

MONTEREY PENINSULA AIRPORT DISTRICT ACT
(effective beginning 1/1/07)

Section 1. Monterey Peninsula Airport District Created. A public airport district is hereby created and designated as the "Monterey Peninsula Airport District." The territory and boundaries of the district shall be all of the territory in the County of Monterey within the following boundaries:

Beginning at the mouth of the Carmelo River at the shore line of the Pacific Ocean; thence easterly up the Carmelo River to the southeast corner of Lot 1 of the Rancho Canada de la Segunda; thence north along the east line of Lot 1 of said rancho to the northeast corner of said Lot 1 on the north line of said rancho; thence east following the north line of Rancho Canada de la Segunda and the north boundary line of the James Meadow Tract to the northeast corner of the James Meadow Tract; thence northeasterly to the most easterly corner of Tract No. 2 of the City Lands of Monterey on the south boundary of Laguna Seca Rancho; thence following the boundary of Laguna Seca Rancho southeasterly to the southeast corner thereof; thence north following the east boundary to the northeast corner of said Laguna Seca Rancho; thence leaving the boundary of said ranch northwesterly along a direct line connecting the northeast corner of the Laguna Seca Rancho with the northeast corner of the Noche Buena Rancho, to its intersection with the produced division line of Lots 9 and 1 of the said Noche Buena Rancho; thence west along the said produced line and boundary of said Lots 9 and 1 to the shore of the Pacific Ocean; thence southerly and westerly along said shore line to the place of beginning. Reference is hereby made for further particulars to the Official Map of Monterey County, compiled by Lou G. Hare, 1898, on file in the office of the county recorder of Monterey County.

Sec. 2. Purposes of Act. The purposes of this act are to empower and enable the district to acquire, own, lease, improve, operate, and maintain, or cause to be operated and maintained, a public airport or airports, with the necessary lands, devices, appurtenances, and approaches, for civil and military purposes.

Sec. 3. Corporate Powers. The Monterey Peninsula Airport District is hereby declared to be, and established as, a body corporate and politic, and, in addition to other powers herein granted, shall have and is hereby granted all of the following powers:

- (a) **Perpetual Succession.** To have perpetual succession.

(b) **Lawsuits.** To sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) **Seal.** To adopt a seal and alter it at pleasure.

(d) **Property.** To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or outside the district necessary to the full exercise of its power.

(e) **Improvements.** To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain, and operate any and all works or improvements within or outside the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve, any works or improvements acquired by the district in accordance with this act.

(f) **Eminent Domain.** To exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of this act.

(g) **Indebtedness.**

(1) To incur indebtedness and to issue bonds pursuant to Section 61126 of the Government Code.

(2) To incur indebtedness and to issue bonds pursuant to the bond provisions of the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code).

(3) To incur indebtedness and to issue negotiable promissory notes pursuant to a resolution adopted by vote of a majority of the members of the district's board of directors. The amount of indebtedness under this paragraph shall not exceed one million dollars (\$1,000,000) and shall be repaid within 10 years from the date on which it is incurred.

(4) To incur indebtedness using securitized limited obligation notes pursuant to Article 7.4 (commencing with Section 53835) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

(5) To borrow money from the United States or any federal agency or department for the acquisition or improvement of land for

district purposes. The district may borrow this money pursuant to a resolution adopted by vote of a majority of the members of the district's board of directors. The resolution shall specify the particular project being undertaken and the amount, term, and method of repayment of the loan. When received, the money shall be deposited in a special fund and spent only for the purposes for which the loan was approved. If a surplus remains after the completion of the project, the surplus shall be applied to repaying the loan.

(6) Notwithstanding any other provision of law, the maximum rate of interest on indebtedness issued pursuant to this subdivision shall not exceed the rate prescribed by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code. The interest may be fixed or variable and may be simple or compound. The interest shall be payable at the time or times determined by the district.

(h) **Taxes.** To cause taxes to be levied and collected for the purpose of paying any obligation of the district in accordance with this act.

(i) **Exercise of Powers - Contracts.** To make contracts, and to employ persons and labor, and to do all acts necessary for the full exercise of all powers vested in the district, or in any of the officers of the district, by this act.

(j) **Disposal of Property.** To lease, sell or dispose of any property, or any interest in property, acquired in fee, or otherwise, whenever in the judgment of the board of directors the property, or any interest or part of the property, is no longer required for the purposes of the district, or may be leased for any purpose without interfering with the use of the property for the purposes of the district, and to pay any compensation received for the property into the general fund of the district and use the compensation for the purposes of this act.

(k) **Operation and Concession Agreements.** To make contracts for the operation or maintenance of any airport of the district, or for any concession thereupon necessary or convenient to the district.

(l) **Police Powers of District.**

(1) To equip and maintain a police department, to adopt ordinances, resolutions, and regulations for the protection of the public peace, health, or safety, in or upon any airport of the district, or in or upon any approach to the airport, owned or

controlled by the district and to prescribe penalties for the violation of those ordinances, resolutions, or regulations.

(2) Violation of any ordinance, resolution, or regulation shall constitute a misdemeanor, unless, by ordinance, the district designates the violation as an infraction.

(m) **General Powers.** To possess and exercise all powers necessary or appropriate to a public airport district that are not prohibited by the California Constitution, including all powers granted by, or that may be hereafter granted by, any general law of the state to any public airport district and all powers incidental to, and necessary or convenient in connection with, the exercise of the powers generally or specifically granted to the district by this act.

Sec. 4. Board of Directors.

(a) All powers granted to and vested in the district by this act, except as otherwise provided, shall be exercised by the board of directors of the district, to be designated the "Board of Directors of Monterey Peninsula Airport District." The board of directors shall be the governing body of the district and, subject to the express limitations of this act, shall be vested with all powers necessary or convenient for a complete and adequate system of government for the district, consistent with the California Constitution, including all powers now or hereafter granted by general law to boards of directors or other governing bodies of airport districts in the state.

(b) The board of directors shall be comprised of five members, and shall be the legislative body of the district, each of the members of which shall have the right to vote upon all questions coming before it.

Sec. 5. General District Elections. The district shall hold a general district election governed by the provisions of the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) for the election of directors on the first Tuesday after the first Monday in November of each even-numbered year.

Sec. 5A. Other Elections. All other district elections that may be held by authority of this act or any general law shall be held substantially in the manner provided in this act for general district elections or in conformity with the general law to the extent the general law provides for the procedure and manner of holding those elections.

Sec. 5B. Propositions. Any proposition that may lawfully be submitted to the voters of the district for their approval or rejection, may be submitted by the board of directors at any general district election, or other election called for that purpose.

Sec. 5C. Meetings of the Board of Directors. The board of directors shall provide by ordinance or resolution for the time and place of holding its meetings and the manner in which its special meetings may be called. However, there shall be at least one regular meeting in each month. Any regular meeting may be adjourned to a date and hour certain, and the adjourned meeting shall be a regular meeting for all purposes. All legislative sessions of the board of directors, whether regular or special, shall be open to the public.

Sec. 5D. Quorum. A majority of the board of directors shall constitute a quorum for the transaction of business.

Sec. 5E. Conduct of Meetings. The board of directors shall determine its own rules of procedure for orderly meetings.

Sec. 6. Legislation.

(a) (1) The board of directors shall act in legislative matters only by ordinance or resolution. Other actions of the board of directors, unless otherwise provided by this act, may be undertaken by resolution, motion, or order.

(2) The votes shall be counted upon the passage of all ordinances and resolutions, and entered upon the record of the proceedings of the board of directors. Upon the request of any member of the board of directors, the vote on any matter shall be recorded.

(3) No ordinance or resolution shall be passed without receiving the votes of at least three members of the board of directors.

(b) (1) Each ordinance shall be headed by a brief title, which shall indicate its purpose.

(2) The ordaining clause of all ordinances adopted by the board of directors shall be, "The Board of Directors of the Monterey Peninsula Airport District do ordain as follows:". The ordaining clause of all ordinances passed by initiative shall be, "The People of the Monterey Peninsula Airport District do ordain as follows:".

(c) (1) No ordinance shall be passed by the board of directors until at least five days after its introduction or until publication at least once in a newspaper of general circulation within the district at least three days before its adoption.

(2) When an ordinance is amended before its final adoption, and after its publication, it shall be republished in full as amended at least one day before its adoption as amended.

(3) Notwithstanding any other provision of this act, if the amendment is only for the correction of clerical errors or omissions of form, the ordinance need not be given a first reading or a republication as corrected.

(d) Except as otherwise provided by law, the levying of any tax or assessment or the imposing of any penalty shall be undertaken by ordinance.

(e) (1) No ordinance shall be amended or repealed except by ordinance. No ordinance shall be amended by reference to its title only.

(2) All ordinances shall be signed by the chairperson or acting chairperson of the board of directors and attested to by the secretary or acting secretary.

(3) All ordinances shall take effect 30 days after final passage and approval, except that any ordinance determined and declared by the board of directors to be necessary for the immediate preservation of the public peace, health, or safety of the district shall take effect immediately upon final passage, and a statement of facts constituting the urgency shall be set forth in the ordinance.

Sec. 7. Officers. The members of the board of directors, the secretary of the board, a general manager, one or more assistant managers, an auditor, and district counsel are the officers of the district. No member of the board of directors shall be qualified for election or appointment as a member unless he or she has been a registered voter of the district for at least 30 days immediately preceding the deadline for filing nomination documents. Each member of the board of directors shall reside in the district during his or her incumbency. The board of directors shall, by ordinance, prescribe the powers, duties, and compensation of all the officers, unless those powers, duties, and compensation are prescribed by this act. In those cases, the board may, by ordinance, prescribe additional powers and duties for any officer consistent with this act.

Sec. 7.5. Compensation.

(a) Each member of the board of directors shall receive compensation in an amount not to exceed the amount set forth in Section 22407 of the Public Utilities Code for each regular or special meeting of the board attended or each day's service rendered as a director at the request of the board, which amount shall be fixed by the board from time to time.

(b) Notwithstanding subdivision (a), no director shall receive compensation for more than four days in any calendar month.

(c) Each director shall also be allowed, with the approval of the board, all travel and other expenses necessarily incurred by the member in the actual performance of the member's duties. Reimbursement for expenses pursuant to this subdivision is subject to Sections 53232.2 and 53232.3 of the Government Code.

Sec. 8. Subordinate Officers and Employees. The board of directors may create and abolish, by ordinance or resolution, all offices and employments other than those created by this act, fix the compensation, powers, and duties, of those offices and employments, and determine the procedure for removing any officer or employee therefrom.

Sec. 9. Official Bonds. The board of directors shall fix the amount of all bonds to be required of district officers and employees, the mode of approving the bonds, and shall determine the particular officers and employees who shall be required to furnish bonds.

Sec. 10. Oath of Office. Every officer of the district before entering upon the duties of office, shall take and subscribe the oath of office as provided for in the California Constitution and shall file it with the secretary of the board of directors.

Sec. 11. Vacancies. A vacancy on the board of directors shall be filled pursuant to Section 1780 of the Government Code.

Sec. 12. Delegation of Powers by Board of Directors. The board of directors may delegate any power, or powers, granted to the district, or to the board of directors, by this act, except legislative powers and ministerial functions specifically required by this act to be performed by the board or its officers, to other officers and employees of the district as the board determines to be proper and in the public interest, if that delegation of power is not in conflict with the California Constitution.

Sec. 12.5. Collection of Fines. Notwithstanding any other provision of law, an amount equivalent to 50 percent of the total of all fines or forfeitures collected for violations of district ordinances shall be transferred, once a month, by the county treasurer to the account of the district.

Sec. 13. Allocation of Property Taxes by County. The auditor of Monterey County shall allocate to the district its share of property tax revenue pursuant to Chapter 6 (commencing with Section 95) of Part 0.5 of Division 1 of the Revenue and Taxation Code.

Sec. 14. Depositories. The board shall designate depositories for the custody of the funds of the district. A depository shall give security sufficient to secure the district against possible loss, and shall pay the warrants, checks, electronic fund transfer authorizations, and other instructions for payment prepared by the auditor for demands against the district under rules that the board may prescribe.

Sec. 15. Auditor; Duties and Payment of Warrants.

(a) The auditor shall install and maintain a system of auditing and accounting that shall competently and at all times show the financial condition of the district. The system of auditing and accounting shall be consistent with generally accepted accounting principles.

(b) The auditor shall prepare warrants, checks, electronic fund transfer authorizations, and other instructions for payment to pay demands made against the district if the demands have been approved by at least three directors. The auditor's payment procedures shall be consistent with generally accepted accounting principles.

(c) Notwithstanding subdivision (b), warrants, checks, electronic fund transfer authorizations, or other forms for payment of claims or demands approved by the auditor in accordance with a budget approved by the board of directors need not be approved by one or more members of the board of directors prior to payment.

Sec. 15.1. Claims. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code or by other statutes or regulations expressly applicable to claims for money or damages.

Sec. 16. Construction Projects.

(a) In the erection, construction, improvement, and repair of all public buildings, structures, and airports of the district, and in supplying materials for those activities, when the expenditure exceeds the sum of five thousand dollars (\$5,000), the contract shall be awarded by the board of directors to the lowest responsible bidder after notice by publication in a newspaper of general circulation printed, published, and circulated in the district under conditions that the board may specify. The detailed procedure for carrying out this section shall be prescribed by ordinance.

(b) The board of directors may reject any and all bids presented, and may readvertise for other bids.

(c) The board of directors may determine and declare by a four-fifths vote of all its members that the work or improvement in question may be more economically or satisfactorily performed as a project of an agency of the federal or state government, and after the adoption of a resolution to that effect, it may proceed to have the work or improvement made through that agency and need not follow the requirements imposed by this section.

(d) This section shall not apply if the board elects to become subject to the Uniform Public Construction Cost Accounting Act (Chapter 2 (commencing with Section 22000) of Part 3 of Division 2 of the Public Contract Code).

Sec. 17. Benefit Assessments for Operation and Maintenance.

The district may levy benefit assessments for operations and maintenance consistent with the requirements of Article XIII D of the California Constitution, including, but not limited to, benefit assessments levied pursuant to any of the following:

(a) The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code).

(b) The Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code).

(c) The Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code).

(d) The Landscaping and Lighting Assessment Act of 1972 (Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code), notwithstanding Section 22501 of the Streets and Highways Code.

(e) Any other statutory authorization enacted on or after January 1, 2006.

Sec. 18. Fiscal Year. The fiscal year of the Monterey Peninsula Airport District shall commence on the first day of July of each year, or at any other time fixed by ordinance.

Sec. 19. Benefit Assessments to Finance Acquisition or Improvement. The district may levy benefit assessments to finance the acquisition of equipment, land or facilities or the improvement of land or facilities for airport purposes consistent with the requirements of Article XIII D of the California Constitution, including, but not limited to, benefit assessments levied pursuant to any of the following:

(a) The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code).

(b) The Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code).

(c) The Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code).

(d) The Landscaping and Lighting Assessment Act of 1972 (Part 2 (commencing with Section 22500) of Division 15 of the Streets and Highways Code, notwithstanding Section 22501 of the Streets and Highways Code).

(e) Any other statutory authorization enacted on or after January 1, 2006.

Sec. 20. Levy of Special Tax. The district may levy special taxes pursuant to:

(a) Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. The special taxes shall be applied uniformly to all taxpayers or all real property within the district, except that unimproved property may be taxed at a lower rate than improved property.

(b) The Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code).

Sec. 21. Lien of District Taxes. All district taxes provided for in this act shall become delinquent at the same time as county taxes and shall be subject to the same penalties for delinquency.

All district taxes shall be a lien on all the taxable property in the territory comprising the district and shall be of the same force and effect as liens for county taxes, and their collection shall be enforced by the same means as provided for the enforcement of liens for county taxes.

Sec. 22. Acceptance of Revenue, Grants, Goods, or Services.

The district may accept any revenue, money, grants, goods, or services from any federal, state, regional, or local agency or from any person for any lawful purpose of the district.

Sec. 23. Borrowing. In addition to any other existing authority, the district may borrow money and incur indebtedness pursuant to Article 7 (commencing with Section 53820), Article 7.5 (commencing with Section 53840), Article 7.6 (commencing with Section 53850), and Article 7.7 (commencing with Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

Sec. 24. Alteration of Boundaries, Annexation of Contiguous Territory; Changes of Organization. The boundaries of the district may be altered and contiguous territory in the same county annexed thereto and other changes of organization or reorganizations made, as provided in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code).

Sec. 25. Inapplicable Statutes. The Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800) of the Streets and Highways Code) and any amendments to that act are not applicable to the district.

Sec. 26. Value of Bonds. All bonds issued by the district under this act are hereby given the same force, value, effect, and use, as bonds issued by any municipality in this state, and shall be free and exempt from all taxation within the state.

Sec. 27. Insertion of Provisions Prescribed as Condition for Federal Aid. The board of directors of the district may require the insertion in specifications and contracts for any airport district improvement or acquisition financed or paid for in whole or in part out of moneys obtained from the United States of America, or any department or agency thereof, as a loan, grant, or appropriation, provisions or terms as may be prescribed by the United States of America, or a federal department or agency, as a condition upon which those federal funds are loaned, granted, or appropriated.

Sec. 28. Repeal of Act Not to Effect Bonds. No repeal or amendment of this act shall in any way affect or release any of the property in the district from the obligations of any outstanding bond or indebtedness of the district, nor shall any repeal or amendment become effective or operative in so far as those bonds or indebtedness are concerned until they have been fully paid and discharged.

Sec. 29. Construction of Act. This act shall be liberally construed to promote the objects thereof, and to carry out its intents and purposes.

Sec. 30. Constitutionality. If any section, or sections, or part of any section, of this act, is found to be unconstitutional or invalid, for any reason, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect.

Sec. 31. Title. This act shall be known and may be cited as the "Monterey Peninsula Airport District Act," and any reference to this act by that designation shall be deemed sufficient for all purposes.

SEC. 32. Urgency Measure. This act is hereby declared to be an urgency measure, being necessary for the immediate preservation of the public peace, health and safety, within the meaning of Section 1 of Article IV of the Constitution, and as such shall take effect immediately. The facts constituting such necessity are as follows:

The Legislature declares that:

(a) The prevalence of wars and general resort to force and violence in numerous areas throughout the world constitute a menace to the peace and safety of the United States, and render essential the fullest preparation and cooperation for the National defense.

(b) The precarious state of world affairs constitutes an emergency recognized by proclamation of the President of the United States and the Governor of the State of California, and by the enactment of various measures by Congress designed to strengthen the land, naval and air forces, of the Nation, including the Selective Training Act of 1940.

(c) In consequence of the vast program for National defense now developing, one of the greatest military concentrations of military forces in the United States is now being made and centered at Fort Ord, adjacent to the Monterey Peninsula Airport District herein created.

(d) The existing municipal airport owned by the City of Monterey, in said district, is totally inadequate in size and character for the use of modern military or civil aircraft, and due to the conformation of the terrain in that vicinity is the only site capable of adequate development for airport purposes in that area.

(e) This airport has been certified by the War Department as of value for use by military aircraft and necessary for development in connection with the National Defense Preparedness Program.

(f) Pursuant to this certification, the President of the United States, on the twenty-seventh day of February, 1941, approved an appropriation in the sum of seven hundred four thousand three hundred thirteen dollars (\$704,313) for the adequate improvement and enlargement of the airport facilities thereat.

(g) This appropriation does not include the cost of acquiring the additional land necessary for the enlargement of said airport, and such acquisition is immediately required in order to make the improvements and the expenditures therefor authorized by the President.

(h) The purpose of this act is to immediately form the "Monterey Peninsula Airport District" so that the area benefitted will be enabled forthwith to improve said airport and to acquire the additional lands needed for military and civil airport purposes of Fort Ord, the Presidio of Monterey and the district in question.