

ORDINANCE NO. 108

AN ORDINANCE PROVIDING FOR THE APPOINTMENT OF AND  
PRESCRIBING POWERS AND DUTIES OF THE DISTRICT MANAGER  
ASSISTANT MANAGER, SECRETARY AND DISTRICT COUNSEL OF  
THE MONTEREY PENINSULA AIRPORT DISTRICT

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

SECTION 1: APPOINTMENT OF OFFICERS:

(a) The District Manager shall be chosen and appointed by the affirmative vote of three (3) members of the Board of Directors. He shall be the administrative head of the District. His salary shall be fixed by Ordinance. He may be removed by affirmative vote of three (3) members of the Board of Directors.

(b) The District Counsel shall be chosen and appointed by the affirmative vote of three (3) members of the Board of Directors. He shall be an attorney-at-law admitted to practice as such before the Supreme Court of the State. District Counsel may be removed by the affirmative vote of three (3) members of the Board of Directors.

(c) All other Officers, including the Secretary of the District, and all employees shall be appointed and removed by the District Manager.

SECTION II: DISTRICT MANAGER:

The District Manager shall have the following powers and duties:

(a) To enforce all Ordinances of the District.

(b) To appoint, except as otherwise provided in this Ordinance, all Officers, including the Secretary of the District, and all employees, and to remove at pleasure those Officers and employees appointed by him; and to have general supervision and control over all Officers and employees appointed by him.

(c) To make certain that the provisions of all leases, contracts, permits, privileges or franchises, granted by

the District, are observed by the parties thereto, and to report to the Board of Directors any violation thereof.

(d) To attend all meetings of the Board of Directors unless excused therefrom by the Chairman of the Board, or by two (2) members thereof.

(e) To examine or cause to be examined without notice, the conduct of any Officer or employee of the District, the official accounts or records of any Officer or employee, and the performance by any Officer or employee of his respective duties in his official capacity.

(f) To keep the Board of Directors advised as to the needs of the District.

(g) To devote his entire time to the business and interests of the District.

(h) To exercise general supervision over all property of the District, including the maintenance of real and personal property and improvements thereon, owned or leased by the District.

(i) To supervise the preparation of the annual budget of the District, to make recommendations to the Board of Directors with reference thereto, and with reference to the fiscal matters of the District.

(j) To act as purchasing agent for the District in transactions involving expenditure not in excess of \$1,000.00.

(k) To possess such other powers and perform such additional duties as may be prescribed by Ordinance or Resolution of the Board of Directors, and to exercise all discretions reserved to the District and conferred upon the Manager by any lease or contract of the District.

### SECTION III: DISTRICT COUNSEL

District Counsel shall have the following powers and duties:

(a) District Counsel shall be legal adviser to the Board of Directors and to all other Officials of the District in matters pertaining to the business and affairs thereof.

(b) To prosecute all violations of the Ordinances of the District, and to draft Ordinances, Resolutions, Contracts and other legal documents and instruments required by the Board of Directors, or the Manager of the District.

(c) To attend all meetings of the Board of Directors unless excused therefrom by the Chairman of the Board or two (2) members thereof.

(d) To perform such other legal services as the Board of Directors may direct and attend such meetings, hearings, conferences or conventions, as may be authorized or directed by the Board of Directors or the District Manager.

#### SECTION IV: SECRETARY:

The Secretary of the District shall have the following powers and duties;

(a) To perform all duties specifically conferred upon the Secretary by the MONTEREY PENINSULA AIRPORT DISTRICT ACT, Chapter 52, Statutes of 1941, including the powers and duties vested in the Secretary by Section 5 of said Act, incorporating powers and duties vested in City Clerks of cities of the sixth class by the Election Code of the State.

(b) To attend all meetings of the Board of Directors and to keep a full and correct record of the proceedings of each meeting, in a Minute Book.

(c) To maintain a file of all Ordinances, certifying that each such Ordinance has been published as required by law. A copy of the Ordinance so certified by the Secretary shall be prima facie evidence of the contents of the Ordinance and of its passage and publication, and shall be admissible as evidence of such in any Court or proceeding.

(d) To keep a file or record of all Resolutions passed by the Board of Directors.

(e) To keep a record of all correspondence between the Board of Directors or the District Manager and third parties relating to the affairs and business of the District.

(f) To keep the corporate seal of the District and to affix the same to all instruments or writings requiring authentication.

(g) To safely keep all records, documents, Ordinances, Resolutions, books and other papers and matters regularly delivered into the custody of the Secretary or required by law or Ordinance to be filed with the Secretary.

(h) Under the supervision and direction of the Manager, to maintain records reflecting the financial condition of the District and to submit to the Board of Directors a Summary Statement of Receipts and Disbursements at each regular meeting of the Board, and under the direction and supervision of the District Manager to prepare and present to the Board of Directors an annual proposed budget for consideration and adoption by the Board of Directors.

(i) To safely keep and deposit all monies belonging to the District coming into the Secretary's hands, as required by any Ordinances of the District and by the general law, and to prepare for the payment of funds by the District on Warrants signed by the proper Officers, and not otherwise.

(j) To exercise such other powers and perform such additional duties as may be prescribed by the Board of Directors or the District Manager.

SECTION V: ASSISTANT MANAGER:

Under the direction of the Manager, the Assistant Manager shall aid and assist the District Manager in the performance of

his duties and in case of the absence from the District of the District Manager, or his temporary disability to act as such, the Assistant Manager shall possess the powers and discharge the duties of the District Manager during such absence or disability only, provided, however, that the Assistant Manager shall have no authority to appoint or remove any officer or employee of the District, except with the formal approval of three (3) members of the Board of Directors.

SECTION VI: INTERFERENCE WITH DISTRICT MANAGER:

Neither the Board of Directors nor any of the members of the Board shall dictate or attempt to dictate, either directly or indirectly, the appointment of any person to office or appointment by the District Manager, or in any manner interfere with the District Manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Board of Directors and its members shall deal with the administrative service solely through the District Manager, and neither the Board of Directors nor any members thereof shall give orders to any of the subordinates of the District Manager, either publicly or privately. Neither the District Manager nor any appointive officer or employee of the District shall take any active part in securing, or shall contribute money toward the nomination or election of any member of the Board of Directors.

SECTION VII: VALIDITY:

If any Section, Sub-section, sentence, clause or phrase of this Ordinance, for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors do hereby declare that they would have passed this Ordinance and each Section, Sub-section, sentence, clause or phrase hereof, irrespective of the fact that any one or more Sections, Sub-sections, sentences,

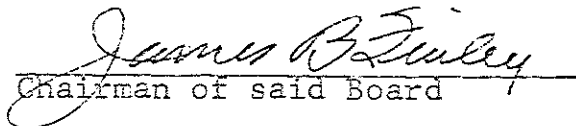
clauses or phrases be declared to be unconstitutional.

SECTION VIII: REPEAL:

All Ordinances and parts of Ordinances of the MONTEREY PENINSULA AIRPORT DISTRICT in conflict herewith, or with any part hereof are hereby repealed.

PASSED AND ADOPTED by the Board of Directors of the MONTEREY PENINSULA AIRPORT DISTRICT this 7th day of December, 1960, by the following vote:

AYES: FINLEY, CLEMENS, Directors  
SMITH  
NOES: None Directors  
NELSON, WALKER Absent Directors.

  
Chairman of said Board

ATTEST:

Secretary Thereof.