

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

August 8, 2018 - 10:00 AM - Board Room

## A. CALL TO ORDER/ROLL CALL

Chair Miller called to order the Regular Meeting of the Board of Directors at 10:03 AM. Directors Cursio, Leffel and Sabo were present. Director Nelson arrived at 10:05 AM. The following District Officers were present: Executive Director La Pier, District Counsel Huber, Acting District Secretary Porter and Deputy Executive Director Bergholz.

## B. PLEDGE OF ALLEGIANCE

Director Leffel led the Pledge of Allegiance.

## C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

None.

## D. PUBLIC COMMENTS

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 Air Carrier Service, Marketing and Community Relations Committee of July 2, 2018 |
| Approve | 2. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of July 2, 2018                |
| Approve | 3. Minutes of the Committee Meeting of the Budget and Finance Committee of July 9, 2018                                     |
| Approve | 4. Minutes of the Regular Meeting of July 11, 2018  |

Director Leffel moved to approve Consent Agenda Items 1 through 4. Director Sabo seconded the motion. The motion passed unanimously by a vote of 4-0.

## F. DEFERRED CONSENT AGENDA - ACTION ITEMS

None.

## G. REGULAR AGENDA - ACTION ITEMS

- |       |   |
|-------|---|
| Adopt | 1. A Proclamation in Recognition and Appreciation of Ilene Tuttle for her Service to Monterey Regional Airport's Art at the Airport Program |
|-------|---|

Chair Miller presented Item G.1. The Proclamation for Ilene Tuttle was read, and Chair Miller expressed his gratitude for Ilene's dedication to the Art at the Airport program. Director Leffel stated that the program is the jewel of the Airport. Director Curios noted that he recognizes Ilene as the driving force behind the exhibits. Director Nelson mentioned that he always enjoys watching people look at the exhibits as they are passing through the terminal and he expressed his gratitude to Ilene. Director Sabo relayed the Board's sentiments and Chair Miller noted that the Art at the Airport program would not have the same reputation without all of Ilene's hard work.

Ilene stated that the Airport is the warmest and friendliest environment she has worked in and she has enjoyed pursuing her interests here.

Chair Miller presented Ilene with the Proclamation.

Chair Miller stated that the order of the following Agenda Items would be changed slightly, Item G.3 would be presented prior to Item G.2.

#### Presentation 2. Desalination Plant by California American Water

Ian Crooks, Vice President of Engineering, California American Water, presented Item G.2. Catherine Stedman, Central California External Affairs Manager, California American Water, was also present to answer questions. The history of the Monterey Peninsula Water Supply Project was introduced and the historic sources of water to the peninsula were compared to new and prospective water sources. Timelines for all associated projects were briefly outlined.

Public Comment: Mike Dawson, member of the public, asked what would happen to the project if Marina Coast Water District sued. The response from California American Water was if that happened and the project was delayed (CalAm not being at fault) they could file for a petition or look for alternatives, such as the DeepWater desalination plant.

#### Presentation 3. Desalination Plant by Deep Water Monterey

David Armanasco, Founding Partner of DeepWater and President of Armanasco Public Relations, presented Item G.3. He explained the past efforts and history behind the project. The plans for the DeepWater desalination plant were also presented

Public Comment: Mike Dawson, member of the public, asked what would happen to the project if Marina Coast Water District sued, and if the DeepWater desalination plant would have the capacity to support the peninsula's water demands. The response from DeepWater was that there is an existing relationship between them and CalAm and in the event of a lawsuit against the CalAm desalination plant there is an option for DeepWater with a pipeline from Moss Landing to Seaside.

A break was taken from 11:39 AM to 11:49 AM.

#### Adopt 4. Resolution No. 1720, A Resolution Adopting an Amended Monterey Peninsula Airport District Investment Policy

Executive Director La Pier presented Item G.4. He stated that legal counsel has worked on this policy for several months as suggested by the District's auditors and the policy has been reviewed by the Finance Committee. He noted that moving forward, the policies will be reviewed annually to keep them up to date.

Director Leffel moved to adopt Resolution No. 1720. Director Nelson seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

**RESOLUTION NO. 1720**

**A RESOLUTION ADOPTING AN AMENDED MONTEREY PENINSULA AIRPORT DISTRICT INVESTMENT POLICY**

**WHEREAS**, the Monterey Peninsula Airport District adopted a District Investment Policy dated December 10, 2008; and

**WHEREAS**, District auditors Macias Gini and O'Connell reviewed the District Investment Policy dated December 10, 2008 and provided comments and recommended updates to meet policy standards implemented by other airport districts; and

**WHEREAS**, such District Investment Policy is amended for clarification of California Government Code, Sections 53600 et seq. authorized investment types and terms, and reporting; and

**WHEREAS**, the amended Monterey Peninsula Airport District Investment Policy has been presented to the Finance Committee for review.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** adopts the amended Monterey Peninsula Airport District Investment Policy and authorizes the Executive Director to implement said policy.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 8th day of August 2018, by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Cursio, Leffel, Nelson, Sabo, Chair Miller
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	None

Adopt 5. Resolution No. 1721, A Resolution Adopting Amended Monterey Peninsula Airport District Finance and Accounting Policies

*Executive Director La Pier presented Item G.5, stating that this policy was also a suggestion from the District's auditors and has also been reviewed by Finance Committee.*

*Director Leffel moved to adopt Resolution No. 1721. Director Cursio seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

**RESOLUTION NO. 1721**

**A RESOLUTION ADOPTING AN AMENDED MONTEREY PENINSULA AIRPORT DISTRICT FINANCE AND ACCOUNTING POLICIES**

**WHEREAS**, the Monterey Peninsula Airport District adopted a District Finance and Accounting Policies; and

**WHEREAS**, District auditors Macias Gini and O'Connell reviewed the District Finance and Accounting Policies and provided comments and recommended updates to meet policy standards implemented by other airport districts; and

**WHEREAS**, the amended Monterey Peninsula Airport District Finance and Accounting Policies have been presented to the Finance Committee for review.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** adopts the amended Monterey Peninsula Airport District Finance and Investment Policies and authorizes the Executive Director to implement said policies.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 8th day of August 2018, by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Cursio, Leffel, Nelson, Sabo, Chair Miller
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	None

Adopt 6. Resolution No. 1722, A Resolution of the Board of Directors of the Monterey Peninsula Airport District Expressing the Board of Directors' Intention, Pursuant to Elections Code Section 10010(E)(3)(A), to Initiate Procedures for Establishing and Implementing By-District Elections for Board Members.

*District Counsel Huber presented Item G.6. He stated that public agencies throughout the State of California have increasingly been facing legal challenges due to at-large systems of electing public officials, as a violation of California Voting Rights Act. He noted that staff does not believe that there are any violations but believe that caution should be had. The Board had previously determined that it would voluntarily shift to by-district elections an approval of a public resolution is the next step in the process.*

*Public Comment: Mike Dawson, member of the public, made the comment that if the District moved to by-district elections there would be the possibility of some directors either having to move or lose their seats and the Board should think about that prior to moving forward.*

*Director Leffel moved to adopt Resolution No. 1722. Director Sabo seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

### **RESOLUTION NO. 1722**

#### **RESOLUTION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT EXPRESSING THE BOARD OF DIRECTORS' INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010(e)(3)(A), TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR BOARD MEMBERS**

**WHEREAS**, the Monterey Peninsula Airport District is a California Special District, duly organized pursuant to special legislation passed by the State of California; and

**WHEREAS**, the board members of the Monterey Peninsula Airport District are currently elected in at-large elections, in which each Board Member is elected by all registered voters of the entire District; and

**WHEREAS**, at-large election systems such as those presently employed by the District to elect Board Members, are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025, et seq., of the California Elections Code ("CVRA"); and

**WHEREAS**, "by-trustee area" electoral systems, whereby only voters residing within a specific trustee district vote only for the trustee representing that trustee district, are not similarly vulnerable to challenge under the CVRA; and

**WHEREAS**, the Board of Directors previously determined that it is in the best interest of the District to move from its current at-large electoral system to a by-district election for members of the Board of Directors in furtherance of the purposes of CVRA; and

**WHEREAS**, the Board of Directors previously voted to transition to a by-district election and worked with National Demographics Corporation to begin the work of that transition; and

**WHEREAS**, the District continue working with National Demographics Corporation to prepare by-trustee area election system map options for this Board of Directors' consideration; and

**WHEREAS**, before drawing a draft map of the proposed boundaries of the districts, pursuant to Section 10010 of the Elections Code, the District will hold at least two (2) public hearings over no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts; and

**WHEREAS**, the District will then publish and make available for release at least one (1) draft map of the new electoral districts, including the potential sequence of elections shown; and

**WHEREAS**, once the draft map has been publicized for at least seven (7) days , the District will hold at least two (2) additional public hearings, over no more than forty-five (45) days, at which time the public is invited to provide input regarding the content of the draft map and the proposed sequence of elections prior to the public hearing at which the Board of Directors adopts a map; and

**WHEREAS**, if a draft map is revised at or following a public hearing, the revised map will be published and made available to the public at least seven (7) days before the District chooses to adopt it; and

**WHEREAS**, in determining the final sequence of staggered district elections, the Board of Directors will give special consideration to the purposes of the CVRA, and will take in to account the preferences expressed by the members of the districts; and

**WHEREAS**, the Board of Directors now wishes to adopt criteria to guide the establishment of electoral districts consistent with legal requirements, including reasonable equal population and section 2 of the federal Voting Rights Act, as well as other concerns and considerations important to the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** The Board of Directors hereby resolves, pursuant to Elections Code section 10010, to adopt a by-district election system by ordinance as authorized by the California Government Code, for use in the District's General Municipal Election for Board Members.

**SECTION 4.** The Board of Directors further resolves to continue working with National Demographics Corporation, a qualified demographer, to hold at least four (5) public hearings and to publish at least one (1) draft map and staggering sequence.

**SECTION 5.** The District's redistricting/ demographic consulting firm, acting under the supervision of the Executive Director, is hereby authorized to direct and formulate one or more electoral

district scenarios for review by the public and Board of Directors at two or more public hearings if necessary, in accordance with the District's proposed timeline.

**SECTION 6.** Working with the demographic consulting firm, staff is directed to publicize relevant maps, information, notices, agendas and other materials regarding by-district elections and to establish means of communication to answer questions from the public.

**SECTION 7.** All public hearings shall be noticed as follows: posting on the District website at least ten (10) calendar days in advance of the hearing and publication at least ten (10) days in advance of the hearing in the newspaper adjudicated to provide notice within the District.

**SECTION 8.** The Executive Director is authorized to take any and all other necessary actions to give effect to this Resolution.

**SECTION 9.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 8th day of August 2018, by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Cursio, Leffel, Nelson, Sabo, Chair Miller
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	None

Discussion 7. Request to Discuss the Name of District

*Executive Director La Pier introduced Item G.7, stating that the topic was requested to be discussed by Director Sabo. Directors discussed the options and determined that no action was recommended or needed.*

**H. ACCEPTANCE OF DEPARTMENT REPORTS**

*(The board receives department reports which do not require any action by the board)*

**I. BOARD COMMITTEE REPORTS**

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

- a. Standing Committees:
  - i. Budget and Finance Directors Leffel & Sabo
  - ii. Air Service, Marketing, Community Relations Directors Cursio & Nelson
  - iii. Airport Property Development and Leases Directors Miller & Nelson
  
- b. Ad-Hoc Committees:
  - i. Local Jurisdiction Liaison Directors Leffel & Miller
  
- c. Liaison/Representatives:
  - i. Local Agency Formation Commission Director Leffel Alt: Sabo
  - ii. Regional Taxi Authority Director Leffel Alt: La Pier
  - iii. Transportation Agency for Monterey County Director Sabo Alt: Nelson
  - iv. Special Districts Association Liaison Director Miller Alt: Sabo

A break was taken from 1:29 PM to 1:39 PM. After returning from break, the Board entered into Closed Session.

**J. CLOSED SESSION**

1. **REAL PROPERTY NEGOTIATIONS** (Government Code Section 54956.8) The Board will meet with Real Property Negotiators, Executive Director and District Counsel, regarding the properties identified as 2801 Monterey-Salinas Highway, Monterey, CA 93940.
2. **ANTICIPATED LITIGATION** (Government Code section 54956.9(d)(2)) The Board will meet with the Executive Director and District Counsel regarding anticipated litigation – two cases.
3. **LABOR NEGOTIATIONS** (Government Code section 54957.6) The Board will meet with the Executive Director and District Counsel to discuss labor negotiations for the following represented group: Monterey Peninsula Airport District Peace Officers' Association.
4. **LABOR NEGOTIATIONS** (Government Code section 54957(b)) The Board will meet with the Executive Director and District Counsel to consider the evaluation of performance related to the following position: Executive Director.

**K. RECONVENE TO OPEN SESSION**

The Board returned to Open Session at 3:32 PM. Chair Miller reported that no action was taken during Closed Session.

Approve 1. Purchase of Properties Located at 2801 Monterey Salinas Highway, Monterey, CA

Executive Director La Pier presented Item K.1. He stated that the recommendation was to authorize the contracts as discussed in Closed Session.

Director Leffel moved to approve the purchase of properties. Director Nelson seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

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

- Fort Ord Reuse Authority Presentation on the Eastside Parkway Project (tabled until completion of EIR)
- Presentation on Cost and Parameters of AMBAG Ex Officio Membership (scheduled for September regular meeting)


**M. DISCUSSION OF FUTURE AGENDAS**

- Resolution or Letter of Support in Favor of the American Water Works Company (CalAm) Desalination Plant (possibly at the Special Meeting of August 15)

**N. ADJOURNMENT**

The meeting adjourned at 3:44 PM.

Minutes Approved at the  
Meeting of September 12, 2018



Carl M. Miller, Chair

ATTEST



Michael La Pier, AAE  
District Secretary