

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

November 18, 2020 - 9:00 AM

SPECIAL AND URGENT NOTICE ELIMINATING IN-PERSON PUBLIC PARTICIPATION AT MONTEREY PENINSULA AIRPORT DISTRICT BOARD MEETINGS

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20), and the Governor's and County Public Health Officer's recent order related to public assemblies, the Board of Directors of the Monterey Peninsula Airport District is required to limit in-person attendance at the upcoming Board meeting. Members of the public may utilize alternative measures established by the Monterey Peninsula Airport District to listen to Board meeting and/or to communicate your opinions to the Board Members.

To participate in the Board meeting via Zoom video conference, please visit www.zoom.us/join and enter the following Meeting ID: 883 8492 7961. 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. Include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment)." Written comments must 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. The written comments will be read aloud into the record by District Counsel.
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.

A. CALL TO ORDER/ROLL CALL

Chair Leffel called to order the Regular Meeting of the Board of Directors at 9:00 AM. Directors Cursio, Miller, Sabo and Sawhney were present. The following District Officers were present: Executive Director La Pier, District Counsel Huber, Acting District Secretary Auker, Deputy Executive Director Bergholz and Deputy Director Morello.

B. PLEDGE OF ALLEGIANCE

Chair Leffel led the Pledge of Allegiance.

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

None.

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Alice Angell Green, resident of Del Rey Oaks, introduced herself and recited Section 54950 of the Ralph M. Brown Act, entitled policy Declarations. That Section reads: In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." She asked: What does attending an open and public meeting of a

legislative body mean? She responded with: Traditionally, it means that legislative representatives and the people that they have sworn to represent gather together in a public space, everyone who is in attendance knows who else is at the meeting, and by gathering in this way are able to view and interact with one another. She added that because of the pandemic, public meetings need to be held electronically, with most people physically isolated from one another but that various formats exist in which these types of meetings can be held. She noted that prior to August of 2020, the Airport Board used a Zoom format which allowed everyone in attendance to know who else was there and to interact with all in attendance via text comment and discussion. She stated that using that format preserved the open, public gathering nature of traditional public meetings, but when the Board changed formats, limiting the ability of the public to know who else was in attendance, and eliminating the texting option, she believes that the meeting ceased to be truly open and public and also believes it is a violation of the intent of the Brown Act. She stated that the Board should reinstate its use of the more public format, which it used successfully on several occasions. She added that by choosing the more restrictive format, she believes that the Board is deciding what is good for the people to know and what is not good for them to know, violating the Brown Act policy declaration which says the people do not give the public servants the right to do this. She noted, that the Governor is allowing this format to be used and that some other jurisdictions are using it, does not change the nature of the violation.

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 and Finance Committee of October 8, 2020 |
| Approve | 2. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of October 8, 2020 |
| Approve | 3. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of October 9, 2020 |
| Approve | 4. Minutes of the Regular Meeting of October 14, 2020 |
| Approve | 5. Minutes of the Committee Meeting of the Budget and Finance Committee of November 9, 2020 |
| Approve | 6. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of November 9, 2020 |
| Approve | 7. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of November 10, 2020 |

Director Sabo requested to pull Item E.7, Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of November 10, 2020, from the Consent Agenda.

Director Cursio moved to approve Consent Agenda Items E.1 through E.6. Director Sawhney seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

F. DEFERRED CONSENT AGENDA - ACTION ITEMS

Director Sabo asked that the Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of November 10, 2020 be revised to add the following:

Director Sabo inquired as to why there were no noise or air service reports available for the committee. Executive Director La Pier indicated that having the committee meeting 10 days after months end did not allow sufficient time for staff to make these reports available.

Director Sabo inquired about the status of the previously discussed possible agreement with NORCAL regarding increased use of visual approaches to RWY 26L during VMC to reduce noise over residential communities east of MRY. Executive Director La Pier indicated that NORCAL has not responded to his email inquiry for 10 days. Executive Director La Pier will follow-up next week.

Director Sabo moved to approve the Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of November 10, 2020 with the suggested revisions. Director Sawhney seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

G. REGULAR AGENDA - ACTION ITEMS

Presentation 1. Future of Navy Flying Club by Navy Flying Club Representatives

No representatives of the Navy Flying Club were present. Chair Leffel suggested tabling Item G.1 to allow more time for the representatives to join the meeting.

Director Sawhney moved to table the presentation. Director Cursio seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

Adopt 2. Resolution No. 1787, A Resolution of the Monterey Peninsula Airport District Approving the Rules and Regulations and the Minimum Standards

and

Pass to Print Ordinance No. 927, An Ordinance of the Monterey Peninsula Airport District Repealing Ordinance No. 796

Executive Director La Pier introduced Item G.2, stating that the Rules and Regulations and the Minimum Standards were a product of a couple years of work. He acknowledged the work of District Counsel Huber and the Airport's Operations team. He stated that both documents are referenced in language included on the Airport's leases and there will now be documents to support that language. He introduced Ken Griggs, Operations Manager, and Mark Curtis, Operations Supervisor.

Prior to the presentation by Ken Griggs and Mark Curtis, District Counsel Huber explained the purpose of the two policy documents. He also discussed the proposed Ordinance No. 927, explaining why it was necessary.

Ken Griggs and Mark Curtis walked through the presentation that was given to the tenants of the airports. They discussed each article of both of the proposed policy documents.

Public Comment: Douglas Mackenzie, resident of Del Rey Oaks, asked if these rules and regulations would apply to the operation of the flight school. He stated that he understands that they would apply to their facilities but was curious if it applies to their flight restrictions.

Public Comment: Ken Rutherford, resident of Del Rey Oaks, followed up on the comment made by Douglas Mackenzie. He asked if staff and the Board feels that this will give more authority to help the residents of Del Rey Oaks with respect to the pattern flying that sometimes occurs over Del Rey Oaks. He stated that it has improved, but if it does pick up again, would this allow more leverage over them. He added that the response that they typically receive when they call and make complaints about noise and pattern flying, is that only the FAA can regulate that. He asked again if this would allow the Airport staff to have greater control over such things.

The Board discussed Item G.2 and gave direction to staff and District Counsel Huber for proposed revisions.

Chair Leffel asked if the Board would like to table Item G.2 until the December meeting to allow the proposed changes to be made and brought back to the Board as a final document.

Director Miller suggested tabling Resolution No. 1787 but passing to print Ordinance No. 927, since there were no proposed revisions to that document. The Board agreed.

Director Sabo moved to table Resolution No. 1787 until the December meeting and to bring the item back as two Resolutions, one for each of the proposed policy documents. Director Miller seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

Director Cursio move to pass to print Ordinance No. 927. Director Miller seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

ORDINANCE NO. 927

AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT DISTRICT REPEALING ORDINANCE NO. 796

NOW, THEREFORE, the Board of Directors of the Monterey Peninsula Airport District DO
ORDAIN as follows:

SECTION 1: Repeal of Ordinance No. 796. Ordinance No. 796 is hereby repealed in its entirety and it shall no further force or effect.

SECTION 2: Status of Ordinance Nos. 230 and 620. Ordinance Nos. 230 and 620 were repealed by Ordinance No. 796. Those ordinances shall remain repealed, notwithstanding the repeal of Ordinance No. 796.

This ordinance shall take effect on the 30th day after its adoption.

PASSED TO PRINT by the Board of Directors of the Monterey Peninsula Airport District at a meeting of November 18, 2020 by the following vote:

AYES:	DIRECTORS:	Cursio, Miller, Sabo, Sawhney, Chair Leffel
NOES:	DIRECTORS:	None
ABSTAIN:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

A break was taken from 11:27 AM until 11:35 AM.

The Board returned and brought back Item G.1, the presentation "Future of Navy Flying Club by Navy Flying Club Representatives".

Keith Gray, President of the Monterey Flying Club Auxiliary, introduced himself and described the recent changes of the Navy Flying Club. He also discussed the challenges that the Club has currently been facing.

No public comments.

The Board thanked Mr. Gray for his presentation. No action was taken on this item.

Approve 3. Amendment to Legal Services Agreement with Cole Huber, LLP

Executive Director La Pier presented Item G.3, explaining the proposed amendment. He stated that he is very pleased with the current relationship with Legal Counsel.

District Counsel Huber stated that the amendment was reviewed by outside counsel and speaking as a contractor, not as counsel, he added that he enjoys being with the Airport. He also explained the duration of the amendment and the associated fees.

No public comments.

The Board discussed Item G.3 and expressed their gratitude for District Counsel Huber's work.

Director Cursio moved to approve the Amendment to Legal Services Agreement with Cole Huber, LLP. Director Sawhney seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

H. 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)

a. Standing Committees:

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

b. Ad-Hoc Committees:

- | | |
|-------------------------------|---------------------------|
| i. Local Jurisdiction Liaison | Directors Leffel & Miller |
|-------------------------------|---------------------------|

c. Liaison/Representatives:

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

A break was taken from 12:39 PM until 12:45 PM.

I. CLOSED SESSION

The Board entered into Closed Session at 12:45 PM.

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. **EXISTING LITIGATION** [Government Code section 54956.9(a)]. The Board will meet with the Executive Director and District Counsel to discuss existing litigation: Doug Mackenzie and Alice Angell Green v. Monterey Peninsula Airport District, et al., Monterey County Superior Court, Case No. 20CV002933.
3. **ANNUAL EVALUATION** [Government Code Section 54957(b)]. The Board will meet with the Executive Director and District Counsel to consider the evaluation of employment related to the following position: Executive Director.

J. RECONVENE TO OPEN SESSION

The Board returned to Open Session at 2:44 PM.

Chair Leffel stated that no reportable action was taken during Closed Session.

K. PENDING REQUESTS FOR FUTURE AGENDA ITEMS

- Strategic Planning Session

Chair Leffel noted that the Strategic Planning Session Special Meeting was scheduled for December 9, 2020.

L. DISCUSSION OF FUTURE AGENDAS

- FY 2020 Financial Audit
- Rules and Regulations and Minimum Standards

Director Sabo asked to be updated on the Navy Flying Club's request and progress on their activities.

M. ADJOURNMENT

The meeting adjourned at 2:47 PM.

Minutes Approved at the
Meeting of December 16, 2020



Mary Ann Leffel, Chair

ATTEST

A handwritten signature in black ink, appearing to read "Michael La Pier". The signature is stylized with a prominent initial "M" and a flourish at the end.

Michael La Pier, AAE
District Secretary