify under these requirements may, at the Port's election, be evaluated for transfer to service under a different applicable rate schedule.

Transfer Off Schedule "E": If a customer's maximum demand has failed to exceed 999 kilowatts for 8 or more out of the last 12 consecutive monthly billing periods and has also failed to exceed 999 kilowatts for three consecutive monthly billing periods during that period, the Port may transfer that customer's account to service under a different applicable rate schedule.

Assignment of New Customers: If a customer is new and the Port believes that the customer's maximum demand will exceed 999 kilowatts, Port will serve the customer's account under Schedule "E".

Definition of Maximum Demand:

Demand will be averaged over 15-minute intervals. "Maximum Demand" will be the highest of all the 15-minute averages for the monthly billing period. The customer's maximum-peak-period demand will be the highest of all the 15-minute averages for the peak period during the monthly billing periods. (See Paragraph (5) for a definition of "Peak-Period.")

(2) SERVICE AREA: Port Area except within the Metropolitan Oakland International Airport and except within the Oakland Army Base.

(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u>		<u>Primary</u>	
	<u>(ES)</u>		<u>(EP)</u>	
<u>Charge</u>	<u>Rate</u>			
<u>Demand Charge (per KW)</u>	<u>Summer</u>	<u>Winter</u>	<u>Summer</u>	<u>Winter</u>
Maximum Peak-Period Demand	\$13.35	N.A.	\$11.80	N.A.

Maximum Partial-Peak Period Demand	\$3.70	\$3.65	\$2.65	\$2.65
Maximum Demand	\$2.55	\$2.55	\$2.55	\$2.55

<u>Service Voltage:</u>	<u>Secondary</u>		<u>Primary</u>	
	<u>(ES)</u>		<u>(EP)</u>	
<u>Charge</u>	<u>Rate</u>			
<u>Energy Charge (per KWh):</u>	<u>Summer</u>	<u>Winter</u>	<u>Summer</u>	<u>Winter</u>
On-Peak Period	\$0.18839	N.A.	\$0.16341	N.A.
Part-Peak Period	\$0.10246	\$0.10823	\$0.09368	\$0.10171
Off-Peak Period	\$0.09501	\$0.09480	\$0.09184	\$0.09266
Customer Charge Per meter (per monthly billing period)		\$385.00		\$310.00

Note: Summer months are May - October, winter months are November - April

- (a) **TYPES OF CHARGES:** The amount of a customer's monthly bill for service under Schedule "E" is the sum of the amounts of the customer charge, demand charge, and energy charge:
- The customer charge is a flat monthly billing period fee.
  - Schedule "E" has three demand charges; a maximum peak period demand charge, a maximum partial-peak period demand charge and a maximum demand charge. The maximum peak period demand charge per kilowatt applies to the maximum demand during the month billing period's peak hours, the maximum partial-peak period demand charge per kilowatt applies to the maximum demand during the monthly billing period's partial-peak hours and the maximum-demand charge per kilowatt applies to the maximum demand at any time during the monthly billing period. The bill will include all of these demand charges. (Time periods are defined in Paragraph (5).)
  - Except when the Port elects to bill on an hourly basis, the energy charge is the sum of the energy charges from the peak, partial-peak and off-peak periods. The customer pays for energy by the kilowatt-hour (KWh), and rates are differentiated according to time of day.
  - The monthly billing period charge amounts may be increased or decreased based upon the power factor. (See Paragraph (6).)
  - As shown in the rates above, which set of customer, demand and energy charge amounts is paid depends on the voltage at which service is taken. Service voltages are defined in Paragraph (4) below.

(4) DEFINITION OF SERVICE VOLTAGE:

The following defines the two voltage classes of Schedule "E" rates.

- a. Secondary: This is the voltage class if the service voltage is less than 2,000 volts
- b. Primary: This is the voltage class if the service voltage is greater than 2,000 volts.

(5) DEFINITION OF TIME PERIODS:

**Peak:** 12:00 noon to 6:00 PM-Monday to Friday (except holidays)

**Partial-Peak:** 8:30 AM to 12 Noon and 6:00 PM to 9:30 PM-Monday through Friday (except holidays)

**Off-Peak:** 9:30 PM to 8:30 AM - Monday through Friday. All Day - Saturday, Sunday and holidays

**Holidays:** "Holidays" for the purposes of this rate schedule are New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day. The dates will be those on which the holidays are legally observed.

(6) POWER FACTOR ADJUSTMENTS:

The bill will be adjusted based upon the power factor. The power factor is computed from the ratio of lagging reactive kilovolt-ampere-hours to the kilowatt-hours consumed in the monthly billing period. Power factors are rounded to the nearest whole percent.

The rates in this rate schedule are based on a power factor of 85 percent or higher. If the average power factor is below 85 percent, the monthly bill will be increased by 0.06 percent for each percentage point below 85 percent.

(7) STANDARD SERVICE FACILITIES:

As a condition to the Port's installation of any new or additional service facilities to provide the customer with service, the Port may require that the customer first pay and/or agree to pay to the Port, by execution of a facilities charge agreement prepared by the Port, all or portions of the cost to the Port to make the installation."

Section 4. Rates and charges for electrical power, natural gas, water and sewer services at the Oakland Army Base, as adopted by Section 3 of Port Ordinance No. 3651, shall hereinafter be referred to as adopted by Section 4 of Port Ordinance No. 3439

Section 5. This ordinance shall be effective the first day of the first full calendar month after this ordinance is adopted.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular

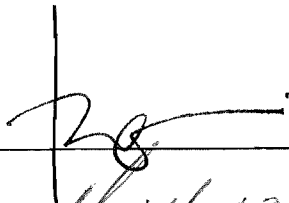
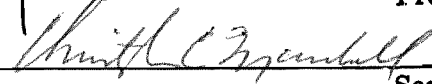
meeting held January 15, 2002

By the following Vote:

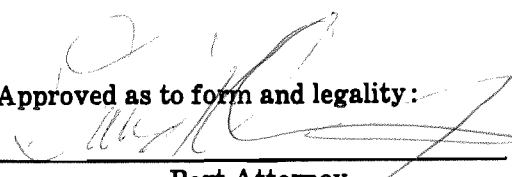
Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Noes: None

Absent: Commissioner Uribe - 1

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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



**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3673**

ORDINANCE APPROVING AND AUTHORIZING  
EXECUTION OF LEASE AGREEMENT WITH  
BURLINGTON NORTHERN SANTA FE RAILWAY  
COMPANY.

---

**BE IT ORDAINED** by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") hereby approves a Lease Agreement between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, as Lessor, and **BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY**, a Delaware corporation ("BNSF"), as tenant, for premises consisting of approximately 85 acres of the Joint Intermodal Terminal ("JIT") rail facilities located immediately north of the Berths 55-59 container terminal facilities in the Oakland Inner Harbor *and west of*, providing for the Port to pay a total maximum of \$6.0 million for improvements to the Union Pacific Railroad Company lead-track which provides rail access to the premises, and for certain other modifications to the JIT premises, the premises to be operated by BNSF as a railroad intermodal container transfer terminal and other purposes incidental and reasonably related thereto for a term of 10 years, at a compensation payable by BNSF to the Port for each contract year of \$25 per container movement for the first 75,000 containers and \$10 per container movement for any container movements in excess of 75,000 (the container movement amounts applying separately to BNSF and to each other railroad using the premises) with a minimum annual guaranteed compensation to the Port of \$500,000 for each contract year), and otherwise upon the terms and conditions set forth in Board Agenda Sheet Item No. 21 dated December 4, 2001, and such standard terms and conditions as specified in the Lease and approved by the Executive Director.

Section 2. The Executive Director is hereby authorized to execute and the Secretary to attest said Lease Agreement.

Section 3. This ordinance is not evidence of and does not create or constitute (a) a contract, Lease 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 Board. This ordinance approves and authorizes the execution of said Lease Agreement in accordance with the terms of this ordinance. Unless and until a separate written Lease Agreement 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 BNSF, there shall be no valid or effective Agreement.

Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

Christopher C. Marshall  
Secretary of the Board

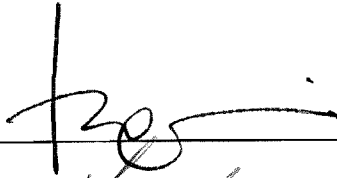

Adopted at a regular meeting held January 15, 2002

By the following Vote:

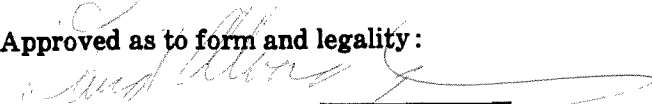
Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

Noes: None

Absent: Commissioner Uribe - 1

  
\_\_\_\_\_  
President.  
Attest   
\_\_\_\_\_  
Secretary.

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### PORT ORDINANCE NO.3673

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 26000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

12/28/01

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000038495

PORT ORDINANCE NO. 3673

ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF LEASE AGREEMENT WITH BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY.

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board of Port Commissioners ("Board") hereby approves a Lease Agreement between the CITY OF OAKLAND, a municipal corporation, acting by and through the Board, as Lessor, and BURLINGTON NORTHERN SANTA FE RAILWAY COMPANY, a Delaware corporation ("BNSF"), as tenant, for premises consisting of approximately 85 acres of the Joint Intermodal Terminal ("JIT") rail facilities located immediately north of the Berths 55-59 container terminal facilities in the Oakland Inner Harbor and west of, providing for the Port to pay a total maximum of \$6.0 million for improvements to the Union Pacific Railroad Company lead-track which provides rail access to the premises, and for certain other modifications to the JIT premises, the premises to be operated by BNSF as a railroad intermodal container transfer terminal and other purposes incidental and reasonably related thereto for a term of 10 years, at a compensation payable by BNSF to the Port for each contract year of \$25 per container movement for the first 75,000 containers and \$10 per container movement for any container movements in excess of 75,000 (the container movement amounts applying separately to BNSF and to each other railroad using the premises) with a minimum annual guaranteed compensation to the Port of \$500,000 for each contract year), and otherwise upon the terms and conditions set forth in Board Agenda Sheet Item No. 21 dated December 4, 2001, and such standard terms and conditions as specified in the Lease and approved by the Executive Director.

Section 2. The Executive Director is hereby authorized to execute and the Secretary to attest said Lease Agreement.

Section 3. This ordinance is not evidence of and does not create or constitute (a) a contract, Lease 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 Board. This ordinance approves and authorizes the execution of said Lease Agreement in accordance with the terms of this ordinance. Unless and until a separate written Lease Agreement 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 BNSF, there shall be no valid or effective Agreement.

Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

Christopher C. Marshall  
Secretary of the Board

The Oakland Tribune, #38495  
December 28, 2001

**BOARD OF PORT COMMISSIONERS  
CITY OF OAKLAND**

---

**PORT ORDINANCE NO. 3672**

AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION  
OF A PURCHASE AND SALE AGREEMENT WITH CALIFORNIA  
DEPARTMENT OF TRANSPORTATION ("CALTRANS") FOR THE  
PORT OF OAKLAND'S PURCHASE OF APPROXIMATELY  
37,000 SQUARE FEET OF EXCESS CALTRANS PROPERTY.

---

**BE IT ORDAINED** by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this ordinance as the "Property" is owned by the California Department of Transportation ("CalTrans"), is located adjacent to Port owned property located on Hegenberger Road near Highway 880 in the City of Oakland, and consists of approximately 37,000 square feet of excess CalTrans property.

**Section 2.** The Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port as purchaser and **Caltrans** as Seller (the "Agreement") for the purchase and sale of the Property at a purchase price of \$666,180.00, and as otherwise described in Agenda Sheet Item No. 14, dated December 18, 2001.

**Section 3.** The Executive Director is authorized to execute and accept a Grant Deed accepting conveyance of the Property from CalTrans and such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that the proposed purchase of the Property, is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines.

**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the Agreement or the Grant Deed to CalTrans. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance and acceptance of a Grant Deed. Unless and until a separate written Agreement is 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 CalTrans, there shall be no valid or effective Agreement.

**Section 6.** This ordinance shall take effect 30 days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

Christopher C. Marshall  
Secretary of the Board

Adopted at a regular

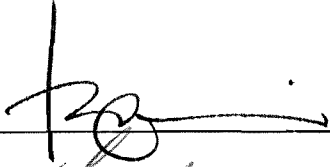
meeting held January 15, 2002


By the following Vote:

**Ayes:** Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates and President Tagami - 6

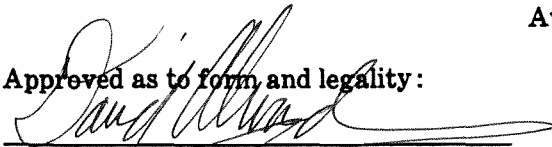
**Noes:** None

**Absent:** Commissioner Uribe - 1

  
\_\_\_\_\_  
**President.**

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

Approved as to form and legality:

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

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(510) 293-2601

PORT OF OAK. LEGAL DEPT  
530 WATER ST./ARVAYNE M., Attn: Editha  
Hernandez,  
OAKLAND CA 94607

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### FOR ORDINANCE NO. 3672

The undersigned deposes that he/she is the Public Notice Advertising Clerk of the OAKLAND TRIBUNE, a newspaper of general circulation as defined by Government Code Section 26000, adjudicated as such by the Superior Court of the State of California, County of Alameda (Order No. 237798, on December 4, 1951), which is published and circulated daily in said county and state, seven days a week.

The PUBLIC NOTICE

was published in every issue of the OAKLAND TRIBUNE on the following date(s):

12/28/01

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

  
Public Notice Advertising Clerk

Legal No. 0000038507

PORT ORDINANCE NO. 3672

AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION ("CALTRANS") FOR THE PORT OF OAKLAND'S PURCHASE OF APPROXIMATELY 37,000 SQUARE FEET OF EXCESS CALTRANS PROPERTY.

BE IT ORDAINED by the Board of Port Commissioners ("Board") of the City of Oakland as follows:

**Section 1.** The land referred to in this ordinance as the "Property" is owned by the California Department of Transportation ("CalTrans"), is located adjacent to Port owned property located on Hegenberger Road near Highway 880 in the City of Oakland, and consists of approximately 37,000 square feet of excess CalTrans property.

**Section 2.** The Board hereby approves and authorizes the Executive Director to execute a Purchase and Sale Agreement between the Port as purchaser and Caltrans as Seller (the "Agreement") for the purchase and sale of the Property at a purchase price of \$666,180.00, and as otherwise described in Agenda Sheet Item No. 14, dated December 18, 2001.

**Section 3.** The Executive Director is authorized to execute and accept a Grant Deed accepting conveyance of the Property from CalTrans and such other documents as shall be required to carry out the intent of this ordinance, provided that such documents are approved as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that the proposed purchase of the Property, is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines.

**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract, agreement 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 Board. This ordinance does not obligate the Port to execute or deliver the Agreement or the Grant Deed to CalTrans. This ordinance approves and authorizes the execution of the Agreement in accordance with the terms of this ordinance and acceptance of a Grant Deed. Unless and until a separate written Agreement is 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 CalTrans, there shall be no valid or effective Agreement.

**Section 6.** This ordinance shall take effect 30 days from and after its final adoption.

In Board of Port Commissioners, Oakland, California, December 18, 2001. Passed to print for one day by the following vote: Ayes: Commissioners Ayers-Johnson, Kiang, Kramer, Protopappas, Scates, Uribe and President Tagami - 7. Noes: None. Absent: None.

Christopher C. Marshall  
Secretary of the Board

The Oakland Tribune, #38507  
December 28, 2001