

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

**September 13, 2017 - 10:00 AM - Board Room**

**A. CALL TO ORDER/ROLL CALL**

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

**B. PLEDGE OF ALLEGIANCE**

*Director Sabo led the Pledge of Allegiance.*

**C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS**

*Director Nelson made note of the passing of Nate Young, Monterey Jet Center General Manager, and requested a moment of silence.*

*Executive Director La Pier communicated that the airport would be hosting a group of attendees from the California Special Districts Association Annual Conference for a tour of the airport on September 25<sup>th</sup>.*

**D. PUBLIC COMMENTS**

*None.*

**E. CONSENT AGENDA – ACTION ITEMS**

(10:15AM - 10:30AM Estimated)

(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 and Finance Committee of August 4, 2017                                     |
| Approve | 2. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of August 7, 2017                |
| Approve | 3. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of August 7, 2017 |
| Approve | 4. Minutes of the Regular Meeting of August 9, 2017   |

*Director Sabo requested to pull Item E.4 from the Consent Agenda.*

*Director Leffel moved to approve Consent Agenda Items 1 through 3. Director Miller seconded the motion. The motion passed by a roll call vote of 3-1. Chair Nelson voted no.*

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

*Director Sabo requested that the Future Agenda Item he added at the August meeting be modified to state "Presentation on Alternative Approaches to Support General Aviation in Event of the Demise of the Navy Flying Club".*

*Director Miller moved to approve the Minutes of the Regular Meeting of August 9, 2017 as modified by Director Sabo. Chair Nelson seconded the motion. The motion passed unanimously.*

**G. REGULAR AGENDA – ACTION ITEMS**

(10:30AM - 11:30AM Estimated)

Pass to Print 1. Ordinance No. 923, An Ordinance to Adopt an Open-Entry Taxi Management System Without a Third-Party Curbside Management Entity

*Ken Griggs, Operations Manager, presented Item G.1.*

*Director Miller moved to pass to print Ordinance No. 923. Director Leffel seconded the motion. The motion passed by a roll call vote of 4-0.*

**ORDINANCE NO. 923**

**AN ORDINANCE REGULATING OPEN ENTRY TAXICAB SYSTEM AT THE MONTEREY REGIONAL AIRPORT**

**THE BOARD OF DIRECTORS OF MONTEREY PENINSULA AIRPORT DISTRICT DO ORDAIN AS FOLLOWS:**

**SECTION 1. Definitions.** Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the following words or phrases have the meanings set forth below. Words or phrases that are not defined in this ordinance, but that are defined in the California Penal Code, have the meanings set forth therein.

"Airport" means the Monterey Regional Airport and all lands owned or operated by the Monterey Peninsula Airport District ("District") for airport purposes or activities. "Airport" includes all improvements, facilities and appurtenances.

"Taxicab" means a motor vehicle carrying or conveying passengers for hire or commercial purposes and operating in conformity with the requirements of any unexpired and unexpired agreement, contract, license, permit or other written authorization issued by the District for such activity, but does not include other commercial passenger vehicles as defined in Ordinance 916.

"District" means the Monterey Peninsula Airport District.

"Fiscal Year" means a year commencing on July 1 and ending on the following June 30.

"Executive Director" means the Executive Director of the airport and District.

"Person" shall include the singular and the plural and shall also mean and include any individual, firm, company, corporation, association, joint stock association, club, partnership, joint venture, society or any other form of association or organization, public or private or body politic and includes any trustee, receiver, committee, assignee or other representative or employee thereof.

"Solicitation" means initiating or engaging in a conversation regarding ground transportation services with any person on the airport for the purpose of seeking passengers or customers for a taxicab operator; employing, inducing, arranging for or allowing any person to initiate or engage in a conversation regarding taxicab services with any other person on the airport for the purpose of seeking passengers or customers for a taxicab operator; engaging in any conduct or activity intended to or apparently intended to ask, implore or persuade a passenger or potential passenger to alter his or her previously chosen mode of ground transportation or taxicab operator, delivering literature on the airport discussing or describing ground transportation services to be provided by a taxicab operator to any person on the airport; or offering ground transportation services provided by a taxicab operator to any person while on the airport. "Solicitation" does not include actions by employees of any airline in arranging for transportation for any passenger of such airline, or such persons contracted to the Airport/District to assist passengers and taxicab operator.

"Terminal Building" means all buildings and structures located within the airport and open to the public for the purpose of flight ticket purchase, public lobby, waiting, baggage check-in and those other services related to public air travel.

**SECTION 2. Operation of Taxicabs.** Operation of taxicabs at the airport is regulated as follows:

2.1. Permission Required. It is unlawful for any person to use any taxicab to pick up or drop off any passenger for hire or for any other commercial purpose at the airport except as provided in the adopted Rules and Regulations for taxicab services on the Airport.

2.2. Solicitation Prohibited. It is unlawful for any taxicab operator to engage in solicitation at the airport.

**SECTION 3. Rules and Regulations.**

3.1 The District shall adopt, by resolution, Rules and Regulations (Rules) for the operation of taxicabs on Airport property. Said Rules shall be enforced by Airport Police and Operations staff, and shall have the force of law and are incorporated herein as initially adopted or as periodically amended.

3.2 The Rules shall include requirements for pick up and drop off of Airport passengers, a requirement that taxicabs comply with the mandates of Airport Police and Operations staff, a fee structure imposed for violation of the Rules and a requirement for the maintenance of proper taxicab identification and electronic sensing devices as mandated and any other Rule established for the orderly management of taxi service.

3.3 A condition of continued permission to access Airport property by a taxicab of taxi company will be compliance with all Rules promulgated by the Directors and said Rules will be administered by the Executive Director.

**SECTION 4. Insurance.** Except as may otherwise be provided in the agreement, contract, license, permit or other written authorization for a taxicab to operate at the airport, there shall be maintained in full force and effect, at no cost to the District, for each taxicab operating at the airport comprehensive form automobile liability insurance and workers compensation insurance where applicable. The minimum terms and limits for such policies shall be as determined by the Executive Director, or such other increased limits as may be required by the Regional Taxi Authority ("Authority") for those operators over which that Authority has regulatory control. Each such policy of insurance shall be issued by an insurance organization authorized by the California Insurance Commissioner to transact the business of insurance within the State of California or by an insurer expressly approved in

writing by the Executive Director. Each applicant for an agreement, contract, license, permit or other written authorization to operate a taxicab at the airport shall furnish appropriate certificates of insurance meeting the satisfaction of the General Manager upon application and each holder of an agreement, contract, license, permit or other written authorization to operate a taxicab at the airport shall furnish a substitute certificate of insurance meeting the satisfaction of the Executive Director no later than 30 days prior to any policy expiration date.

**SECTION 5. Penalties.** Each person who violates any provision of this ordinance or the Rules as promulgated by District is guilty of an infraction and upon conviction thereof shall be punishable by:

- (a) a fine not to exceed two Hundred Fifty Dollars (\$250) for a first violation within any one-year period;
- (b) a fine not exceeding Five Hundred Dollars (\$500) for a second violation within any one-year period; or
- (c) a fine not exceeding (\$1000) for each additional violation within any one-year period.
- (d) Three (3) or more violations in any one-year period will result in the loss of Airport privileges for the taxicab operator or company.

**SECTION 6. Severability.** This ordinance shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the District, the State of California or any other legal entity or agency having jurisdiction. This ordinance shall not be interpreted or construed to permit any activity where or when it is otherwise restricted by other applicable laws. Nothing in this ordinance is intended to make punishable any act or acts which are prohibited by any law of the state or federal government. Nothing in this ordinance shall authorize the maintenance of any public or private nuisance. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 7. Effective Date.** This ordinance shall take effect thirty (30) days from and after the date of its adoption.

**PASSED TO PRINT BY THE BOARD OF DIRECTORS OF THE MOTNEREY PENINSULA AIRPORT DISTRICT:** This 13th day of September 2017, by the following roll call vote:

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

Adopt 2. Resolution No. 1692, A Resolution Adopting the Revisions of Ground Transportation Rules & Regulations

*Ken Griggs, Operations Manager, presented Item G.2.*

*Director Leffel moved to adopt Resolution No. 1692. Director Miller seconded the motion. The motion passed by a roll call vote of 4-0.*

**RESOLUTION NO. 1692**

**A RESOLUTION ADOPTING THE REVISED COMMERCIAL GROUND  
TRANSPORTATION RULES & REGULATIONS**

**WHEREAS**, the Board of Directors adopted an emergency ordinance on June 30, 2011 to regulate commercial passenger vehicles (Ordinance 911) and an ordinance establishing and regulating an open entry taxi system on December 14, 2011 (Ordinance 912); and

**WHEREAS**, the Board of Directors finds that the adoption of rules and regulations governing taxi service and other commercial passenger vehicles on the airport is necessary for the safety of airport passengers; and

**WHEREAS**, the omission of the third-party ground transportation management company and the incorporation of Beacon Technology necessitates the revisions of said rules; and

**WHEREAS**, Airport Staff have made necessary changes to the rules and regulations to require a rewrite of the Ordinance to regulate ground transportation enforcement; and

**WHEREAS**, Airport Police and Operations staff are empowered to administer and enforce these revised rules and regulations.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** that the proposed revised Rules and Regulations, as attached, be adopted and the Executive Director is directed to enforce the revised Rules and Regulations pursuant to Ordinance No. 916 and 923 by Monterey Peninsula Airport District Board of Directors.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 13th day of September, 2017 by the following roll call vote:

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

Adopt 3. Resolution No. 1693, A Resolution Approving a Professional Service Agreement with Lean Engineering Corporation

*Chris Morello, Senior Planning Manager, presented Item G.3.*

*Director Leffel moved to adopt Resolution No. 1693. Chair Nelson seconded the motion. The motion passed by a roll call vote of 4-0.*

**RESOLUTION NO. 1693**

**A RESOLUTION APPROVING A PROFESSIONAL SERVICE  
AGREEMENT WITH LEAN ENGINEERING CORPORATION**

**WHEREAS**, on June 14, 2017, Resolution 1685, A Resolution Authorizing and Approving the Operating Budget and Capital Budget of the Monterey Peninsula Airport District for Fiscal Year 2018 was adopted;

**WHEREAS**, a District-Only Funded Capital Acquisition project 2018-04 East End Procedure Development was included in the adopted FY18 Budget;

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** That a contract with the firm of Lean Engineering Corporation, from Irvine, CA be executed in a contract amount not-to-exceed \$74,945.00 to assist with FAA approach procedure development documentation.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 13th day of September, 2017, by the following roll call vote:

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

Approve 4. Agreement with City of Del Rey Oaks for Police Chief Services

*Michael La Pier, Executive Director, presented Item G.4, providing the Board with background information on the proposed agreement for shared Police Chief services with Del Rey Oaks. Director Leffel requested that Executive Director La Pier also present information to the Board on the subsequent agenda items relating to Item G.4 prior to making a motion for approval of the agreement. La Pier provided additional information on the Employee Agreement and Salary Schedule Amendment.*

*Director Leffel requested that the "Budget Effect" section of the staff report be amended to include the following statement: Due to the split costs of salary and benefits of the Police Chief with the City of Del Rey Oaks, that there will be an overall decrease to the budget of around \$68,000.*

*Director Miller moved to approve the Agreement with the City of Del Rey Oaks for Police Chief Services. Director Leffel seconded the motion. The motion passed by a roll call vote of 3-1. Director Sabo voted no.*

Approve 5. Amendment to Employment Agreement with Jeffrey Hoyne

*Michael La Pier, Executive Director, presented Item G.5, pointing out the changes from the previous employment agreement.*

*Director Miller moved to approve the Amendment to the Employment Agreement. Director Leffel seconded the motion. The motion passed by a roll call vote of 3-1. Director Sabo voted no.*

Adopt 6. Resolution No. 1694, A Resolution Amending, Authorizing and Approving the Fiscal Year 2018 Salary Schedule and Job Description

*Michael La Pier, Executive Director, presented Item G.6. The Board recommended that the Police Lieutenant position not be eliminated from the salary schedule.*

*Director Miller moved to adopt Resolution No. 1694, modified to retain the Police Lieutenant position. Director Leffel seconded the motion. The motion passed by a roll call vote of 4-0.*

#### **RESOLUTION NO. 1694**

#### **A RESOLUTION AMENDING, AUTHORIZING AND APPROVING THE FISCAL YEAR 2018 SALARY SCHEDULE AND JOB DISCRPTION**

**WHEREAS**, the Monterey Peninsula Airport District has witnessed the shared police chief duties with Del Rey Oaks; and

**WHEREAS**, the Executive Director has determined that the creation of Police Commander position necessary to ensure continuous direct supervision of the Police Department and command level presence; and

**WHEREAS**, the adopted salary schedule must be amended to reflect the new Police Commander position for FY 2018; and

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** The creation of the Police Commander position of the Monterey Peninsula Airport District as set forth and prescribed in the 2018 Amended Salary Schedule. A copy of the Police Commander job description is attached hereto and made a part thereof by reference as though the same were set forth in full herein.

**AND BE IT FURTHER RESOLVED:** That there be filed in the office of said District, said Salary and Pay Step Schedule in accordance with public law and designated "Monterey Peninsula Airport District Fiscal Year 2018 Amended Salary Schedule", listing salary ranges and pay steps.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 13<sup>th</sup> day of September, 2017, by the following roll call vote:

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

*Director Leffel requested to move Agenda Item J, Closed Session, prior to Item H to ensure that she would be present for those items.*

**H. ACCEPTANCE OF DEPARTMENT REPORTS** (11:30AM - 12:00PM Estimated)

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

**I. BOARD COMMITTEE REPORTS** (12:00PM - 12:15PM Estimated)

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

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

- iii. Transportation Agency for Monterey County
- iv. Water Management District (Policy Advisory)
- v. Special Districts Association Liaison

Director Sabo Alt: Nelson  
Director Searle Alt: Leffel  
Director Miller Alt: Leffel

**J. CLOSED SESSION**

1. **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 groups: All MPAD Employee Bargaining Units.
2. **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.
3. **ANTICIPATED LITIGATION** (Government Code section 54956.9(d)(2)) the Board will meet with the Executive Director and District Counsel regarding anticipated litigation – one case.

**K. RECONVENE TO OPEN SESSION**

*Chair Nelson reported that action was taken during Closed Session. The Board voted to accept a tentative agreement with the MPAD Employee Bargaining Unit, passed by a vote of 4-0 with Director Searle absent, and has directed staff to place all documents for the agreement on the next month's Agenda. No reportable action was taken on Items J.2 and J.3.*

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

- Presentation on Alternate Approach to Support General Aviation in Event of the Demise of the Navy Flying Club

**M. DISCUSSION OF FUTURE AGENDAS**

- *Presentation on Overall Support of General Aviation*

**N. ADJOURNMENT**

*The meeting adjourned at 2:58pm.*

Minutes Approved at the Regular  
Meeting of October 11, 2017



Matthew Nelson, Chair

ATTEST



Michael La Pier, AAE  
District Secretary