

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

March 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 7098 4092**. 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 9:05 AM. Directors Sawhney, Cursio, Leffel, and Sabo were present. Chair Miller attended via Zoom videoconference. The following staff were present: Executive Director La Pier, District Counsel Huber, Acting District Secretary Adams, Executive Deputy Director Bergholz, and Deputy Director Morello. Executive Deputy Director Bergholz and Deputy Director Morello attended via Zoom videoconference.*

### B. PLEDGE OF ALLEGIANCE

*Director Cursio 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.

*Howard Fosler, a member of the public and citizen of Monterey, CA stated noise is improving but there are still two flights that go straight out over the ocean. He noted when pilots follow the preferred path the noise is greatly reduced.*

#### **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 Regular Board Meeting of February 16, 2022   |
| Approve | 2. Minutes of the Committee Meeting of the Budget & Finance Committee March 8, 2022  |
| Approve | 3. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of March 9, 2022  |
| Approve | 4. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of March 9, 2022   |
| Adopt   | 5. Resolution No. 1816-2, 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 |

*Director Leffel made a motion to approve Consent Agenda Items E.1 – E.5. Director Cursio seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

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

#### **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 is the final Public Hearing on the matter of redrawing board member district boundaries to comply with the Fair Maps Act. District Counsel Huber stated all draft maps comply with state law. He turned the floor over to Doug Johnson with National Demographics Corporation. Mr. Johnson reviewed the existing district boundaries map and then explained adjustments made to the "Tan" draft map, which became a new draft map titled "Tan B".*

*Chair Miller called for public comment. Howard Fosler, representing the League of Women Voters, read a statement about the importance of voting rights and choosing boundaries that give the best chance of fair and equal representation. He stated he was impressed with the work that has been done.*

*There were no other public comments.*

*Chair Miller closed the Public Hearing at 9:20 AM.*

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

- Adopt 1. Ordinance No. 929, an Urgency Ordinance of The Board of Directors of the Monterey Peninsula Airport District Establishing a By-District Election Process Pursuant to Elections Code Section 10010 and Repealing Ordinance No. 924

*Executive Director La Pier introduced Item H.1. Chair Miller asked for board comment. Director Sabo asked Mr. Johnson to explain why map "Tan B" took population from District 5 and gave it to District 2. Mr. Johnson stated it had to do with compactness and keeping a precinct together. District Counsel Huber added Salinas Union High School District is a community of interest.*

*Directors discussed the new draft "Tan B".*

*Chair Miller asked if there was any public comment and there was none.*

*District Counsel Huber explained Ordinance No. 929 is an urgency ordinance due to the time constraints of the elections code; the board must adopt an election district boundaries map by April 17<sup>th</sup>. The next regular board meeting is April 20<sup>th</sup>, and an ordinance must be passed at a regular meeting. He stated an urgency ordinance requires a 4/5<sup>th</sup> vote to pass and takes effect immediately.*

*District Counsel Huber explained Ordinance No. 929 has two items that must be determined prior to adopting it. The first is to determine the map that will represent the district boundaries; the second is the sequencing of elections going forward. The determinations will be written in and become part of Ordinance No. 929 prior to it being adopted.*

*Director Leffel made a motion to adopt the District Boundary map labeled "Tan B". Director Cursio seconded the motion. Director Sabo objected. The board discussed his objections until Director Cursio called the question. Director Leffel seconded the call. The motion passed 4-1 with Director Sabo voting no.*

*Chair Miller called for Public Comment and there was none.*

*Director Leffel moved to adopt a sequencing of elections so that Directors from Board Districts 4 and 5 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter, and the Board Members from Board Districts 1, 2 and 3 shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter. Director Cursio seconded the motion. The motion passed unanimously by roll call vote of 5-0.*

*Director Leffel moved to approve Ordinance No. 929, an Urgency Ordinance of The Board of Directors of the Monterey Peninsula Airport District Establishing a By-District Election Process Pursuant to Elections Code Section 10010 and Repealing Ordinance No. 924 with district boundary map "Tan B" and the appropriate sequencing incorporated in the ordinance presented. Director Sawhney seconded the motion. The motion passed by a 4/5<sup>th</sup> majority by a roll call vote of 4-1 with Director Sabo voting no.*

### **ORDINANCE NO. 929**

#### **AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT ESTABLISHING A BY-DISTRICT ELECTION PROCESS PURSUANT TO ELECTIONS CODE SECTION 10010 AND REPEALING ORDINANCE NO. 924**

**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 Monterey Peninsula Airport District previously transitioned to election by electoral districts; and

**WHEREAS**, as a result of the Census issuance by the United States of America, the Monterey Peninsula Airport District is required to adjust the boundaries of the by-district maps to comply with state and federal law; and

**WHEREAS**, consistent with Elections Code 10010, the Monterey Peninsula Airport District has held public hearings and published several tentative by-district maps for consideration by the Board of Directors and members of the public; and

**WHEREAS**, it is the considered view of the Board of Directors that revised draft map "Tan B", attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the Monterey Peninsula Airport District; and

**WHEREAS**, this Urgency Ordinance is necessary as a result of the timelines mandated by AB 1276 for redistricting purposes, that this Ordinance is declared by the Board of Directors to be necessary for preserving the integrity of the election process and the recitals above taken together constitute the Board of Director's statement of the reasons for adopting this Ordinance on an urgency basis.

**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.** Ordinance 924 is hereby repealed.

**SECTION 3.** (A) Beginning with the general municipal election in November 2022, Board Members shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the Board of Directors shall be elected from each district, by the voters of that district alone. Each Board Member shall serve a four-year term until his or her successor has qualified.

(B) The Board Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for the Board of Directors must live, and be a

registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a Board Member shall create an immediate vacancy for that Board district unless a substitute residence within the district is established within 30 days after the termination of residency.

(C) Notwithstanding any other provision of this section, each of the Board Members in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in Board Member offices elected at-large may be filled from the District at-large. At the end of the term of each Board Member, that member's successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Board Member office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

**SECTION 3.** The Board Members from Board Districts 4 and 5 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter. The Board Members from Board Districts 1, 2 and 3 shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter.

**SECTION 4.** The Board of Directors finds that this proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The Board of Directors of the Monterey Peninsula Airport District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 6.** To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

**SECTION 7.** In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

**SECTION 8.** This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the Monterey Peninsula Airport District, or is amended such that its provisions no longer apply to the Monterey Peninsula Airport District. In the event this Ordinance is of no further force and effect pursuant to this section, the Board of Directors shall immediately consider an ordinance repealing this Ordinance. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Board Members elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Board Members expire and in accordance with all other provisions of law, until such time as the voters of the

Monterey Peninsula Airport District shall approve a different method of election of Board Members in accordance with Government Code section 34871, et seq.

**SECTION 9.** This Ordinance is an Urgency Ordinance enacted under California Government Code Sections 36934 and 36937(a). This Urgency Ordinance is immediately effective upon adoption by a four-fifths vote of the Board of Directors.

**SECTION 10.** The Executive Director is authorized to take any and all other necessary actions to give effect to this Ordinance.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 16th day of March 2022, by the following roll call vote:

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

*Chair Miller asked Director Sawhney to chair the remainder of the meeting and excused himself. Director Sawhney, as Chair Pro Tem, called for a break at 10:31 AM.*

*Chair Pro Tem Sawhney resumed the meeting at 10:39 AM.*

Discussion     2. Local Agency Formation Commission of Monterey County (LAFCO) Ballot

*Executive Director La Pier introduced Item H.2 stating Monterey Peninsula Airport District is being asked to cast a ballot with LAFCO for one of the candidates to represent special districts. La Pier read the candidate names and affiliations. Chair Pro Tem Sawhney asked if there was any public comment.*

*Howard Fosler, a member of the public and as an individual, commented he thought this is a good chance for Directors to express themselves.*

*Director Sabo asked to confirm the elected position on the LAFCO board represents all special districts. Executive Director La Pier answered yes. Director Cursio expressed his support for Director Leffel.*

*Director Cursio made a motion to select Mary Ann Leffel as the Monterey Peninsula Airport District's vote for the election of one regular special district representative to LAFCO. Chair Pro Tem Sawhney seconded the motion. The motion passed by a roll call vote of 3-1 with Director Sabo abstaining.*

Adopt             3. Resolution No. 1817, a Resolution Authorizing a Professional Services Agreement with Mill Construction as the Design Build Team for the Replacement Aircraft Rescue and Fire Fighting Facility

*Executive Director La Pier introduced Item H.3 stating Resolution No. 1817 covers the design only. He stated the design is needed to determine a guaranteed maximum price for the FAA grant funding application.*

*Chair Pro Tem Sawhney asked if there was any public comment and there was none.*

*Director Leffel complimented staff and stated the Finance Committee supports Resolution No. 1817. Deputy Director Morello reviewed the proposal process saying evaluation was on both cost and technical knowledge. Three firms responded. Deputy Director Morello stated Mill Construction was not the highest or the lowest bidder, but they were considered reasonable as they were within 1% of the*



*independent fee estimate (IFE). Director Sawhney asked what would be done before the Airport Improvement Program (AIP) grant application date of April 11<sup>th</sup>. Deputy Director Morello answered Mill Construction will give us a guaranteed max price which we will be able to submit to the FAA with our grant application.*

*Director Leffel made a motion to adopt Resolution No. 1817, a Resolution Authorizing a Professional Services Agreement with Mill Construction as the Design Build Team for the Replacement Aircraft Rescue and Fire Fighting Facility. Director Sabo seconded the motion. The motion passed unanimously by a roll call vote of 4-0.*

## **RESOLUTION NO. 1817**

### **A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH MILL CONSTRUCTION AS THE DESIGN BUILD TEAM FOR THE REPLACEMENT AIRCRAFT RESCUE AND FIRE FIGHTING FACILITY**

**WHEREAS**, On November 26, 2018, the Board of Directors of the Monterey Peninsula Airport District (MPAD) approved Resolution No. 1730 certifying Final Environmental Impact Report (EIR) (SCH 2015121105), and Resolution No. 1731, approving Alternative 1 as the Airport Master Plan Project for Monterey Regional Airport; and

**WHEREAS**, the certified Final EIR and the approved Airport Master Plan Project for Monterey Regional Airport analyzed and included permanent relocation of the Aircraft Rescue and Fire Fighting Facility to the north side of the Airport from the south side; and

**WHEREAS**, the certified Final EIR for the approved Airport Master Plan Project for Monterey Regional Airport was never challenged; and

**WHEREAS**, the FY22 Adopted Capital Improvement Budget contains Project 2022-01 Safety Enhancement Project Phase B, Aircraft Rescue and Fire Fighting Facility (ARFF) Design/Construction/Demo/Airfield Access; and

**WHEREAS**, the Monterey Peninsula Airport District (MPAD) has previously submitted an Airport Capital Improvement Program (ACIP) for FY 2021-2025 that includes this Project; and

**WHEREAS**, representatives of the Federal Aviation Administration (FAA) have given the approval for use of Alternate Project Delivery Method (APDM) Design-Build (D/B) for the AIP-funded project ARFF Building Design/Construction/Demo/Airfield Access; and

**WHEREAS** Design and Guaranteed Maximum Price (GMP) must be received by the FAA by April 11, 2022 to complete a grant application; and

**WHEREAS**, approval of any design contract for the ARFF Building Design/Construction/Demo/Airfield Access will not result in any development activity or ground disturbance at the Airport. Currently, MPAD will only issue a Notice to Proceed for Design and a new contract will come back to the MPAD Board for a contract for the Build process.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** That MPAD contract with the Design Build Team led by Mill Construction for Design and preliminary engineering of the ARFF Design/Construction/Demo/Airfield Access including development of design, specifications and working details to obtain a GMP in an amount not-to-exceed \$1,169,892.00.

Further, the Recitals above are incorporated in full into this approval.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 16th day of March 2022, by the following roll call vote:

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

Approve 4. Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. to Provide Project Management Services in Support of the Safety Enhancement Program (SEP) Taxiway A Relocation – Phase B Aircraft Rescue and Fire Fighting Facility Design

*Executive Director La Pier introduced Item H.4 stating we need an amendment to the current project management services contract with Kimley-Horn to include the Safety Enhancement Program (SEP) Taxiway A Relocation – Phase B Aircraft Rescue and Fire Fighting Facility Design. Deputy Director Morello reviewed the scope of the project management to be performed.*

*Director Leffel made a motion to approve the Amendment to the Professional Services Agreement with Kimley-Horn and Associates, Inc. to Provide Project Management Services in Support of the Safety Enhancement Program (SEP) Taxiway A Relocation – Phase B Aircraft Rescue and Fire Fighting Facility Design. Director Cursio seconded the motion. The motion passed unanimously with a roll call vote of 4-0.*

## **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
- v. Association of Monterey Bay Area Governments

Director Leffel      Alt: Miller  
Director Sawhney      Alt: Sabo

*The Board discussed the Committee and Department reports.*

*Chair Pro Tem Sawhney stated the Board would go on a break at 11:47 AM and reconvene in Closed Session at 1:00 PM.*

**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.

*The Board entered Closed Session at 1:00 PM.*

**K. RECONVENE TO OPEN SESSION**

*The board reconvened to Open Session at 2:45 PM. Chair Pro Tem Sawhney 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*
- *A Tour of the Monterey Regional Airport Property*

*There was a discussion about the timing of the pending requests for future agenda items.*

**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.

**N. ADJOURNMENT**

*The meeting adjourned at 2:46 PM.*

Approved at the  
Meeting of April 20, 2022

  
Carl M. Miller, Chair

ATTEST

A handwritten signature in black ink, appearing to read "Michael La Pier".

Michael La Pier, AAE  
District Secretary