

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

PORT ORDINANCE NO. 4240

**ORDINANCE UPDATING PORT ORDINANCE 3859, THE
ENGINEERING AND ENVIRONMENTAL DIVISION
MASTER FEE SCHEDULE TO INCLUDE THE
ADMINISTRATIVE APPEAL FEE APPROVED BY THE
BOARD IN 2012.**

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.6, dated June 27, 2013 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, on October 18, 2012, the Board amended the By-Laws and Administrative Rules, Article IX, 23 to establish a process for Environmental Review Hearings and provided for administrative appeals to the Board, subject to payment of an administrative appeal fee. The Engineering Division maintains a Master Fee Schedule for Engineering and Environmental Divisions ("Master Fee Schedule"). The Master Fee Schedule includes all fees paid by tenants and private property owners for services provided by the port; 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.

Section 2. The Board hereby approves the update to the Master Fee Schedule to include the administrative appeal fee of \$750.

Section 3. The Board hereby finds and determines that this update is categorically exempt from The California Environmental Quality Act ("CEQA") Guidelines, Section 15061(b)(3) ("the general rule") states that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

Section 4. This ordinance is not evidence of and does not create or constitute (a) a contract, agreement, 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.

The Board of Port Commissioners, Oakland, California, June 27, 2013. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Hamlin, Head, Parker, Uno, Yee and President Gonzales - 7. Noes: 0.

John T. Betterton
Secretary of the Board

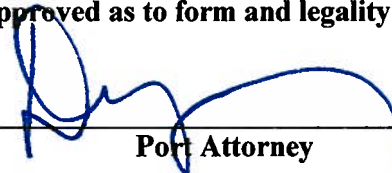
Adopted at a regular meeting held July 11, 2013
by the following vote:

Ayes: Commissioners Butner, Colbruno, Hamlin, Parker, Yee and
President Head - 6
Excused: Commissioner Uno
Noes: 0


President.

Attest 
Secretary.

Approved as to form and legality:


Port Attorney