

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER KALB

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**RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO WORK WITH THE PORT OF OAKLAND EXECUTIVE DIRECTOR TO FORMULATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING OR OTHER BINDING AGREEMENT REGARDING ENGAGEMENT WITH CITY OF OAKLAND STAFF ON PORT OF OAKLAND AIR QUALITY, WATER QUALITY, CARBON MANAGEMENT, ENVIRONMENTAL HEALTH AND OTHER GREEN PROGRAMS, PLANS AND INITIATIVES**

**WHEREAS**, Article VII, Section 701 of the Oakland City Charter creates the Board of Port Commissioners to set policy for and govern the activities of the Port of Oakland, appointing its own Executive Director and approving its own budget and promoting and ensuring the comprehensive and adequate development of the Port of Oakland through continuity of control, management, and operation; and

**WHEREAS**, the Board of Port Commissioners is a legal entity created by Charter, empowered to act as an agency and a legislative body of the City of Oakland vested with the exclusive control and charge of the Port of Oakland and charged with the performance of all duties with respect to the Port Area delineated in the Oakland City Charter; and

**WHEREAS**, the Port of Oakland has created various plans and documents that attempt to manage and reduce harmful emissions from Port operations, including but not limited to their Port of Oakland Environmental Ordinance, Maritime Air Quality Improvement Plan, port sustainability policy, renewable energy resource procurement plan, Seaport Air Quality and Beyond Plan, MOU with the Port of Long Beach for net zero emissions freight facilities, Clean Trucks Program and Truck Management Plan, The Clean Water Program, habitat restoration, park development; and

**WHEREAS**, the health impacts to Oakland neighborhoods beyond the geographic border of the Port of Oakland from the operations of Ports include increased risk of cancer, asthma, other lower respiratory symptoms and more<sup>1</sup>; and

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<sup>1</sup><https://ww2.arb.ca.gov/sites/default/files/classic/ch/communities/ra/westoakland/documents/westoaklandreport.pdf>

**WHEREAS**, the people who feel the health impacts the most from the Port are those who are lower income and people of color<sup>2</sup>; and

**WHEREAS**, the Port has collaborated with selected community organizations on projects such as the West Oakland Community Action Plan, which looks to lower community exposure to existing sources of toxic air contaminants and poor overall air quality, and

**WHEREAS**, the Port of Oakland has stated its commitment to environmental stewardship in the community and this year hosted an environmental symposium; and

**WHEREAS**, in order to protect the health of our citizens, the City of Oakland adopted an Equitable Climate Action Plan (ECAP) that aims to cut emissions in the City by 83% by 2050; and

**WHEREAS**, since passing the ECAP, the City of Oakland has taken action to opt up its municipal buildings to 100% renewable energy, electrify new buildings in Oakland, reduce plastic waste and dumping from foodware, implement a green spaces and carbon removal initiative, implement the Oakland air quality emissions reduction plan, electrify its vehicle fleet, and more; and

**WHEREAS**, the California Air Resources Board recommends that to achieve the proper emissions reduction levels, there needs to be cooperation between the Port and local, state, federal, officials; and

**WHEREAS**, there is no current written requirement of cooperation between the City of Oakland and the Port of Oakland on environmental health, climate or related matters.

**WHEREAS**, key City of Oakland staff have relevant expertise on climate, environmental health, water, clean energy and other environmental matters.

**WHEREAS**, the Oakland City Council President and the Port Board of Commissioners President may appoint members from their bodies respectively to serve on a joint City/Port committee to be briefed on matters related to the MOU and any other City/Port matters; and

**WHEREAS**, this resolution would help put in place a process for staff cooperation on environmental health, climate and related matters; now, therefore be it

**RESOLVED:** That the City Council finds the foregoing recitals to be true and correct and incorporated herein by reference; and be it

**FURTHER RESOLVED:** That the City Council directs the City Administrator to work with the Port of Oakland Executive Director to develop a memorandum of understanding (MOU), or other appropriate form of written and signed agreement, which provides a timely process for the Port of Oakland staff to engage with City of Oakland staff in a timely manner when the Port of Oakland creates new or develops or proposes amendments to any climate, air quality, truck

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<sup>2</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC11097628/>

emissions, sustainability plans, and any other environmental plan, document or initiatives, including ordinances, that pertain to environmental stewardship, environmental health, climate change and related operator requirements; and be it

**FURTHER RESOLVED:** That the MOU shall also require city staff to reach out to appropriate Port staff on environmental matters initiated by the City that may directly impact Port operations; and be it

**FURTHER RESOLVED:** That the memorandum of understanding or other appropriate form of written and signed agreement shall include language to address the following: (1) the scope of documents, plans, and initiatives with which Port staff will engage with City staff; (2) the timing and extent of the engagement with City staff as identified in the MOU; (3) the mutually agreed upon oversight to ensure compliance with the agreement; and be it

**FURTHER RESOLVED:** This resolution does not serve to amend or modify the process for review of any environmental review documents prepared by the Port of Oakland or the City of Oakland pursuant to the California Environmental Quality Act; and

**FURTHER RESOLVED:** That the City Administrator shall return to City Council with the signed negotiated memorandum of understanding or other written and signed appropriate form of agreement for the City Council to review.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California