

# MINUTES OF THE REGULAR MEETING OF THE MONTEREY PENINSULA AIRPORT DISTRICT BOARD OF DIRECTORS

February 16, 2022 - 9:00 AM

## NOTICE REGARDING A RETURN TO IN-PERSON PUBLIC PARTICIPATION AT MONTEREY PENINSULA AIRPORT DISTRICT BOARD MEETINGS

Due to the expiration of certain directives contained in the Governor's Declaration of Emergency for the State of California (Executive Order N-29-20), the Board of Directors of the Monterey Peninsula Airport District will return to hold meetings at the Airport Board Room, with in-person attendance.

Due to recent increase in the transmission of the Omicron variant of the Coronavirus, and, as a result of the directives issued by the State of California and the Monterey County Public Health Officer intended to prevent the transmission of the coronavirus, the Airport may utilize the procedures outlined in AB361 to utilize alternative measures related to the conduct of remote meetings and remote comments by members of the public.

Should the Board implement the measures outlined in AB 361, members of the public may participate in the Board meeting via Zoom video conference. Please visit [www.zoom.us/join](https://www.zoom.us/join) and enter the following Meeting ID: **831 5980 6844**. If you do not have access to the internet, you may also participate telephonically by calling (253) 215-8782 and entering the same Meeting ID. Members of the public who wish to provide comment on an item on the agenda may do so during the meeting prior to the item being considered by the Board, as outlined below.

### REMOTE PUBLIC COMMENTS

To make a public comment, the following options are available:

1. Before the Meeting via Email: Written comments can be emailed to [info@montereyairport.com](mailto:info@montereyairport.com). Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment)." Written comments should be received by 8:00 AM on the day of the meeting. All submitted comments will be provided to the Board for consideration and will be compiled as part of the record.
2. During the Meeting via Oral Comments: When the Chair calls for public comment, attendees can queue to speak with the "Raise Hand" feature. On the Zoom application, click the "Raise Hand" button. On the phone, press \*9. The Secretary to the Board will call speaker names and unmute speaker microphones. You will have up to 3 minutes to provide your oral comments, pursuant to Board policy.

Public comments may also be made in person. Members of the public may attend the Board Meeting in person and request to speak to the Board when the Chair calls for public comment.

### A. CALL TO ORDER/ROLL CALL

*Chair Miller called to order the Regular Meeting of the Board of Directors at 9:04 AM. Directors Sawhney, Cursio, Leffel, and Sabo were present. Director Sawhney attended via Zoom videoconference. The following staff were present: Executive Director La Pier, District Counsel Huber, Acting District Secretary Adams, and Deputy Director Morello. Deputy Director Morello attended via Zoom videoconference.*

### B. PLEDGE OF ALLEGIANCE

*Director Sabo led the Pledge of Allegiance.*

### C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

*None.*

### D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Any person may address the Monterey Peninsula Airport District Board at this time on any item that is **NOT** on today's agenda and should be within the jurisdiction of the Monterey Peninsula Airport District Board. Comments concerning matters set forth on this agenda will be heard at the time the matter is considered.

None.

#### **E. CONSENT AGENDA - ACTION ITEMS**

The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. A Board member, member of the audience or staff may request that an item be placed on the deferred consent agenda for further discussion. One motion will cover all items on the Consent Agenda. The motion to approve will authorize the action or recommendation indicated.

- |         |  |
|---------|--|
| Approve | 1. Minutes of the Committee Meeting of the Budget & Finance Committee of January 11, 2022  |
| Approve | 2. Minutes of the Regular Meeting of January 19, 2022  |
| Approve | 3. Minutes of the Continuation of the Regular Meeting of January 21, 2022  |
| Approve | 4. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of February 7, 2022  |
| Approve | 5. Minutes of the Committee Meeting of the Budget & Finance Committee of February 8, 2022  |
| Approve | 6. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of February 9, 2022   |
| Adopt   | 7. Resolution No. 1816-1, A Resolution of the Board of Directors of the Monterey Peninsula Airport District Making Findings and Determinations Pursuant to AB 361 or Virtual Meetings and Authorizing Virtual Board Member and Other District Meetings |

*Chair Miller asked if there were any requests for an item to be placed on the deferred consent agenda. There were none.*

*Director Cursio made a motion to approve Consent Agenda items I.1 – I.7. Director Leffel seconded the motion. The motion passed unanimously by a roll call vote.*

#### **F. DEFERRED CONSENT AGENDA - ACTION ITEMS**

None.

#### **G. OPEN SESSION/PUBLIC HEARING**

- 1. Redrawing of Board Member Election District Boundaries** – Receive public input on and provide input regarding the composition of potential Board Member election district boundaries

*District Counsel Huber stated this Public Hearing is to receive public input on the redrawing of Board Member Election District Boundaries. He reviewed the requirements of the Fair Maps Act and stated there will be a presentation on the three maps that were posted in the agenda packet and a fourth map the board just received.*

*The Directors asked questions of District Counsel Huber about the legal considerations when redrawing district boundaries. District Counsel Huber defined the terms “packing”, “cracking”, and “compact”, and stated there are trade-offs between making a district compact and keeping communities of interest*

together. District Counsel Huber also noted there are matters of geography and areas where there is no population living there. He stated he has reviewed the data and all draft maps being considered would stand judicial scrutiny.

A member of the public, Howard Fosler, representing the League of Women Voters, commented he is here to observe, and his organization is interested in making sure the process is followed well. He stated District 5 looks like a horseshoe on the map labeled purple.

District Counsel Huber stated the presenter, Doug Johnson with National Demographics Corporation, had an emergency and is not available. District Counsel Huber reviewed the four draft district boundary maps titled "green", "purple", "orange", and "tan". Each Director gave feedback on the four maps, asked questions, and stated preferences.

A member of the public, Mike Dawson, asked if any Director would no longer live in their district after adopting any of these maps. District Counsel Huber stated there are variations on each map, and reviewed which maps displace a current Director from their current district.

The Directors discussed the map drafts and asked questions about the viability of certain changes. District Counsel Huber noted another constraint is voting precincts must stay together.

Chair Miller asked if there were any suggested modifications. The Directors requested a draft map be done based on a modification of the "tan" map.

A member of the public, Jean Rasch, expressed concern with maintaining Pacific Grove as a community of interest and encouraged the Directors to keep Monterey and Pacific Grove as intact as possible. Ms. Rasch expressed concern against too much analysis of where Directors are now as it can seem self-serving for the future. Ms. Rasch stated the "tan" map was not part of the posted meeting packet and asked counsel's opinion if there was enough legal notice. District Counsel Huber stated we are compliant with the Brown Act; for legal sufficiency you only must give notice of what you intend to discuss. It is not legally required that you provide backup information in advance. In addition, Counsel noted, this is not the final decision on the redrawing of the district boundaries map. There will be opportunity for further public consideration.

Chair Miller officially closed the Public Hearing at 10:57 AM.

Chair Miller recessed for a break at 10:57 AM.

Chair Miller reconvened the meeting at 11:16 AM.

#### **H. REGULAR AGENDA - ACTION ITEMS**

Presentation 1. Redrawing of Board Member Election District Boundaries

Chair Miller stated Regular Agenda Item H.1 has been satisfied during Item G.1 – Open Session/Public Hearing and no action has been taken on Item H.1.

Approve 2. Lease Assignment of Tioga Land Company for Sky Park Self Storage to Maxi Sky Park, LLC

Executive Director La Pier introduced Item H.2 reporting Tioga Land Company sold to Maxi Sky Park, LLC. The current lease treats the sale of improvements as assignment. At assignment the lease is adjusted to market rate. Executive Director La Pier reviewed the background and fiscal impact. District

*Counsel Huber stated the tenant owns the improvements and the new owner will take on a mortgage; Maxi Sky Park, LLC's bank requires consent to assignment.*

*Director Cursio stated the Lease Committee reviewed and recommended approval.*

*The Directors discussed Item H.2*

*Director Sabo made a motion to approve the lease assignment of Tioga Land Company for Sky Park Self Storage to Maxi Sky Park, LLC. Director Leffel seconded the motion. The motion passed unanimously by a roll call vote.*

Approve        3. Lease Agreement with Motion Products, Inc., Neenah, WI, for former Forza Motors Property

*Executive Director La Pier reported Forza Motors wishes to sell to Motion Products, Inc., Neenah, WI (MPI). The current lease cannot be assigned so a new lease agreement needs to be approved. Executive Director La Pier reviewed the background, method of determining market rate, the fiscal impact, and a change to the lease agreement since it was reviewed by the Lease Committee.*

*Director Sabo stated the Finance Committee reviewed and would prefer a three-month deposit. Director Cursio stated the Lease Committee reviewed and recommended approval.*

*The Directors discussed Item H.3.*

*Director Sabo made a motion to approve the lease agreement with Motion Products, Inc., Neenah, WI for former Forza Motors property with an amendment to the lease to require three (3) months rent equivalent deposit. Leffel seconded the motion. The motion passed 4-1 by a roll call vote. Director Cursio voted no.*

Approve        4. Board Attendance at Future Conferences and Events

*Executive Director La Pier introduced Item H.4 stating staff provided upcoming conference dates as requested. Executive Director La Pier reminded everyone each Director is budgeted to attend two off-site conferences or events and that attendance requires Board approval.*

*Director Sawhney stated she was approved to attend the NBAA Leadership conference but did not attend. She stated she is seeking approval to attend the Leadership Monterey County program, in lieu of one of the conferences listed, as well as one other conference. Directors Leffel and Miller also made approval requests.*

*Directors discussed the requests.*

*Director Cursio moved to approve the following requests:*

AAAE/ACI-NA Washington Legislative Conference Attending: Leffel	March 3-4, 2022	Washington, DC
CSDA Special Districts Legislative Days Attending: Sawhney (Leffel to attend as guest of CSDA)	May 17-18, 2022	Sacramento, CA
AAAE Annual Conference and Exposition Attending: Miller & Leffel	June 5-8, 2022	Seattle, WA

Director Leffel seconded the motion. The motion passed unanimously by a roll call vote.

Approve 5. Update to Policy Regarding Prevention of Harassment and Discrimination

District Counsel Huber introduced Item H.5 stating this is part of a general policy review. He reviewed the requirements for Directors and staff to have bi-annual harassment prevention and ethics training.

Directors discussed the updated Policy and asked questions of District Counsel Huber. Director Sabo voiced concerned about the complaint procedure not being adequate.

Director Leffel made a motion to approve the Update to Policy Regarding Prevention of Harassment and Discrimination. Director Cursio seconded the motion.

Director Sabo made a substitute motion to approve the Policy Regarding Prevention of Harassment and Discrimination with an amendment to the complaint process to require all complaints take a dual path that includes legal counsel. Director Sawhney seconded the motion. The motion failed by roll call vote 2-3 with Directors Cursio, Leffel, and Miller voting no.

A roll call vote was taken on the original motion to approve the Update to Policy Regarding Prevention of Harassment and Discrimination. The original motion passed 4-1 with Director Sabo voting no.

Directors discussed the possibility of live harassment prevention and ethics training vs. on-line training. Staff was directed to schedule on-line training.

Chair Miller recessed for a break at 12:52 PM. The meeting resumed at 1:07 PM.

## **I. BOARD COMMITTEE REPORTS AND ACCEPTANCE OF DEPARTMENT REPORTS**

Report on meetings attended by Board Members at Monterey Peninsula Airport District's expense - AB1234.

The board receives department reports which do not require any action by the board.

### **Standing Committees:**

- |   |                              |
|---|------------------------------|
| i. Budget and Finance                           | Directors Sabo and Leffel    |
| ii. Air Service, Marketing, Community Relations | Directors Cursio and Miller  |
| iii. Airport Property Development and Leases    | Directors Sawhney and Cursio |

### **b. Ad-Hoc Committees:**

- |                               |                            |
|-------------------------------|----------------------------|
| i. Local Jurisdiction Liaison | Director Leffel and Miller |
|-------------------------------|----------------------------|

### **c. Liaison/Representatives:**

- |   |                  |              |
|---|------------------|--------------|
| i. Local Agency Formation Commission            | Director Leffel  | Alt: Sawhney |
| ii. Regional Taxi Authority                     | Director Cursio  | Alt: Sawhney |
| iii. Transportation Agency for Monterey County  | Director Sabo    | Alt: Cursio  |
| iv. Special Districts Association Liaison       | Director Leffel  | Alt: Miller  |
| v. Association of Monterey Bay Area Governments | Director Sawhney | Alt: Sabo    |

The Board discussed the Committee and Department reports.



*Director Cursio asked staff to send the social media analytics report that was presented at the Air Service, Marketing, Community Relations committee meeting to the rest of the board members.*

**J. CLOSED SESSION**

1. **EXISTING LITIGATION** [Government Code section 54956.9(a)]. The Board will meet with the Executive Director and District Counsel to discuss existing litigation: City of Monterey v. Monterey Peninsula Airport District, et al., Monterey County Superior Court, Case No. 20CV002445.
2. **POTENTIAL LITIGATION** [Government Code Section 54956.9(d)(2)]. The Board will meet with the Executive Director and District Counsel regarding potential exposure to litigation – two cases.

*The Board entered Closed Session at 1:37 PM.*

**K. RECONVENE TO OPEN SESSION**

*The board reconvened to Open Session at 3:59 PM. Chair Miller stated there was no reportable action.*

**L. PENDING REQUESTS FOR FUTURE AGENDA ITEMS**

- *Approve Updates to MPAD Governance Manual and Board Operating Rules and Procedures to Reflect Legal Counsel Review*
- *Review of District Policy and Use Agreement for Electronic Tablets by the Board of Directors and Key District Staff*

**M. DISCUSSION OF FUTURE AGENDAS**

Any Board member may request the Board of Directors to instruct staff to report back to the Board at a future meeting concerning any matter or place a matter of business on a future agenda. Approval of such requests will be made by motion.

- *Tour of the airport property for the entire Board of Directors (Leffel)*

**N. ADJOURNMENT**

*The meeting adjourned at 4:03 PM.*

Approved at the  
Meeting of March 16, 2022



Carl M. Miller, Chair

ATTEST



Michael La Pier, AAE  
District Secretary