

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

**April 24, 2024 - 9:00 AM**

The Monterey Peninsula Airport District holds regular meetings at the Airport Board Room, with in-person attendance. 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. In general, in person or emailed comments are preferred. Remote comments are allowed for Board meetings which take place in the Board Room, as outlined below.

The Monterey Peninsula Airport District will continue to broadcast the Board Meetings via Zoom video conference for viewing by the public. To view the Board meeting via Zoom video conference, please visit [www.zoom.us/join](http://www.zoom.us/join) and enter the following Meeting ID: **831 7098 4092**. If you do not have access to the internet, you may listen telephonically by calling (253) 215-8782 and entering the same Meeting ID.

Pursuant to Resolution 1862, members of the public may provide comments remotely for Board Meetings which are held in the Board Room. In the event that remote participation technology is unexpectedly not available, such as during an internet service outage, electrical outage, or other technological issue that prevents remote participation by the public, the meeting will not be continued or cancelled. Remote participation is provided as a courtesy and members of the public who rely upon remote participation to provide public comment do so at their own risk. 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.

Members of the public are encouraged to provide written public comment by sending an email to [info@montereyairport.com](mailto:info@montereyairport.com) and 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.

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

*Chair Leffel called to order the Special Meeting of the Monterey Peninsula Airport District Board of Directors at 9:03 AM. Directors Gaglioti and Miller were present. Director Pick and Director Sawhney were absent. A quorum was established. The following staff were present: Executive Director La Pier, Assistant District Counsel Ritchie, Deputy Executive Director Morello, Deputy Executive Director Robare, Controller Wilson, and Acting Board Secretary Adams.*

## **B. PLEDGE OF ALLEGIANCE**

*Chair Leffel led the Pledge of Allegiance.*

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

*None.*

## **D. PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*None.*

## **E. CONSENT AGENDA - ACTION ITEMS**

- |         |   |
|---------|---|
| Approve | 1. Minutes of the Regular Meeting of the Monterey Peninsula Airport District Board of Directors of March 20, 2024 |
| Approve | 2. Minutes of the Special Meeting of the Monterey Peninsula Airport District Board of Directors of March 22, 2024 |

- Approve 3. Minutes of the Budget & Finance Committee Meeting of the Monterey Peninsula Airport District Board of Directors of April 8, 2024
- Approve 4. Minutes of the Airport Property Development & Leases Committee Meeting of the Monterey Peninsula Airport District of April 9, 2024
- Approve 5. Minutes of the Air Carrier Service – Marketing – Community Relations Meeting of the Monterey Peninsula Airport District of April 10, 2024
- Approve 6. Minutes of the Regular Meeting of the Monterey Peninsula Airport District Board of Director of April 17, 2024

*Director Miller motioned to approve the Consent Agenda Items E.1 – E.6. Director Gaglioti seconded the motion. The motion passed unanimously by a roll call vote of 3-0 with Directors Pick and Sawhney absent.*

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

None.

**G. REGULAR AGENDA - ACTION ITEMS**

- Adopt 1. Resolution No. 1868, A Resolution Authorizing a Professional Services Agreement with Lance, Soll & Lunghard, LLP (“LSL, LLP”) for Professional Audit Services

*Controller Wilson recapped the RFQ process and reminded Directors that staff was directed to continue negotiations with Lance, Soll & Lunghard, LLP (LSL). Resolution No. 1868 authorizes a Professional Services Agreement with LSL for the next six fiscal years. He added that the Budget and Finance Committee reviewed the agreement.*

*No Public Comment.*

*Controller Wilson answered questions about the cost noting the price is stable for the first three years and capped at a 3% increase per year after that.*

*Director Gaglioti motioned to adopt Resolution No. 1868, A Resolution Authorizing a Professional Services Agreement with Lance, Soll & Lunghard, LLP (“LSL, LLP”) for Professional Audit Services. Director Miller seconded the motion. The motion passed unanimously by a roll call vote of 3-0 with Directors Pick and Sawhney absent.*

**RESOLUTION NO. 1868**

**A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH LANCE, SOLL & LUNGHARD, LLP (“LSL, LLP”) FOR PROFESSIONAL AUDIT SERVICES**

**WHEREAS**, The Airport is required to conduct annual audits of its financial statements pursuant to Title 2, California Code of Regulations, section 1131.2. These financial audits are primarily concerned with providing reasonable assurance about whether the financial statements of the District are presented fairly in all material respects in accordance with Generally Accepted Accounting Principles and whether the District has complied with laws and regulations for those transactions and events that may have a material effect on the financial statements.

The California Code of Regulations incorporates the standards set forth in the American Institute of Certified Public Accountants' publication entitled "Audits of State and Local Governmental Units" which requires the annual independent audit be performed by the "County Auditor" or an "independent accounting firm". (2 C.C.R. § 1131.2(a).); and

**WHEREAS**, the District historically has contracted with a private accounting firm to conduct the annual audit, which presents the results to the Board of Directors; and

**WHEREAS**, Pursuant to the Governance Manual, the Board of Directors selects the independent accounting firm to prepare and submit the annual audit report which is presented to the Board of Directors at a regularly scheduled Board meeting; and

**WHEREAS**, the District issued a Request for Qualifications (RFQ) for Professional Auditing Services on January 31, 2024; and

**WHEREAS**, the District received three responses to the Request for Qualifications (RFQ) for Professional Auditing Services by 5:00 p.m., PST on February 29, 2024; and

**WHEREAS**, each Professional Auditing Services firm was selected for oral interviews; and

**WHEREAS**, the Board recommends LSL, LLP's Professional Audit Services for fiscal year 2024, and fiscal years 2025, 2026, 2027, 2028 and 2029.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** That the Monterey Peninsula Airport District Board of Directors authorizes the Executive Director to enter into a Professional Audit Services agreement with Lance, Soll & Lunghard, LLP ("LSL, LLP") for Fiscal Years 2024, 2025, 2026, 2027, 2028 and 2029.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 24th day of April 2024 by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Gaglioti, Miller, Leffel
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	Pick and Sawhney

Adopt 2. Resolution No. 1869, A Resolution Ordering an Election, Requesting the Monterey County Elections Department to Conduct the Election, Requesting Consolidation of the Election and Stating the Determination of the Board of Directors of the Monterey Peninsula Airport District with Respect to Candidates' Statements of Qualifications

*Executive Director La Pier introduced Item G.2 and asked Counsel Ritchie to explain further. Counsel Ritchie advised Resolution No. 1869 notifies the Monterey County Elections office that there are three open seats on the Board and asks them to conduct the election of Directors as part of the consolidated November 5, 2024 election. It also stipulates that candidates' statements cannot exceed 200 words and are at the candidates' expense.*

*No Public Comment.*

*Director Miller motioned to adopt Resolution No. 1869, A Resolution Ordering an Election, Requesting the Monterey County Elections Department to Conduct the Election, Requesting Consolidation of the Election and Stating the Determination of the Board of Directors of the Monterey Peninsula Airport District with Respect to Candidates' Statements of Qualifications. Director Gaglioti seconded the motion. The motion passed unanimously by a roll call vote of 3-0 with Directors Pick and Sawhney absent.*

#### **RESOLUTION NO. 1869**

#### **A RESOLUTION ORDERING AN ELECTION, REQUESTING THE MONTEREY COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, REQUESTING CONSOLIDATION OF THE ELECTION AND STATING THE DETERMINATION OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT WITH RESPECT TO CANDIDATES' STATEMENTS OF QUALIFICATIONS**

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of any district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the district relating to the conduct of an election; and

**WHEREAS**, the resolution of the governing body of the district shall specify the services requested; and

**WHEREAS**, pursuant to Elections Code Section 10002, the district shall reimburse the county in full for the services performed upon presentation of a bill to the district; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

**WHEREAS**, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

**WHEREAS**, pursuant to Elections Code Section 10403, whenever an election called by a district for any office to be filled is to be consolidated with a statewide election, and the office to be filled is to appear on the same ballot as that provided for the statewide election, the district shall, at least 88 days prior to the date of the election, file with the Board of Supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

**WHEREAS**, pursuant to Elections Code section 13307, whenever an election called by a district has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate's statement to be either 200 or 400 words and to determine if the candidate and/or the political subdivision will pay the cost of the statement; and

**WHEREAS**, Elections Code section 15651 requires the district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon; and

**WHEREAS**, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the resolution calling the election; and

**WHEREAS**, various city, district, county, state and other political subdivision elections may be or have been called to be held on November 5, 2024; and

**WHEREAS**, there will be a total of three four-year offices on the Board of Directors of this District, to be filled at said election, said offices now filled by the following Board Members:

LisAnne Sawhney	four-year term expiring 2024
John Gaglioti	four-year term expiring 2024
Mary Ann Leffel	four-year term expiring 2024

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT** the Board of Directors of the Monterey Peninsula Airport District hereby orders that an election be called and consolidated with any and all elections also called to be held on November 5, 2024 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Monterey Peninsula Airport District and requests that the Board of Supervisors of the County of Monterey order such consolidation under Elections Code Sections 10401 and 10403; and

**BE IT FURTHER RESOLVED AND ORDERED THAT** said governing body requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services; and

**BE IT FURTHER RESOLVED AND ORDERED THAT** the Monterey County Elections Department conduct the election for the purpose of electing three Members to this Governing Board on the November 5, 2024 ballot:

<u>POSITION</u>	<u>SEATS OPEN</u>	<u>OFFICE</u>	<u>TERM</u>
Board Division One	One	Board of Directors	Four Years
Board Division Two	One	Board of Directors	Four Years
Board Division Three	One	Board of Directors	Four Years

**BE IT FURTHER RESOLVED AND ORDERED THAT** pursuant to Elections Code section 13307 the Monterey Peninsula Airport District has resolved that all costs of the Candidate's statement be paid by the candidate and that no candidate may submit a statement of over 200 words; and

**BE IT FURTHER RESOLVED AND ORDERED THAT** pursuant to Elections Code section 10551, a tie vote shall be resolved by lot.

**BE IT FURTHER RESOLVED AND ORDERED THAT** tie votes shall be determined by the governing body.

**BE IT FURTHER RESOLVED AND ORDERED THAT** the District Secretary is authorized and directed to prepare, sign, and submit or file any and all maps, forms, notices of election or other documents that may be required in connection with the conduct of this election by the Monterey County Elections Department and the county elections official.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 24th day of April 2024, by the following roll call vote:

<b>AYES:</b>	<b>DIRECTORS:</b>	Gaglioti, Miller, Leffel
<b>NOES:</b>	<b>DIRECTORS:</b>	None
<b>ABSTAIN:</b>	<b>DIRECTORS:</b>	None
<b>ABSENT:</b>	<b>DIRECTORS:</b>	Pick and Sawhney

Action 3. Consider Candidates for Legal Firm to Provide General Counsel Professional Services to Monterey Peninsula Airport District

*Chair Leffel stated this item was considered in Closed Session at the Regular meeting held April 17, 2024, however, a quorum was lost prior to a selection being made.*

*Assistant District Counsel Ritchie was temporarily excused from the meeting at 9:16 AM.*

*Directors discussed the candidates, ultimately all supporting the reselection of Cole Huber LLP as the legal firm to provide General Counsel Professional Services to Monterey Peninsula Airport District.*

*No Public Comment.*

*Director Miller motioned to select Cole Huber, LLP as the legal firm to provide general counsel professional services to the Monterey Peninsula Airport District. Director Gaglioti seconded the motion. The motion passed unanimously by a roll call vote of 3-0 with Directors Pick and Sawhney absent.*

*Assistant District Counsel Ritchie rejoined the meeting at 9:30 AM.*

## **H. BOARD COMMITTEE REPORTS AND ACCEPTANCE OF DEPARTMENT REPORTS**

### Standing Committees:

- |   |                            |
|---|----------------------------|
| i. Budget and Finance                           | Director Leffel & Gaglioti |
| ii. Air Service, Marketing, Community Relations | Directors Leffel & Pick    |
| iii. Airport Property Development and Leases    | Directors Miller & Pick    |

### b. Ad-Hoc Committees:

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

### c. Liaison/Representatives:

- |   |                  |
|---|------------------|
| i. Local Agency Formation Commission            | Director Leffel  |
| ii. Regional Taxi Authority                     | Director Pick    |
| iii. Transportation Agency for Monterey County  | Director Miller  |
| iv. Special Districts Association Liaison       | Director Sawhney |
| v. Association of Monterey Bay Area Governments | Director Leffel  |

*There was no Finance Committee report.*

*Chair Leffel reported for Air Service Committee.*

*Director Miller reported for the Lease Committee.*

*There was no Local Jurisdiction meeting.*

*Chair Leffel reported for LAFCO.*

*There was no Regional Taxi Authority meeting.*

*Director Miller reported for TAMC.*

*Director Miller reported he and Chair Leffel attended the Special District Association meeting and stated the subject matter was Initiative 1935 that is being considered as a ballot measure and is opposed by the Special District Association.*

*Chair Leffel reported for AMBAG.*

**I. CLOSED SESSION**

1. **PENDING LITIGATION.** Pursuant to Gov. Code 54956.9(a), the Board will meet with the Executive Director and General Counsel related to pending litigation: In the Matter of the Appeal of MONTEREY PENINSULA AIRPORT DISTRICT dba MONTEREY REGIONAL AIRPORT, OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD, Inspection No. 1660955.
2. **PENDING LITIGATION.** Pursuant to Gov. Code 54956.9(a), the Board will meet with the Executive Director and General Counsel related to pending litigation: ACCO-Wilson, Inc., v. Mill Construction Company, et al., Monterey County Superior Court, Case No. 24CV000921.
3. **POTENTIAL LITIGATION.** Pursuant to Gov. Code 54957.6(b)(4), the Board will meet with the Executive Director and General Counsel related to potential initiation of litigation: one case.
4. **POTENTIAL LITIGATION.** Pursuant to Gov. Code 54957.6(b)(2), the Board will meet with the Executive Director and General Counsel related to potential exposure to litigation: four cases.

*The Board entered Closed Session at 9:47 AM.*

**J. RECONVENE TO OPEN SESSION**

*The Board reconvened to Open Session at 10:55 AM. There was no reportable action.*

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

*None.*


**L. DISCUSSION OF FUTURE AGENDAS**

*None.*

**M. ADJOURNMENT**

*The meeting adjourned at 10:56 AM.*

Approved at the  
Meeting of May 15, 2024



Mary Ann Leffel, Chair

ATTEST



Michael La Pier  
District Secretary