

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4118

**AN ORDINANCE APPROVING THE TERMS AND
CONDITIONS AND AUTHORIZING THE
EXECUTION OF AN AIRLINE OPERATING
AGREEMENT WITH FLIGHT EXPRESS, INC.**

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

SECTION 1. The Board of Port Commissioners hereby gives first reading to an ordinance approving the terms and conditions and authorizing the execution of an Airline Operating Agreement with **Flight Express, Inc.**, at the North Airport, Adjacent to Building L-906, 980 Harbor Bay Parkway, Oakland California, and authorizes execution of those agreements, subject to the Port Attorney's review and approval as to form of the agreement.

SECTION 2. The Executive Director is hereby authorized to execute an Airline Operating Agreement with Flight Express, Inc., at Oakland International Airport, containing the terms and conditions as more fully set forth in Agenda Report A-2, dated February 16, 2010.

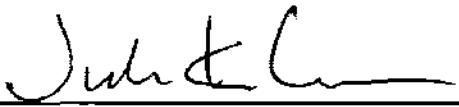
SECTION 3. This ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the 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 the other contracting party, there shall be no valid or effective agreement.

The Board of Port Commissioners, Oakland, California, February 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 7. Noes: 0.

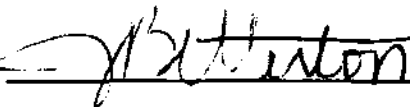
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held March 2, 2010
by the following vote:

Ayes: Commissioners Batarse, Calloway, Gonzales, Gordon, Head, Katzoff,
and President Uno - 7
Noes: 0




President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4119

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN EXCHANGE AGREEMENT WITH THE STATE LANDS COMMISSION AND THE DEVELOPER; APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A PURCHASE AND SALE AGREEMENT; APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN OPEN SPACE GROUND LEASE; APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A MARINA LEASE; APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A RESTRICTIVE COVENANT; APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A DEED OF TRUST FOR THE OAK TO NINTH DISTRICT PROJECT.

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 and authorizes the execution for and on behalf of the Board an Exchange Agreement with the **STATE LANDS COMMISSION** and the Developer in accordance with Agenda Report No. C-1 dated February 16, 2010.

Section 2. The Board hereby approves and authorizes the execution for and on behalf of the Board a Purchase and Sale Agreement in accordance with Agenda Report No. C-1 dated February 16, 2010.

Section 3. The Board hereby approves and authorizes the execution for and on behalf of the Board an Open Space Ground Lease in accordance with Agenda Report No. C-1 dated February 16, 2010.

Section 4. The Board hereby approves and authorizes the execution for and on behalf of the Board a Marina Lease in accordance with Agenda Report No. C-1 dated February 16, 2010.

Section 5. The Board hereby approves and authorizes the execution for and on behalf of the Board a Restrictive Covenant in accordance with Agenda Report No. C-1 dated February 16, 2010.

Section 6. The Board hereby approves and authorizes the execution for and on behalf of the Board a Deed of Trust in accordance with Agenda Report No. C-1 dated February 16, 2010.

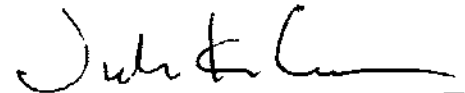
Section 7. This ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This ordinance approves and authorizes the execution of certain transactional documents 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, are signed as approved as to form and legality by the Port Attorney and are delivered to any contracting party, there shall be no valid or effective agreement.

The Board of Port Commissioners, Oakland, California, February 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Head, Katzoff, Lighty, and President Uno - 6. Noes: Commissioner Gordon - 1.

John T. Betterton
Secretary of the Board

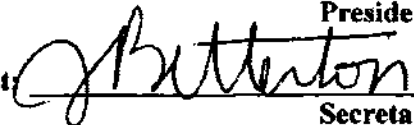
Adopted at a regular meeting held March 2, 2010
by the following vote:

Ayes: Commissioners Batarse, Calloway, Gonzales, Head, Katzoff,
and President Uno - 6
Noes: Commissioner Gordon - 1



President.

Attest



Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4120

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD ONE LIMITED DURATION POSITION OF DEPUTY PORT
ATTORNEY III.**

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

Section 6.02 of Port Ordinance No. 867 is hereby amended to add one limited duration position of Deputy Port Attorney III, for a term not to exceed June 30, 2010.

The Board of Port Commissioners, Oakland, California, February 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 7. Noes: 0.

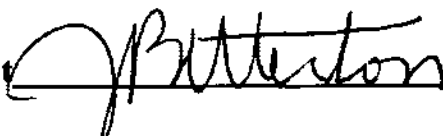
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held March 2, 2010
by the following vote:

Ayes: Commissioners Batarse, Calloway, Gonzales, Gordon, Head, Katzoff,
and President Uno - 7
Noes: 0



President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4121

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD A LIMITED DURATION POSITION OF PORT ASSISTANT
MANAGEMENT ANALYST AND TO DELETE ONE POSITION OF
PORT JOB RESEARCHER.**

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

Section 1. Section 5.169 of Port Ordinance No. 867 is hereby amended to add a limited duration position of Port Assistant Management Analyst.

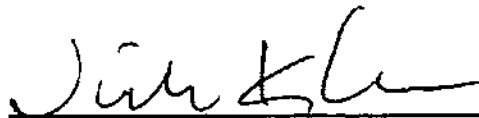
Section 2. Section 5.165 of Port Ordinance No. 867 is hereby amended to delete one position of Port Job Researcher.

The Board of Port Commissioners, Oakland, California, February 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 7. Noes: 0.

John T. Betterton
Secretary of the Board

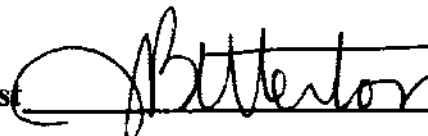
Adopted at a regular meeting held March 2, 2010
by the following vote:

Ayes: Commissioners Batarse, Calloway, Gonzales, Gordon, Head, Katzoff,
and President Uno - 7
Noes: 0



President.

Attest



Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4122

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD A POSITION OF PORT DELIVERYPERSON AND TO
DELETE ONE POSITION OF BUILDING SERVICES MANAGER.**

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

Section 1. Section 5.121 of Port Ordinance No. 867 is hereby amended to add a position of Port Deliveryperson.

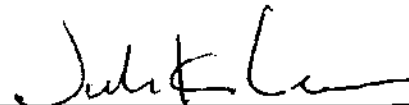
Section 2. Section 5.111 of Port Ordinance No. 867 is hereby amended to delete one position of Building Services Manager.

The Board of Port Commissioners, Oakland, California, March 2, 2010. Passed to print for one day by the following vote: Ayes: Commissioners, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 6. Excused: Commissioner Calloway - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held March 16, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff,
and President Uno - 6
Excused: Commissioner Lighty - 1
Noes: 0



President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4123

**AN ORDINANCE REVISING PORT ORDINANCE NO. 2832, TO
ALLOW SCHOOLS MEETING CERTAIN CONDITIONS TO OCCUPY
THE BUSINESS PARK.**

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

Section 1. Section 2.1 of Ordinance No. 2832 is hereby amended to read as follows:

"Each site in the Business Park shall be used for manufacturing, warehousing, processing, laboratory, office, professional, or research and development activities. Any existing school currently operating in the Port area may relocate to a site in the Business Park for a period not to exceed 5 years, provided that they are moving further from the Airport Operating Area, and the Port finds that their use does not conflict with any neighboring approved uses at the new location and will not pose a hazard or safety concern for the students. Hotel and motel uses shall be permitted in designated areas as shown on the attached Exhibit A, and along Doolittle Drive (See Exhibit C). Fee parking lots shall not be permitted in any area of the Business Park, except that the portion southwest of the extension of Pardee Drive, bounded by Swan Way and the Martin Luther King, Jr. Regional Shoreline, of the existing public fee parking lot ("Pardee parking lot") on the 34-acre parcel at Swan Way and Pardee Drive may be used as a privately operated fee parking lot; and the portion of the Pardee parking lot that is located northeast of the extension of Pardee Drive, bounded by the United Parcel Service site, San Leandro channel and Martin Luther King Shoreline Park may be used for storage, for a five-year period, of automobiles, trucks, boats, recreational vehicles, trailers, portable classrooms, office trailers and modular building structures. Stored items shall not exceed fifteen feet in height (from the ground upward), and cargo containers shall not be stored on any portion of the Pardee

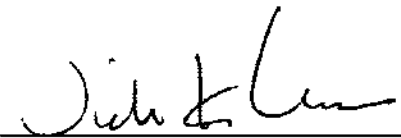
parking lot site. Retail and other commercial uses shall be restricted to sales of goods and services required for the convenience of occupants of the Business Park; provided, however, that retail uses in the areas designated as Retail Areas on the attached Exhibit B, or along Doolittle Drive (See Exhibit C), shall not be subject to said restriction. However, any such permitted retail and commercial uses shall not be objectionable or detrimental, in the determination of the Board, to adjacent properties by reason of traffic, noise and visual pollution. Automobile service stations (permitted on Oakport Street, Hegenberger Road, Edgewater Drive and Doolittle Drive only), restaurants, banks and certain other uses may be approved by the Port upon written application. No other uses will be permitted that shall be construed by the Port as being objectionable in a garden-type business park. Application for use approval shall be accompanied by a processing fee, as established by Port Ordinance, which shall be non-refundable and in addition to all other charges and fees required by any other agency."

The Board of Port Commissioners, Oakland, California, March 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, and President Uno - 6. Excused: Commissioner Lighty, - 1. Noes: 0.

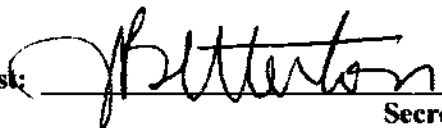
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held April 6, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Lighty,
and President Uno - 6
Excused: Commissioner Katzoff - 1
Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4124

**ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF
AN AMENDMENT TO LEASE WITH DASL LLC.**

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 and authorizes execution of a third supplemental agreement ("Amendment") to that certain Lease between the Port and **DASL LLC**, as Lessee, dated September 11, 1974, for 1) two 5 year options to extend their lease term upon the rental terms described in Agenda Report No. C-1, dated April 6, 2010 ("Agenda Report"); and 2) provide the Port with a right of first offer to purchase the Cost Plus parcel in the event **DASL LLC** decides to sell, and as more fully set forth in said Agenda Report.

Section 2. The Executive Director is hereby authorized to execute said Amendment.

Section 3. The Board hereby finds and determines that the proposed Amendment is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Guidelines, Article 19, Section 15300.4, and Port CEQA Guidelines Section 15301(p).

Section 4. 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 approves and authorizes the execution of said Amendment in accordance with the terms of this ordinance. Unless and until a separate written Amendment 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 Amendment.

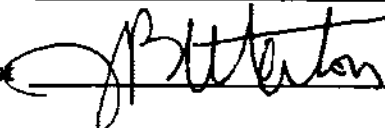
The Board of Port Commissioners, Oakland, California, April 6, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Lighty, and President Uno - 6. Excused: Commissioner Katzoff - 1. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held May 4, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty,
and President Uno - 7
Noes: 0



President.
Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4125

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 4091,
AIRPORT RULES AND REGULATIONS, SCHEDULE A AND
SCHEDULE B, REVISING ALTERNATIVE FUEL AND MAXIMUM
VEHICLE AGE REQUIREMENTS FOR TAXICABS AND ALL
OTHER GROUND TRANSPORTATION OPERATORS.**

WHEREAS the Board of Port Commissioners has adopted Port Ordinance 4091 that established Rules and Regulations for Oakland International Airport and revised existing Port Ordinances for Taxicab Operations and all Other Ground Transportation to increase fees, amend certain other fees and revise certain requirements; and

WHEREAS the Ordinance continued requirements related to the alternative fuel fleet and maximum vehicle age. An amendment to Port Ordinance 4091 was approved in September 2009 to extend the vehicle maximum age limitation from 5 years to 7 years for taxicabs operators, making it equal to the 7 years maximum requirement for other ground transportation operators; and

WHEREAS the Board desires to place a temporary suspension on requirements for maximum vehicle age and share of alternative fuel vehicles and grant a special permit to approximately eight taxicab operators that purchased alternative fuel vehicles between January 1, 2007 and December 31, 2009 to operate daily for a one-year period;

WHEREAS the Board has reviewed and evaluated the Agenda Report for matter A-1, dated May 4, 2010 (the "Agenda Report"), and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; therefore,

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

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

The Aviation Director shall be authorized to grant a special permit to approximately eight taxicab operators that purchased alternative fuel vehicles between January 1, 2007 and December 31, 2009 to operate daily for a one-year period, consistent with the Agenda Report; and,

The regulations, known as the "Oakland International Airport Rules and Regulations," established pursuant to Port Ordinance No. 4091 ("Rules and Regulations") adopted by the Board on March 17, 2009, are hereby amended, consistent with the Agenda Report, for a one-year period as follows:

Section 1. Alternative Fuel Vehicles and Vehicle Age.

Schedule B of Port Ordinance No. 4091 is hereby amended placing a temporary suspension on maximum vehicle age and share of alternative fuel vehicles to allow all ground transportation providers to operate up to 10-year old vehicles, and maintain an alternative fuel vehicle share requirement of 25% in 2010. The maximum allowable age of commercial vehicles would be reduced to 8-year old vehicles during 2011 and to 7-year old vehicles on January 1 2012. The alternative fuel vehicle share requirement would be scheduled to increase to 50% on January 1, 2012

Section 2. Confirmation of Rules and Regulations. Except as expressly amended by this Ordinance, Port Ordinance No. 4091 is hereby ratified and confirmed. The Secretary of the Board is directed to revise and update the text of Port Ordinance No. 4091 consistent with this Ordinance and the Agenda Report.

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

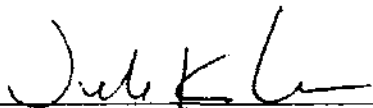
Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, May 4, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Head, Katzoff, and President Uno - 5. Noes: Commissioner Gordon and Lighty - 2

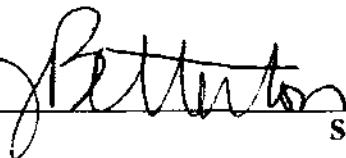
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held May 18, 2010
by the following vote:

Ayes: Commissioners Gordon, Head, Katzoff, Lighty,
and President Uno - 5
Excused: Commissioners Calloway and Gonzales - 2
Noes: 0

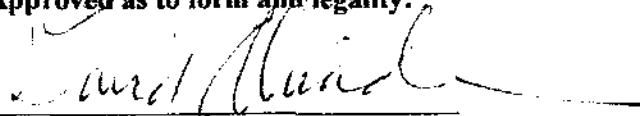


President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4126

**AN ORDINANCE ESTABLISHING MINIMUM STANDARDS FOR
PROVIDERS OF AERONAUTICAL SERVICES AND SELF
FUELING AT THE NORTH FIELD OF OAKLAND
INTERNATIONAL AIRPORT.**

WHEREAS the Board of Port Commissioners of the City of Oakland has reviewed and evaluated the Agenda Report for Agenda Item A-2, dated May 4, 2010 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and, therefore

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

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

Section 2. The Minimum Standards set forth in the Agenda Report, to be known as "Standards for Providers of Aeronautical Services and Self Fueling at the North Field" are hereby adopted and approved, consistent with the Agenda Report;

Section 3. The Secretary of the Board and other appropriate staff are hereby directed to finalize and conform such Minimum Standards consistent with this Ordinance.

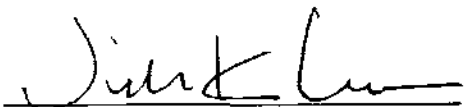
Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, May 4, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 7. Noes: - 0

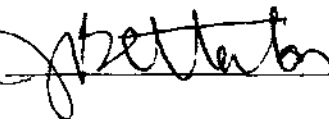
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held May 18, 2010
by the following vote:

Ayes: Commissioners Gordon, Head, Katzoff, Lighty,
and President Uno - 5
Excused: Commissioners Calloway and Gonzales - 2
Noes: 0

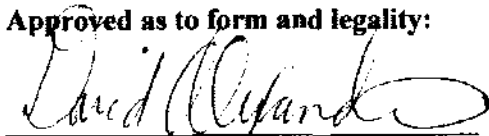


President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4127

**AN ORDINANCE APPROVING AND ADOPTING RULES
FOR PUBLIC PARTICIPATION AT MEETINGS OF THE
BOARD OF PORT COMMISSIONERS AND STANDING
COMMITTEES.**

WHEREAS the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item O-2 ("Agenda Report") dated June 22, 2010 and related agenda materials, including the Rules and the Annotated Rules attached thereto, has received the expert testimony of Port staff, and has provided opportunities for public comment before, during and after its noticed Administration Committee public meeting of May 25, 2010 and its Board meeting of June 22, 2010;

WHEREAS the Port of Oakland is a specialized public agency with specific enterprise functions and its Board and Committee meetings are open to the public; the Port does not currently have any formally adopted policies or procedures regulating public participation in such meetings; and the lack of clarity and certainty regarding public participation has led to confusion and inefficiencies in transacting the business of the Port;

WHEREAS adoption of the formal RULES FOR PUBLIC PARTICIPATION AT MEETINGS OF THE BOARD OF PORT COMMISSIONERS AND STANDING COMMITTEES attached to the Agenda Report will establish an appropriate level of safety, decorum, and efficiency in the Board Room for Port stakeholders and other members of the public attending and/or addressing the Board or its Standing Committees; the ability of all interested persons properly attending public meetings to safely, civilly, and efficiently participate in the affairs of the Port and to view the Board Commissioners in the performance of their duties is of paramount importance to the Board; and the Board has a compelling interest in the efficient transaction of business at the Port free from delay, distraction, and disruption by members of the public; and,

THEREFORE BE IT ORDAINED that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

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

1. The Board hereby approves and adopts the Rules for Public Participation at Meetings of the Board of Port Commissioners and Standing Committees, as set forth in the Agenda Report;

2. The Board adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report, in the Rules, in the Annotated Rules, and in other related agenda materials and in testimony received in so doing;


3. If any section, subsection, sentence, clause, or phrase of the Rules, or the application thereof to any person or circumstance, is for any reason held to be invalid the remainder of the Rules and the application of such Rules to other persons or circumstances shall not be affected thereby.

The Board of Port Commissioners, Oakland, California, June 22, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Gonzales, Gordon, Head, Lighty, and President Uno - 5. Excused: Commissioners Calloway & Katzoff - 2. Noes: 0.

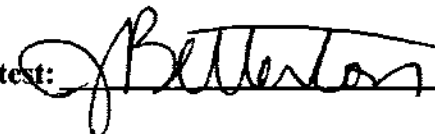
John T. Betterton
Secretary of the Board

Adopted at a special meeting held June 29, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Head, Katzoff,
and President Uno - 5
Abstained: Commissioner Gordon - 1
Excused: Michael Lighty - 1
Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4128

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A MULTI-YEAR RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH ALASKA AIRLINES, INC. TO ENTER UPON PREMISES IN AND ABOUT HANGAR 6 AT THE OAKLAND INTERNATIONAL AIRPORT TO CONDUCT REMEDIATION, PERFORM LONG-TERM GROUNDWATER MONITORING AND RELATED ACTIVITIES.

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

Section 1. The Board hereby approves a Right-of-Entry and Indemnity Agreement ("Agreement") with Alaska Airlines, Inc., to enter upon premises in and about Hangar 6 at the Oakland International Airport to conduct remediation, perform long-term groundwater monitoring, and conduct related activities effective upon the effective date of this Ordinance and after execution of said Agreement on behalf of the parties through June 30, 2012, and otherwise upon 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 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.

Section 4. Pursuant to the California Environmental Quality Act ("CEQA") and the Port's CEQA Guidelines, the Port has complied with State Clearinghouse review requirement for draft environmental documents.

Section 5. The approval described herein and made hereby complies with the Board's CEQA approvals for the project, and the Board finds that there is no substantial evidence before the Board warranting either revised CEQA project documents, or an environmental impact report.

The Board of Port Commissioners, Oakland, California, June 22, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Gonzales, Gordon, Head, Lighty, and President Uno - 5. Excused: Commissioners Calloway & Katzoff - 2. Noes: 0.

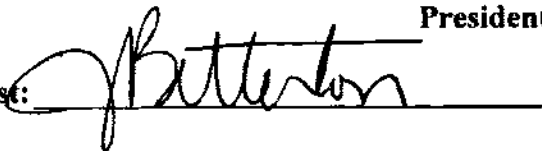
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held **June 29, 2010**
by the following vote:

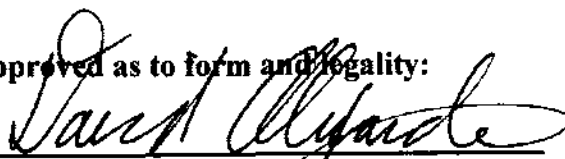
Ayes: Commissioners Calloway, Gordon, Head, Katzoff,
and President Uno - 5
Excused: Commissioners Gonzales and Lighty - 2
Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:

Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4129

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 3634, AS
AMENDED, RELATING TO LANDING AND TENANT TERMINAL
SPACE RENTAL FEES AT METROPOLITAN OAKLAND
INTERNATIONAL AIRPORT.**

WHEREAS the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report Item 2 ("Agenda Report") dated July 6, 2010 and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment;

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

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

The charges for use of facilities and the provision of Aviation Fuel at the Metropolitan Oakland International Airport were, established pursuant to Port Ordinance No. 3634 adopted by the Board on April 3, 2001, and are hereby amended, consistent with the Agenda Report, 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 \$41.25 per landing; provided, however, that effective October 1,

2010, if the operator of such Based Aircraft has not signed and returned the Port's Airline Operating Agreement, the rate shall be \$51.56 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 \$51.56 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 \$4.13 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 \$3.30 per 1,000 pounds of maximum gross landing weight per Aircraft; provided however, that effective October 1, 2010, 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 \$1.65 for each 1,000 pounds of maximum gross landing weight per Aircraft landed by Certificated Airline Operators covered by Section 2c hereof and \$2.06 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 10.1 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, \$14.734 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, \$13.261 per square foot per month;

c. Baggage claim area in Buildings M-101 and M-130, \$11.788 per square foot per month; and

d. Baggage make-up area, \$10.314 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 \$500.00 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.

f. Ticket Counter Use - Common Use, \$7.368 per square foot per month.

g. Office Space Use - Common Use, \$6.630 per square foot per month; and

h. Baggage Make-Up - Common Use, \$5.157 per square foot per month

i. Concession storage space in Buildings 101, 102, 103, and 130, \$2.578 per square foot per monthly."

Section 4. Section 10.2 of Port Ordinance No. 3634 is hereby amended to add the following:

"All Airline Operators that are Based Tenant Operators shall pay to the Port for the use of the baggage claim area and the baggage conveyor facilities a fee for passengers deplaning at the Airport from flights from which baggage is handled over and through such area or facilities. Said fee - as specified in **Schedule A** - shall be charged based on the number of passengers onboard Airline Operator's Aircraft

regardless of the number of such passengers who actually have their baggage handled over or through such area and facilities."

Section 5. Section 10.10(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 \$36,006.00 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 - \$218.40 per enplaning operation.

(ii) Effective October 1, 2010, 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 \$273.00 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 - \$1.68 per enplaning passenger.

(ii) Effective October 1, 2010, 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 \$2.10 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 - \$1.68 per enplaning passenger.

(ii) Effective October 1, 2010, 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 \$2.10 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 - \$1.32 per enplaning passenger.

(ii) Effective October 1, 2010, 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 \$1.65 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	\$3.35	per enplaning passenger
Holdroom & Loading Bridge Charge	\$2.10	per enplaning passenger
Security Fee	\$40.00	per enplanement passenger
Baggage Claim Area	\$1.38	per deplaning passenger."

Section 6. The Board of Port Commissioners hereby finds and determines that the imposition of the changes referred to in Sections 1 - 5 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 7. Section 1-5 of this Ordinance shall be effective July 1, 2010 for airlines belonging to the Airline Affairs Committee and effective October 1, 2010, for non-based airlines, ground handlers and other terminal tenants.

Schedule A


BAGGAGE CONVEYOR FACILITIES		
Terminal 1 (Shared by all Terminal 1 Airlines, allocated by passengers deplaning in Terminal 1)	\$241,479.00	Monthly Allocation
Terminal 2 (Shared by all Terminal 2 Airlines, allocated by passengers deplaning in Terminal 2)	\$183,437.00	Monthly Allocation


The Board of Port Commissioners, Oakland, California, July 6, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 7. Noes: 0.

John T. Betterton
Secretary of the Board

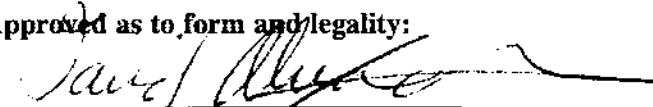
Adopted at a special meeting held **July 20, 2010**
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff,
and President Uno - 6
Excused: Michael Lighty - 1
Noes: 0



 President.
 Attest 

 Secretary.

Approved as to form and legality:


 Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4130

AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE PORT OF OAKLAND AND WESTERN COUNCIL OF ENGINEERS EFFECTIVE JULY 1, 2009 THROUGH JUNE 30, 2011 AND FIXING THE COMPENSATION OF CERTAIN EMPLOYEES OF THE PORT DEPARTMENT BELONGING TO EMPLOYEE REPRESENTATION UNIT C AND AMENDING SECTION 1.191 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:

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 three percent (3%) effective July 1, 2010.

Section 2. The salary schedules set forth in Section 2.07 of Port Ordinance No. 867, and other terms and conditions of the Memorandum of Understanding with the Western Council of Engineers ("WCE") shall be and the same are hereby amended in accordance with and more fully described in the Agenda Report 9, dated July 6, 2010.

Section 3. Section 1.3421 is hereby added to Port Ordinance No. 867 to read as follows:

"Sec. 1.3421. 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 three percent (3%) of the compensation fixed for his or her services, calculated to the nearest dollar, effective the pay period containing July 1, 2010.

Section 4. Subsection 2 of Section 1.191 of Port Ordinance No. 867 shall be amended to add the following paragraph as follows:

"Section 1.191. Professional Development.

"With respect to permanent employees in Employee Representation Unit C, 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 \$1,100 for the fiscal year 2010 and \$1,100 for the fiscal year 2011; subject to the exceptions and provisions set forth at Section 3 below."

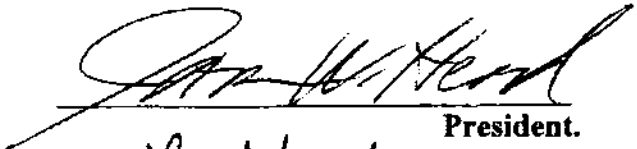
Section 5. This ordinance shall be effective as of the date stated therein, in accordance with the provisions of the Memorandum of Understanding between Western Council of Engineers and the Port of Oakland effective July 1, 2009 through June 30, 2011.

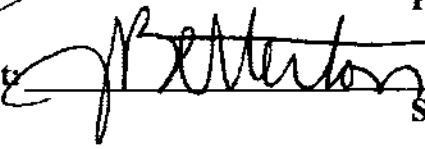
The Board of Port Commissioners, Oakland, California, July 6, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held July 20, 2010
by the following vote:

Ayes: Commissioners Calloway, Gordon, Head, Katzoff,
and President Uno - 5
Excused: Commissioners Gonzales and Lighty - 2
Noes: 0



President.
Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4131

**ORDINANCE AMENDING PORT ORDINANCE NO. 867 RATIFYING
AND SETTING THE COMPENSATION OF CERTAIN EMPLOYEES OF
THE PORT DEPARTMENT BELONGING TO INTERNATIONAL
FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS
LOCAL 21 AND BELONGING TO WESTERN COUNCIL OF
ENGINEERS.**

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

Section 1. The salary schedules set forth in Port Ordinance No. 867 for employees of the Port Department belonging to International Federation of Professional and Technical Engineers Local 21 (Employee Representation Units H, J and M) ("**Local 21**") and employees of the Port Department belonging to Western Council of Engineers ("**WCE**"), shall be and the same are hereby set to be comparable to those agreed to with Local 21 and WCE, effective July 1, 2009, and other terms and conditions as more fully described in Agenda Report 10 dated July 6, 2010 ("**Agenda Report**").

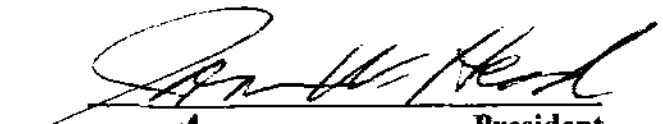
Section 2. This ordinance shall be effective as of the date stated therein, in accordance with the provisions of the Letter of Understanding with Local 21 and Port of Oakland and Letter of Understanding with WCE and the Port of Oakland effective July 1, 2009.


The Board of Port Commissioners, Oakland, California, July 6, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Head, Katzoff, Lighty, and President Uno - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held July 20, 2010
by the following vote:

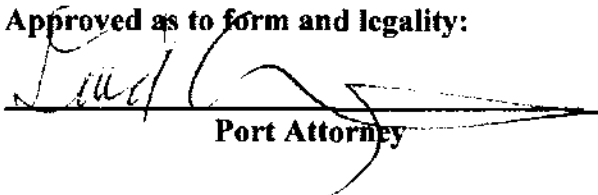
Ayes: Commissioners Calloway, Gordon, Head, Katzoff,
and President Uno - 5
Excused: Commissioners Gonzales and Lighty - 2
Noes: 0



President.
Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4132

**ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTION OF A TELECOMMUNICATIONS LICENSE
AGREEMENT WITH METROPCS CALIFORNIA, LLC, DOING
BUSINESS AS METROPCS.**

WHEREAS, by Port Ordinance No. 3854, dated June 21, 2005, the Board authorized execution of a Wireless Telecommunications Agreement with MetroPCS; and

WHEREAS the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; now, therefore

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

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; and

Section 2. The Board of Port Commissioners ("Board") hereby approves a Telecommunications License Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **METROPCS CALIFORNIA, LLC, DOING BUSINESS AS METROPCS** for cell phone service to Airport staff, passengers, customers and tenants, and other purposes incidental and reasonably related thereto for a term of 5 years, at the rate proposed, and otherwise upon the terms and conditions set forth in Board Agenda Report Item 10, dated July 20, 2010, 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 Agreement and approved by the Executive Director.

Section 3. 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, Article 19, Section 15300.4 and pursuant to Class 1 of Guidelines Section 15301(p).

Section 4. The Executive Director is hereby authorized to execute said Agreement.

Section 5. 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 Operator, there shall be no valid or effective Agreement.

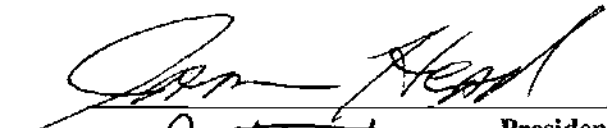
Section 6. This ordinance shall take effect thirty (30) days from and after its final adoption.

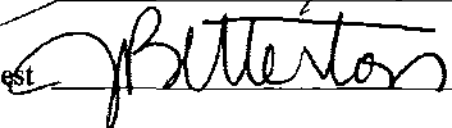
The Board of Port Commissioners, Oakland, California, July 20, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Uno and President Head - 5. Excused: Commissioners Gonzales and Lighty - 2 Noes: 0.

John T. Betterton
Secretary of the Board

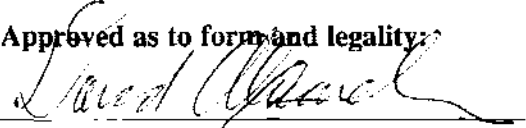
Adopted at a special meeting held August 2, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0



President.
Attest 

Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4133

**ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTION OF A FIRST AMENDMENT TO
TELECOMMUNICATIONS LICENSE AGREEMENT WITH
SPRINT SPECTRUM REALTY COMPANY, L.P. AND NEXTEL OF
CALIFORNIA, INC. (SPRINT NEXTEL).**

WHEREAS by Port Ordinance No. 3968 dated January 12, 2007, the Board of Port Commissioners ("Board") authorized execution of a Telecommunications License Agreement with Sprint Nextel; and

WHEREAS the Board has reviewed and evaluated the Agenda Report and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; now, therefore

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

Section 1. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; and

Section 2. The Board hereby approves a First Amendment to the Telecommunications License Agreement ("Agreement") between the **CITY OF OAKLAND**, a municipal corporation, acting by and through the Board, and **SPRINT SPECTRUM REALTY COMPANY, L.P.**, a Delaware limited partnership and **NEXTEL OF CALIFORNIA, INC.**, a Delaware corporation (**Sprint Nextel**) for expanded telecommunications services at the Oakland International Airport, upon the terms and conditions more fully set forth in Agenda Report 11, dated July 20, 2010, 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 Agreement and approved by the Executive Director.

Section 3. 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, Article 19, Section 15300.4 and pursuant to Class 1 of Guidelines Section 15301(p).

Section 4. The Executive Director is hereby authorized to execute said Agreement.

Section 5. 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 Operator, there shall be no valid or effective Agreement.

Section 6. This ordinance shall take effect thirty (30) days from and after its final adoption.

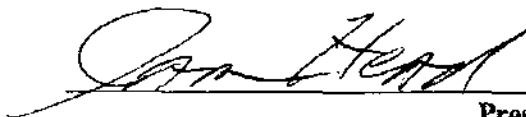
The Board of Port Commissioners, Oakland, California, July 20, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Uno and President Head - 5. Excused: Commissioners Gonzales and Lighty - 2 Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a special meeting held August 2, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7

Noes: 0

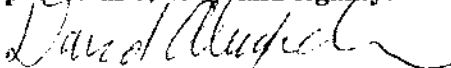


President.

Attest _____

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4134

AN ORDINANCE APPROVING AN AMENDMENT TO LEASE WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION ("FAA") TO ADD 0.96± ACRE TO THE PREMISES FOR THE NEW AIR TRAFFIC CONTROL TOWER ("ATCT") AT THE OAKLAND INTERNATIONAL AIRPORT.

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.2, dated September 7, 2010 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and, therefore

WHEREAS the Board adopted Port Ordinance No. 3818 on October 5, 2004 authorizing the terms and conditions of a 20 year ground lease with the FAA for it to design, construct, maintain and operate a new ATCT to consolidate and replace the two existing towers with a new state-of-the-art ATCT. Pursuant to the Lease, the premise is 1,000'x458' containing 10.51± acres with an usable area of approximately 3± acres; the remaining area is designated wetlands. The FAA required the additional land for its preferred 300-foot setback of its improvements from all lease lines;

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 Amendment to Lease with the **UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION ("FAA")** to add 42,000± square feet (0.96± acre) to the premises leased by FAA for the ATCT at the Oakland International Airport as further detailed and explained in the Agenda Report.

Section 2. The Board approves and authorizes the Executive Director to execute an Amendment to Lease with the **UNITED STATES OF**

AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION ("FAA") to eliminate the Port's responsibility to maintain the FAA leasehold including landscaping and other areas around the FAA's structures as further detailed and explained in the Agenda Report.

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.

Section 4. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

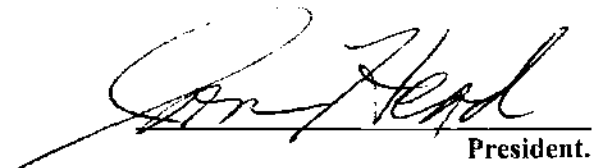
Section 5. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, September 7, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno, and President Head - 7. Noes: 0.

John T. Betterton
Secretary of the Board

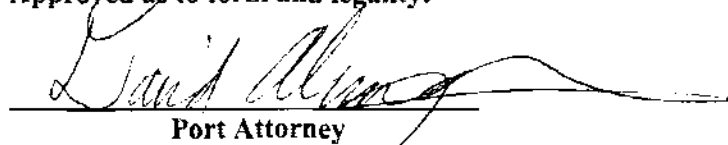
Adopted at a regular meeting held October 5, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Katzoff, Lighty, and
President Head - 5
Excused: Commissioners Gordon & Uno - 2
Noes: 0


President.

Attest: 
Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4135

**AN ORDINANCE APPROVING AND AUTHORIZING THE
EXECUTION OF AN AMENDMENT TO EXTEND THE AIRLINE
OPERATING AGREEMENT, AND WHERE APPLICABLE, TO
SPACE/USE PERMITS AT THE OAKLAND INTERNATIONAL
AIRPORT FOR ANOTHER 3 YEARS.**

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.5, dated September 7, 2010 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and

WHEREAS in 2000, staff, legal counsel and representatives of the major airlines serving the Airport negotiated the final terms and conditions of a new, standardized ten-year Airline Operating Agreement. All regularly scheduled passenger and cargo airlines (and one charter airline) currently operating at Airport have entered into and Airline Operating Agreement. In addition, any passenger airline that occupies exclusive space in the Terminal Complex has also entered into a Space/Use Permit; 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") hereby approves and authorizes execution of an Amendment to Extend the Airline Operating Agreement for three (3) years and where applicable, an Amendment to Space/Use permits with the airlines currently under contract with the Port of

Section 2. 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 Airline Operating Agreement in accordance with the terms of this Ordinance. Unless and until a separate written Airline Operating 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 the Airline Operating Agreement, there shall be no valid or effective agreement.

Section 3: In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

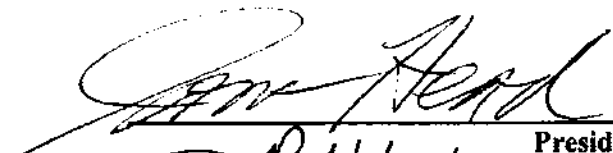
Section 4. This ordinance shall take effect 30 days from and after its final adoption.


The Board of Port Commissioners, Oakland, California, September 7, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno, and President Head - 7. Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held October 5, 2010
by the following vote:

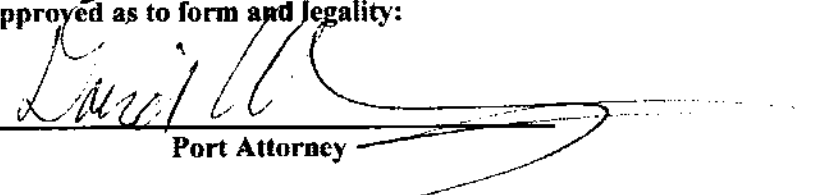
Ayes: Commissioners Calloway, Gonzales, Katzoff, Lighty, and
President Head- 5
Excused: Commissioners Gordon & Uno - 2
Noes: 0



President.
Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4136

**AN ORDINANCE APPROVING AN AMENDMENT TO THE WATERFRONT
HOTEL LEASE.**

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.2, dated September 21, 2010 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and, therefore

WHEREAS the Board now approves an amendment to the Waterfront Hotel Lease with **Waterfront Hotel Investors, LLC**.

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 Amendment to the Waterfront Hotel Lease and related termination of the Water Street II License and Concession Agreement as described in detail in the Agenda Report.

Section 2. 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.

Section 3. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

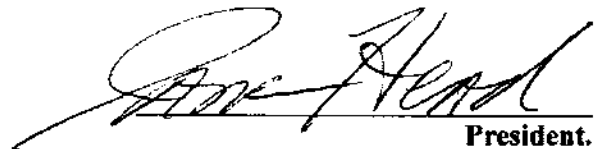
Section 5. The Board approves the amendments to the Waterfront Hotel Lease and Valet Parking License Concession Agreement, as described in the Agenda Report, and, authorizes the Executive Director or his designee to execute such agreements and such additional documents as may be necessary to carry out the Lease amendments, provided that such documents are approved by the Executive Director or his designee and such documents are approved by the Port Attorney as to form and legality; and be it

The Board of Port Commissioners, Oakland, California, September 21, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Lighty, Uno, and President Head - 6. Recused: Commissioner Katzoff - 1 Noes: 0.

John T. Betterton
Secretary of the Board

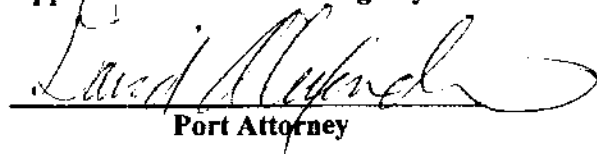
Adopted at a regular meeting held October 5, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Lighty, and
President Head- 4
Recused: Commissioner Katzoff - 1
Excused: Commissioners Gordon & Uno - 2
Noes: 0


President.

Attest: 
Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4137

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD ONE POSITION OF DIRECTOR OF ADMINISTRATION.**

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

Section 5.0101 of Port Ordinance No. 867 is hereby amended to add one position of Director of Administration.

The Board of Port Commissioners, Oakland, California, October 19, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Uno, and President Head - 6. Excused: Commissioner Lighty - 1. Noes: 0.


John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 16, 2010
by the following vote:

Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty,
and President Head- 5
Excused: Commissioners Gonzales and Uno - 2
Noes: 0




President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4138

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
CREATE AND ADD A NEW POSITION OF PORT LABOR
ADVISOR.**

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

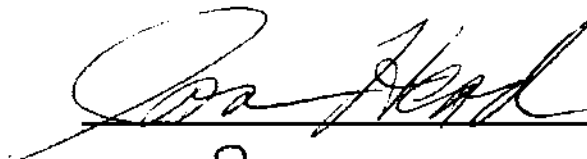
Section 5.0104 is hereby added to Port Ordinance No. 867 to create and add the position of Port Labor Advisor.

The Board of Port Commissioners, Oakland, California, October 19, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Uno, and President Head - 6. Excused: Commissioner Lighty - 1. Noes: 0.

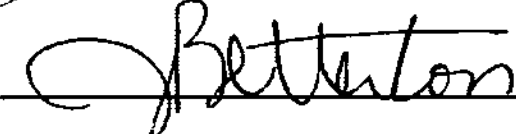
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 16, 2010
by the following vote:

Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty,
and President Head- 5
Excused: Commissioners Gonzales and Uno - 2
Noes: 0



President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4139

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
CREATE AND ADD A NEW POSITION OF DIRECTOR OF
EXTERNAL AFFAIRS.**

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

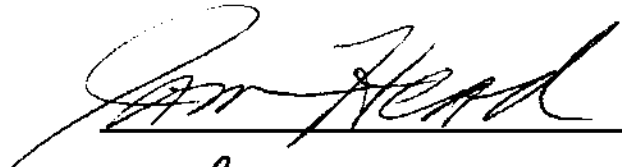
Section 5.0103 is hereby added to Port Ordinance No. 867 to create and add the position of Director of External Affairs.

The Board of Port Commissioners, Oakland, California, October 19, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Uno, and President Head - 6. Excused: Commissioner Lighty - 1. Noes: 0.


John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 16, 2010
by the following vote:

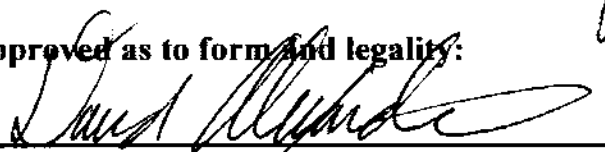
Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty,
and President Head- 5
Excused: Commissioners Gonzales and Uno - 2
Noes: 0



President.

Attest 

Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4140

**AN ORDINANCE APPROVING FISCAL YEAR 2010-2011
TARGET RENTAL RATES FOR COMMERCIAL REAL ESTATE
DIVISION TEMPORARY RENTAL AGREEMENTS.**

WHEREAS the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Item 5.8 dated November 16, 2010 (herein the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and

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

Section 1. The Board of Port Commissioners adopts and hereby approves the Target Rental Rates and authorizes the Executive Director or his designee to negotiate the annual Target Rates as further described in the Agenda Report; and be it

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

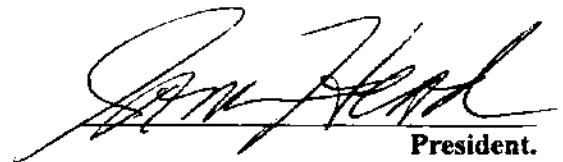
Section 3. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0


President.

Attest: 
Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4141

**AN ORDINANCE APPROVING A MEMORANUDM OF AGREEMENT
WITH THE FEDERAL AVIATION ADMINISTRATION.**

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 5.12, dated November 16, 2010 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and, therefore

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

Section 1. The Board approves and ratifies the Twenty (20) year Memorandum of Agreement with the Federal Aviation Administration ("FAA") for the operation and maintenance of FAA-owned navigation, communication and weather aids supporting air traffic operations at the Oakland International Airport as further detailed and explained in the Agenda Report.

Section 2. The Board authorizes the Director of Aviation, or his or her designee, to modify the Premises covered in the List of Facilities as further detailed and explained in the Agenda Report from time to time as may be appropriate under the Memorandum of Agreement.

Section 3. The Board authorizes the Director of Aviation, or his or her designee, to execute any other documents that may be necessary to consummate this transaction.

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.

Section 5. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the

record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received.

Section 6. This ordinance shall take effect thirty (30) days from and after its final adoption.

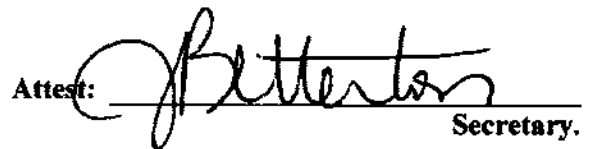
The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.

John T. Betterton
Secretary of the Board

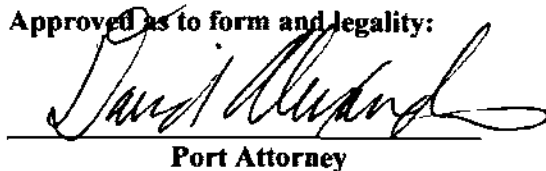
Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0


President.

Attest: 
Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4142

**AN ORDINANCE APPROVING A FIRST AMENDMENT TO LEASE
WITH OAKLAND FUEL FACILITIES CORPORATION AT THE SOUTH
FIELD OF OAKLAND INTERNATIONAL AIRPORT.**

WHEREAS the Board of Port Commissioners of the City of Oakland (“Board”) has reviewed and evaluated the Agenda Report for Agenda Item 5.13, dated November 16, 2010 (the “Agenda Report”) and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and, therefore

WHEREAS the Board adopted Port Ordinance No. 4010 on July 17, 2007, authorizing the terms and conditions of a 20 year lease with **OAKLAND FUEL FACILITIES CORPORATION (“OFFC”)** for operations and maintenance of Port-owned and OFFC-constructed fueling facilities at the South Field of Oakland International airport; and

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 First Amendment to Lease with OFFC to (i) expand and clarify the definition of “Licensed Premises” to include into-plane fueling of OFFC member airlines at the North Field; (ii) confirm that \$875,069.92 to be payable by OFFC will fully satisfy its obligations for prepayment of bond-funded projects, (iii) extend OFFC’s deadline to construct the new fuel storage tanks at Tank Farm C, (iv) update the items defined as “Fueling Facilities”; and (v) extend the deadline for OFFC inventory and decommission inactive pipelines, all as more specifically described in the Agenda Report and subject to the Port Attorney’s review and approval as to form and legality.

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.

Section 4. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

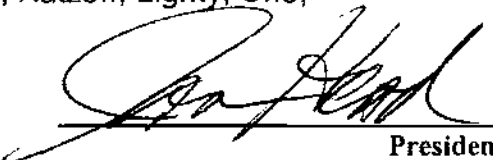
Section 5. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head - 7
Noes: 0

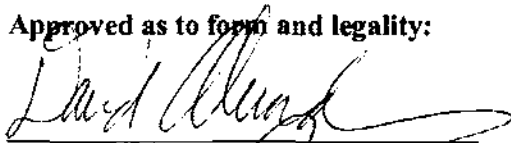


President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4143

AN ORDINANCE AMENDING PORT ORDINANCE 3439 RESTRUCTURING OF ELECTRICITY RATES AT THE OAKLAND INTERNATIONAL AIRPORT AND FORMER FLEET INDUSTRIAL SUPPLY CENTER, ESTABLISHING RATES AT THE METROPOLITAN OAKLAND INTERNATIONAL AIRPORT AND FORMER FLEET INDUSTRIAL SUPPLY CENTER AND ADDITION OF NET-METERING COMPENSATION SCHEDULE

WHEREAS the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 6.4, dated November 16, 2010 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; and, 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") has adopted Port Ordinances Nos. 3439, 3521, 3621, 3651, 3674 and 3714, 3727 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 former Fleet Industrial Supply Center (FISCO). 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, 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 and rates and charges for electrical power provided by the Port at FISCO are governed by Section 5 of Port Ordinance No. 3439, as amended.

Section 2. Section 3 of Port Ordinance 3439, as amended, which establishes rates and charges for electric power provided by the Port at the Metropolitan Oakland International Airport, is hereby amended as follows:

Airport. The following rates and charges shall apply to the Port Department's provision of electrical power to any person or entity at the Metropolitan Oakland International Airport 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)**

(3) RATES:

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$10.00
Distribution Charge (per kWh)	\$0.07895

Energy Charge
(per kWh)

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$ per kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at the Airport and having the energy delivered to the Airport at the Airport SS-1 substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own Airport distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

**PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "B"**

**GENERAL SERVICES
(THREE-PHASE)**

(3) RATES:

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$15.00
Distribution Charge (per kWh)	\$0.07895

Energy Charge
(per kWh)

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$ per kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at the Airport and having the energy delivered to the Airport at the Airport SS-1 substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own Airport distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "C"

(DEMAND METERED - SECONDARY SERVICE VOLTAGE)

(3) RATES:

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$125.00
Demand Charge (per KW)	\$4.63
Distribution Charge (per kWh)	\$0.03684

Energy Charge
(per kWh)

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$ per kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at the Airport and having the energy delivered to the Airport at the Airport SS-1 substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own Airport distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

**PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "D"**

(SERVICE TO CUSTOMERS WITH MAXIMUM DEMAND BETWEEN 500 and 1000 KILOWATTS)

(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u> <u>(DS)</u>	<u>Primary</u> <u>(DP)</u>
Charge	Amount	
Customer Charge (per meter per monthly billing period)	\$600.00	\$600.00
<u>Demand Charge (per KW):</u>		
Maximum Peak Period Demand	\$8.88	\$8.46
Maximum Partial Peak Period Demand	\$2.03	\$1.94
Maximum Demand	\$5.63	\$5.36

Energy Charge
(per KWh)

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at the Airport and having the energy delivered to the Airport at the Airport SS-1 substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own Airport distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known. If the Port installs new metering and data processing facilities for a Schedule "D" customer that allow the Port to determine hourly energy use by the customer, then the Port may, at the Port's option, compute the Energy Charge separately for each hour of the billing period rather than by Peak, Partial-Peak and Off-Peak time periods.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "E"

(SERVICE TO CUSTOMERS WITH MAXIMUM DEMAND of 1,000 KILOWATTS OR MORE)

(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u> <u>(DS)</u>	<u>Primary</u> <u>(DP)</u>
Charge	Amount	
Customer Charge (per meter per monthly billing period)	\$1000.00	<u>\$1000.00</u>
<u>Demand Charge (per KW):</u>		
Maximum Peak Period Demand	\$7.65	\$7.28
Maximum Partial Peak Period Demand	\$1.75	\$1.67
Maximum Demand	\$4.85	\$4.62

Energy Charge
(per KWh)

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at the Airport and having the energy delivered to the Airport at the Airport SS-1 substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own Airport distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known. If the Port installs new metering and data processing facilities for a Schedule "E" customer that allow the Port to determine hourly energy use by the customer, then the Port may, at the Port's option, compute the Energy Charge separately for each hour of the billing period rather than by Peak, Partial-Peak and Off-Peak time periods.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

Section 3: FISCO: Section 5 of Port Ordinance 3439, as amended, which establishes rates and charges for electric power provided by the Port at the FISCO area, is hereby amended as follows:

"Section 5. FISCO Area. The following rates and charges shall apply to the Port Department's provision of electrical power to any person or entity in the FISCO Area within the Port Area, 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)**

(3) RATES:

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$10.00
Distribution Charge (per kWh)	\$0.07861

Energy Charge
(per kWh)

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$ per kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at FISCO area and having the energy delivered to the FISCO area at the Port Davis substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own FISCO distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

**PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "B"**

**GENERAL SERVICES
(THREE-PHASE)**

(3) RATES:

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$15.00
Distribution Charge (per kWh)	\$0.08175

**Energy Charge
(per kWh)**

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$ per kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at FISCO area and having the energy delivered to the FISCO area at the Port Davis substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own FISCO distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known.

**Environmental
Surcharge**

2.85% of ALL CHARGES ABOVE

PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "C"

(DEMAND METERED - SECONDARY SERVICE VOLTAGE)

(3) RATES:

Charge	Amount
Customer Charge (per meter per monthly billing period)	\$125.00
Demand Charge (per KW)	\$5.33
Distribution Charge (per kWh)	\$0.04717
Energy Charge (per kWh)	

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$ per kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at FISCO area and having the energy delivered to the FISCO area at the Port Davis substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own FISCO distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

**PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "D"**

(SERVICE TO CUSTOMERS WITH MAXIMUM DEMAND BETWEEN 500 and 1000 KILOWATTS)

(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u> <u>(DS)</u>	<u>Primary</u> <u>(DP)</u>
Charge	Amount	
Customer Charge (per meter per monthly billing period)	\$600.00	\$600.00
 <u>Demand Charge (per KW):</u>		
Maximum Peak Period Demand	\$9.14	\$8.71
Maximum Partial Peak Period Demand	\$2.09	\$1.99
Maximum Demand	\$5.79	\$5.52

Energy Charge
(per KWh)

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at the FISCO area and having the energy delivered to the FISCO area at the Port's Davis substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own FISCO distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known. If the Port installs new metering and data processing facilities for a Schedule "D" customer that allow the Port to determine hourly energy use by the customer, then the Port may, at the Port's option, compute the Energy Charge separately for each hour of the billing period rather than by Peak, Partial-Peak and Off-Peak time periods.

Environmental
Surcharge

2.85% of ALL CHARGES ABOVE

**PORT OF OAKLAND
ELECTRIC RATES SCHEDULE "E"**

(SERVICE TO CUSTOMERS WITH MAXIMUM DEMAND of 1,000 KILOWATTS OR MORE)

(3) RATES:

<u>Service Voltage:</u>	<u>Secondary</u> <u>(DS)</u>	<u>Primary</u> <u>(DP)</u>
Charge	Amount	
Customer Charge (per meter per monthly billing period)	\$1000.00	\$1000.00
<u>Demand Charge (per KW):</u>		
Maximum Peak Period Demand	\$8.04	\$7.66
Maximum Partial Peak Period Demand	\$1.84	\$1.75
Maximum Demand	\$5.10	\$4.85

**Energy Charge
(per KWh)**

The Energy Charge is subject to variation each billing period. The Energy Charge shall be expressed in \$kWh, and shall include an allocated portion of all the costs the Port incurs in purchasing energy for use at the Airport and having the energy delivered to the Airport at the Airport SS-1 substation or other substation for the monthly billing period and the cost to the Port of energy losses in the Port's own Airport distribution system for the monthly billing period, and shall reflect the net cost or benefit of any financial swap transactions entered into by the Port to fix the cost of energy. These costs include but are not limited to: the actual costs of scheduled and imbalance energy; transmission and distribution line losses; California Independent System Operator ancillary services and administrative charges; scheduling coordinator fees; congestion charges; Port labor costs; legal costs; and Pacific Gas and Electric Company's Wholesale Distribution Tariff charges. The costs shall be equitably allocated, as reasonably determined by the Port's Director of Engineering, to each metered customer and to the Port for each billing period. The Port's Director of Engineering may estimate costs for a monthly billing period to determine the Energy Charge, subject to a reasonable adjustment on bills for energy use during subsequent monthly billing periods when actual costs are known. If the Port installs new metering and data processing facilities for a Schedule "E" customer that allow the Port to determine hourly energy use by the customer, then the Port may, at the Port's option, compute the Energy Charge separately for each hour of the billing period rather than by Peak, Partial-Peak and Off-Peak time periods.

**Environmental
Surcharge**

2.85% of ALL CHARGES ABOVE

Section 4. The following Section 6 is added to Port Ordinance No. 3439, as amended, as follows:

Section 6: Net Metering.

Applicability: This information and rate schedule applies to a commercial or industrial customer, who uses a solar or a wind turbine electrical generating facility, or a hybrid system of both, with a capacity of not more than one megawatt that is located on the customer's owned, leased, or rented premises, and interconnects and operates in parallel with the Port's electrical grid, and is intended primarily to offset part or all of the customer's own electrical requirements (Eligible Customer-Generator) and where the Port must stand ready at all times to supply the customer's residual electrical requirements. Service under this rate schedule is available on a first-come-first-served basis until the time that the total rated generating capacity used by all Eligible Customer-Generators exceeds the maximum amount established by California law.

Service Area: All Port Areas within the Oakland International Airport and FISCO area

Rates: All customers taking service under this rate schedule shall be obligated to pay all of the charges based on the rate schedule to which the same customer would be assigned if the customer did not use an eligible solar or wind electrical generating facility (Applicable Rate Schedule). The charges for all retail rate components shall be based exclusively on the Eligible Customer-Generator's net kilowatt-hour consumption over a 12-month period (Net Consumption). Net Consumption will be measured as the difference between the electricity supplied by the Port and the electricity generated by the Eligible Customer-Generator and fed back to the Port's electric grid over a 12-month period (Net Energy Metering). If the Eligible Customer-Generator generated more electricity than it consumed, then Net Consumption will be negative and will be reflected as a credit to the Eligible Customer-Generator.

Billing: For all commercial or industrial customers taking service under this rate schedule, the net balance of monies owed to the Port by the Eligible Customer-Generator for net kWh consumption of electricity for each billing period shall be paid in accordance with the Port's normal billing cycle and the credits owed by the Port to the Eligible Customer-Generator for the net kWh generation of electricity for each billing period, shall be carried over the following billing period as a monetary value, calculated according to this rate schedule and will appear as a credit on the Eligible Customer Generator's account until the end of each 12-month period, or at the time the Eligible Customer-Generator terminates taking electric service under this rate schedule, or at the time the Eligible Customer-Generator terminated taking electric service from the Port whichever come soonest.

Compensation: At the end of each 12-month period or at the time the Eligible Customer-Generator terminates taking electric service under this rate schedule, or at the time the Eligible Customer-Generator terminates taking electric service from the Port whichever comes soonest, the Port shall compensate the Eligible Customer-Generator if applicable at the then applicable net metering compensation rate (See below). The 12-month period shall begin the first day an Eligible Customer-Generator takes service under this rate schedule and shall begin the first day after the last day of the previous 12-month period thereafter.

Net Metering Compensation Rate: To be determined annually and published on or before the first of March of the respective calendar year.

Section 5. In acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received;

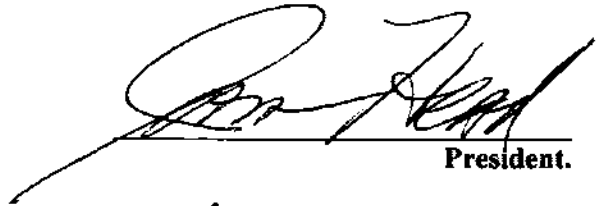
Section 6. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.

John T. Betterton
Secretary of the Board

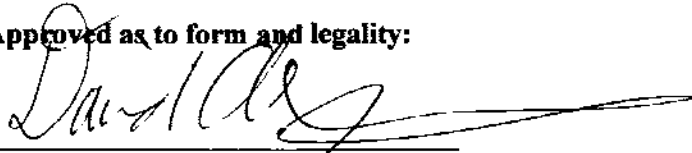
Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0


President.

Attest: 
Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4144

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD A POSITION OF AIRPORT GROUND TRANSPORTATION &
PARKING OPERATIONS COORDINATOR AND TO DELETE ONE
POSITION OF ADMINISTRATIVE SPECIALIST.**

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

Section 1. Section 13.5 of Port Ordinance No. 867 is hereby amended
to add a position of Airport Ground Transportation & Parking
Operations Coordinator.

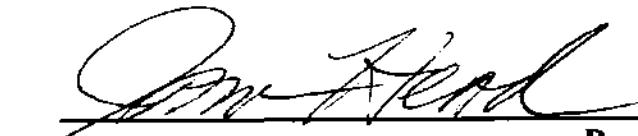
Section 2. Section 5.03 of Port Ordinance No. 867 is hereby
amended to delete one position of Administrative Specialist.

The Board of Port Commissioners, Oakland, California, November
16, 2010. Passed to print for one day by the following vote: Ayes:
Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head -
5. Excused: Commissioners Gonzales & Uno Noes: 0.


John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0




President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4145

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD A POSITION OF PORT ASSOCIATE ENVIRONMENTAL
SCIENTIST AND TO DELETE ONE POSITION OF PORT
ASSISTANT ENVIRONMENTAL SCIENTIST.**

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

Section 1. Section 5.401 of Port Ordinance No. 867 is hereby amended to add a position of Port Associate Environmental Scientist.

Section 2. Section 5.405 of Port Ordinance No. 867 is hereby amended to delete one position of Port Assistant Environmental Scientist.

The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.

John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0

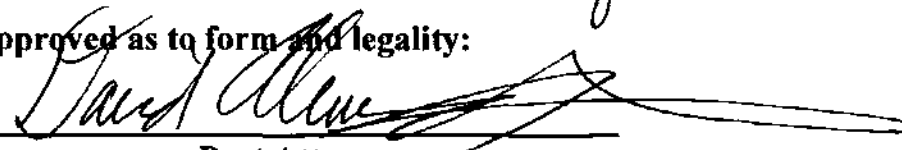


President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4146

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD ONE POSITION OF DEPUTY EXECUTIVE DIRECTOR.**

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

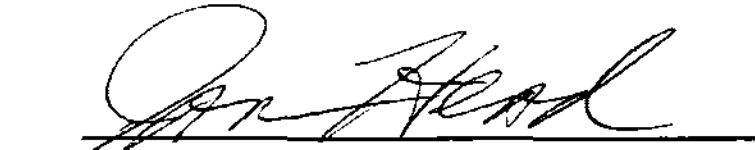
Section 5.004 of Port Ordinance No. 867 is hereby amended to add one position of Deputy Executive Director.

The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.

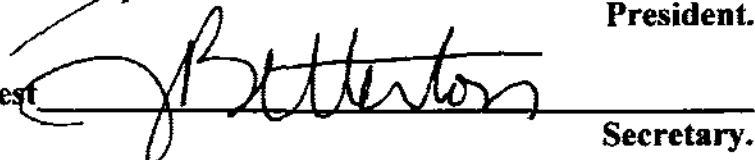
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 30, 2010
by the following vote:

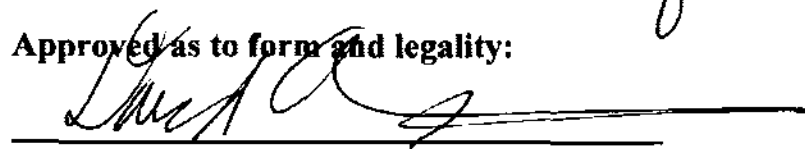
Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0



President.

Attest 

Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4147

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD ONE POSITION OF DIRECTOR OF ENGINEERING.**

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


Section 8.00 of Port Ordinance No. 867 is hereby amended to add one position of Director of Engineering.

The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.

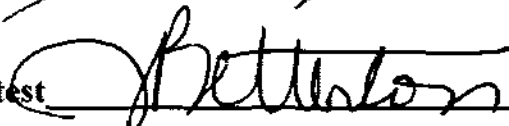
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0



President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4148

**AN ORDINANCE AMENDING PORT ORDINANCE NO. 867 TO
ADD ONE POSITION OF ASSISTANT PORT ATTORNEY.**

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

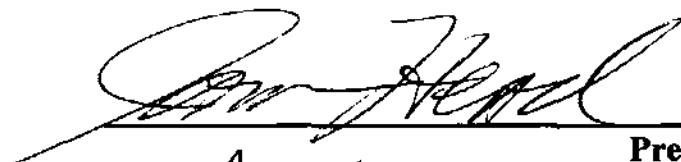
Section 6.0112 of Port Ordinance No. 867 is hereby amended to add one position of Assistant Port Attorney.

The Board of Port Commissioners, Oakland, California, November 16, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, and President Head - 5. Excused: Commissioners Gonzales & Uno Noes: 0.


John T. Betterton
Secretary of the Board

Adopted at a regular meeting held November 30, 2010
by the following vote:

Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno,
and President Head- 7
Noes: 0



President.

Attest 

Secretary.

Approved as to form and legality:



Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4149

**AN ORDINANCE RATIFYING MODIFICATIONS TO AIRPORT
RULES AND REGULATIONS TO EXPRESSLY PROHIBIT
LODGING AND LOITERING AT THE AIRPORT AND TO
STREAMLINE ENFORCEMENT PROCEDURES.**

WHEREAS the Director of Aviation issued Airport Operations Directive No. 609.4 to modify the Rules and Regulations to clarify and formalize the "no-lodging and no-loitering" policy of the Airport. The purpose of this revision is to expressly prohibit lodging and inappropriate loitering in the Airport and to streamline associated enforcement procedures. Revision to the Rules and Regulations will be made to Article 3 (Personal Conduct) and Article 11 (Enforcement and Penalties). The subject Directive was developed in coordination with the Alameda County Sheriff's Office and County Counsel; and

WHEREAS the Board has reviewed and evaluated the Agenda Report for matter 5.1, dated November 30, 2010 (the "Agenda Report"), and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; therefore,

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

Section 1. The Board hereby ratifies modifications to the Airport Rules and Regulations. This revision will give clear direction and legal authority to the Port and Alameda County to remove persons who are improperly loitering or lodging at the airport.

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

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

The Board of Port Commissioners, Oakland, California, November 30, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno, and President Head - 7. Noes: 0.

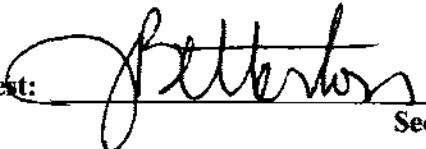
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held December 14, 2010
by the following vote:

Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, Uno,
and President Head - 6
Excused: Commissioner Gonzales - 1
Noes: 0



President.

Attest: 

Secretary.

Approved as to form and legality:


Port Attorney

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4150

**AN ORDINANCE AMENDING PORT ORDINANCE 3830 AND
APPROVING THE IMPLEMENTATION OF THE PROPOSED
AIRPORT PROMOTION WITHIN SPECIFID PARAMETERS FROM
JANUARY THROUGH MARCH 2011.**

WHEREAS the Board has reviewed and evaluated the Agenda Report for matter 5.2, dated November 30, 2010 (the "Agenda Report"), and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment; therefore,

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

Section 1. The Board hereby approves the amendment to Port Ordinance 3830, as amended, and authorizes the Executive Director or Director of Aviation to implement the proposed marketing initiative involving parking incentive in the Airport Parking Lots for airline passengers traveling on select routes and dates, based on the timeframes and eligibility requirements as further described in the Agenda Report.

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

Section 3. 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 resolution 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 the other contracting party, there shall be no valid or effective agreement.


Section 4. This ordinance shall take effect thirty (30) days from and after its final adoption.

The Board of Port Commissioners, Oakland, California, November 30, 2010. Passed to print for one day by the following vote: Ayes: Commissioners Calloway, Gonzales, Gordon, Katzoff, Lighty, Uno, and President Head - 7. Noes: 0.

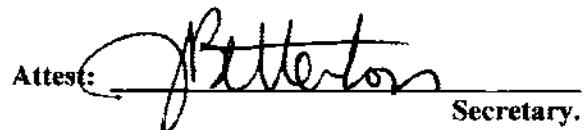
John T. Betterton
Secretary of the Board

Adopted at a regular meeting held December 14, 2010
by the following vote:

Ayes: Commissioners Calloway, Gordon, Katzoff, Lighty, Uno,
and President Head- 6
Excused: Commissioner Gonzales - 1
Noes: 0




President.

Attest: 

Secretary.

Approved as to form and legality:



Port Attorney