



**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 13-141

**RESOLUTION APPROVING AND ADOPTING THE
FIRST AMENDED AND RESTATED RENEWABLE
ENERGY RESOURCE PROCUREMENT PLAN.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Board Agenda Report Item No. 5.2, dated December 12, 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, 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; now, therefore, be it

RESOLVED, that the Board hereby finds and determines that it can be seen with certainty that there is no possibility that the adoption of the First Amended and Restated Renewable Energy Resource Procurement Plan (the "Procurement Plan") as described in the Agenda Report will result in a physical change in the environment, and therefore, such adoption is not subject to the California Environmental Quality Act ("CEQA"). The general rule in Section 15061(b)(3) of the CEQA Guidelines states that CEQA applies only to activities that have a potential for causing a significant effect on the environment; and be it

FURTHER RESOLVED, that based upon the information contained in the Agenda Report, the Board hereby approves and adopts the First Amended and Restated Renewable Energy Resource Procurement Plan as more fully described in the Agenda Report; and be it

FURTHER RESOLVED, that this resolution shall be effective immediately upon adoption by the Board.

At the regular meeting held on December 12, 2013

Passed by the following vote:

Ayes: Commissioners Colbruno, Hamlin, Head, Parker, Yee and
President Butner - 6
Excused: Commissioner Uno - 1
Noes: 0