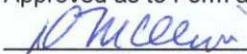


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 APR 16 AM 11:15

Approved as to Form and Legality


Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 84955 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO TERMINATE THE RESOURCE PROGRAM MANAGEMENT SERVICES AGREEMENT WITH THE PORT OF OAKLAND WHEREBY THE PORT PROVIDES ELECTRICITY TO THE CITY-OWNED PORTION OF THE FORMER OAKLAND ARMY BASE

WHEREAS, the City, through its predecessors-in-interest, operated an Interim Leasing Program at the former Oakland Army Base from 2000 to 2013, and needed to provide its Interim Leasing tenants with utility services since the traditional utility service providers in the area refused to operate and maintain, or take ownership of, the Army Base utility system; and.

WHEREAS, the City determined that the expected interim leasing revenue was significant enough to accept the costs, expense and liability of operating the utility systems; and

WHEREAS, based on this Interim Leasing Program cost benefit analysis, the City and Port of Oakland ("Port") decided to operate the utility systems on an interim basis through a joint venture between the City and Port; and

WHEREAS, as a component of operating the utilities operation, the City and Port entered into a Resource Management Services Agreement as of January 1, 2005 pursuant to which: (1) Port provides electricity to the Army Base and the City and the Port pay their respective costs therefor; (2) the Parties agreed on the rights to and allocation of a 20-year Base Resource Contract with Western Area Power Administration (Contract No. 00-SNR-381) (herein the "WAPA Contract"); and (3) Port provided Agency and its tenants with a percentage of WAPA's Base Resource power; and

WHEREAS, because the City has wound down most of its leasing activity at the Army Base, and is in the process of negotiating with the Port under a separate agreement to directly provide electrical service to the City's three remaining entities at the Base who need such services; and

WHEREAS, the City no longer needs the Port to provide electrical service to the City-owned portion of the Army Base through the Resource Management Services Agreement; now therefore, be it

RESOLVED, that the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to CEQA Guidelines sections 15301 (existing facilities), 15268(b) (ministerial projects), and 15061(b)(3) (no significant effect on the environment), each as a separate and independent basis; and be it

FURTHER RESOLVED, that termination of the Resource Management Services Agreement complies with CEQA; and be it

FURTHER RESOLVED, that the City Administrator, or his designee, is hereby authorized to negotiate and execute an amendment terminating the Resource Management Services Agreement, which could include assignment of the City's interest in the WAPA Contact to the Port; and be it

FURTHER RESOLVED, that the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED, that the City Administrator is further authorized to take whatever action is necessary with the respect to termination of the Resource Management Services Agreement consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 6 2014 , 2014

PASSED BY THE FOLLOWING VOTE:

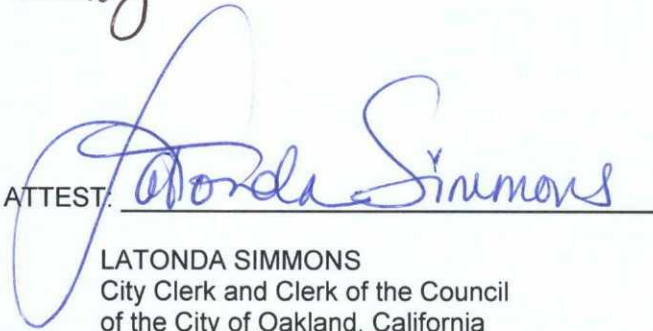
AYES - BROOKS, GALLO, GIBSON ~~MCELHANEY~~, KALB, KAPLAN, REID, SCHAAF, AND
PRESIDENT KERNIGHAN *~*

NOES- *0*

ABSENT- REID, GIBSON MCELHANEY

ABSTENTION- *0*

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California