

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

November 17, 2021 - 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. Public comments may be made either in person or via email. 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 the alternative, written comments can be emailed to info@montereyairport.com, and should include the following subject line: "Public Comment Item # (insert the agenda item number relevant to your comment)."

The Board meetings will continue to be broadcast via Zoom video conference, however, remote public comment via Zoom will not be accepted. To view the Board meeting via Zoom video conference, please visit www.zoom.us/join and enter the following Meeting ID: 831 5980 6844. 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.

A. CALL TO ORDER/ROLL CALL

Chair Cursio called to order the Regular Meeting of the Board of Directors at 9:02 AM. Directors Miller and Sabo were present. Director Leffel was present via Zoom. 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

Director Sabo led the Pledge of Allegiance.

C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

Director Miller stated that he and Director Sabo attended the 2021 ACI-NA Annual Conference and Exhibition in Reno, Nevada. He noted that the Conference was very informational and there were a lot of insights on new technologies. He added that a more detailed report would be given at the December Board meeting.

Director Sabo added that the Conference was well attended, and very cautious traffic forecasts were given. He noted that there seemed to be three quarters of the normal amount of vendors present.

D. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

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 Meeting of October 20, 2021

Approve 2. Minutes of the Committee Meeting of the Budget and Finance Committee of November 9, 2021

Adopt 3. Ordinance No. 928, an Ordinance of the Monterey Peninsula Airport District Enacting and Approving a Business License and Registration Program

Director Sabo requested that Item E.3 be pulled from the Consent Agenda.

Director Miller moved to approve Items E.1 and E.2. Director Sabo seconded the motion. The motion passed unanimously by a roll call vote of 4-0. Director Sawhney was absent.

F. DEFERRED CONSENT AGENDA - ACTION ITEMS

Director Sabo stated that he pulled Item E.3, Ordinance No. 928, an Ordinance of the Monterey Peninsula Airport District Enacting and Approving a Business License and Registration Program, from the Consent Agenda because he would like to request that the Board delay the second reading of the Ordinance. He added that he has been approached by aeronautical businesses on airport who stated that they did not know about the business license fees until the last minute. He noted that he is not opposed to the business licenses, but he is concerned about the fee and concerned that tenants did not get a chance to comment on the matter. He stated that he would like to clarify the fees and allow the public the chance to weigh in on it.

Director Sabo read the following public comment, which was submitted via email prior to the Board Meeting:

"Hello, my name is Cordaro Staub, I own and operate Cord Aero LLC on the southeast ramp. I am sorry I could not make it to the in-person meeting on 11/17/2021. I spoke with William Sabo recently and he informed me of the proposed business license fee the airport has been discussing and will be voting on at the upcoming meeting.

I would like to weigh in on this matter and address my concern of the proposed \$500 business permit fee. I understand it has been changed from \$1000 to \$500 but I believe that cost is still too high. Some surrounding airport fees are \$0 and others are up to \$150. I understand Monterey is a larger airport compared to our neighboring airports, therefore I feel a fee closer to \$200 is more reasonable.

I understand that charging a fee for doing business at the Monterey airport would not be uncommon and can be a way to deter other shops from moonlighting in Monterey. However, charging those shops the same fee Monterey tenants will be paying is unfair. I propose that businesses who are not based at the Monterey airport would be charged a higher fee than those who are locally based.

I hope my thoughts and concerns will be taken into consideration with the board during the deliberation of this matter. Thank you for your time."

Director Sabo stated that after writing the letter/public comment, Staub called him stating that he was confused and concerned, because he often brings in mechanics from San Jose to do specialized work that he is unable to do, and he is unsure of whether or not they would be charged the business license fee.

Director Sabo reiterated that he would like to defer the adoption to the next meeting, redistribute it to all tenants and give them the chance to comment.

The Board discussed Item E.3.

Director Sabo moved to defer the second reading to the next meeting, redistribute and gather comments. There was no second to the motion, the motion failed.

Director Leffel moved to adopt Ordinance No. 928. Director Miller seconded the motion. The motion passed by a roll call vote of 3-1. Director Sabo voted no. Director Sawhney was absent.

ORDINANCE NO. 928

AN ORDINANCE OF THE MONTEREY PENINSULA AIRPORT DISTRICT ENACTING AND APPROVING A BUSINESS LICENSE AND REGISTRATION PROGRAM

WHEREAS, the Monterey Peninsula Airport District ("Airport") is a California Special District, duly organized pursuant to special legislation passed by the State of California; and

WHEREAS, the Airport desires to protect the public health, safety and welfare of the Airport visitors, patrons and customers by ensuring that each business conducted on Airport property complies with the applicable federal, state and local laws, regulations and ordinances; and

WHEREAS, the enactment of a Business License and Registration Program will enable the Airport to develop a list of all businesses and valuable information which may be used by emergency responders, building and safety, economic development personnel for the protection of the public health, safety and welfare of the Airport visitors, patrons and customers.

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

SECTION 1: The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: The Monterey Peninsula Airport District hereby adopts, enacts and approves a Business License and Registration Program, as follows:

BUSINESS LICENSE AND REGISTRATION PROGRAM

Section

- 1.010 Purpose and Authority
- 1.020 Definitions
- 1.030 Evidence of Doing Business
- 1.040 Business License Required
- 1.050 Fees
- 1.060 Additional License Requirements for Massage Businesses
- 1.070 Business License Requirements for all Businesses
- 1.080 Business License; Annual Renewal
- 1.090 Compliance with Other Laws and Regulations
- 1.100 Issuance, Form and Content of License
- 1.110 Grounds for Business License Denial or License Revocation
- 1.120 Refunds
- 1.130 Posting of License
- 1.140 Transfer of Business License
- 1.150 Duplicate License
- 1.160 Inspections and Enforcement
- 1.170 Acceptance of this Chapter
- 1.180 Powers and Duties of the Airport

- 1.190 Unlawful Business
- 1.200 Appeal
- 1.210 Violation; Penalty

§ 1.010 PURPOSE AND AUTHORITY.

The purpose of this chapter is to provide for necessary regulation and provide a record system of businesses being conducted within the Monterey Peninsula Airport District (also referred to as "Airport" or "MPAD") for the purpose of protecting the public health, safety, and welfare of Airport visitors, patrons, employees and customers, as follows:

(A) Ensure that each business is conducted in compliance with applicable federal, state and local laws, regulations and ordinances.

(B) This chapter provides a means of identification and regulation for almost all businesses operating within the Airport, as defined in the map attached as Exhibit A, to develop a list of all businesses and valuable information which may be used by emergency responders, building and safety, economic development personnel and the public.

(C) This chapter specifically covers businesses which require additional licensing investigations, such as massage businesses and establishments and others as may be designated from time to time.

(D) Approval and issuance of a business license shall be contingent on full compliance with, including but not limited to, applicable MPAD Ordinance requirements, including all Fire Code, Building Code and Zoning Code requirements and regulations.

(E) This chapter establishes a business license program and not a business license tax. This chapter is not intended to impose any form of taxation on the business community nor to collect in fees more money than is necessary to recover the administrative costs and mandatory State CASp fee(s) associated with processing an application for the issuance or renewal of a business license. No fee charged under the provisions of this ordinance shall be construed as a business license tax.

(F) This chapter is enacted pursuant to Business and Professions Code Sections 460 and 16000 and California Constitution Article XI, Section 7.

§ 1.020 DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

APPLICANT. The person engaging in the business or such person's duly authorized representative.

BUSINESS. Means and includes professions, trades, vocations, enterprises, establishments, occupations, and all and every kind of calling, any of which are advertised, conducted, transacted or carried on for the purpose of earning in whole or in part a profit or livelihood, whether or not a profit or livelihood actually is earned thereby, whether paid in money, goods, labor, or otherwise. This definition shall apply to business establishments whether or not the business' principal physical address is located within the Airport. A person shall not be deemed to be engaged in **BUSINESS** solely by reason of receipt of dividend or interest income from passive investments. This definition also includes businesses that are operated at a fixed physical location and those that are operated on a mobile basis by a mobile-operator as defined herein. Any person or entity within the Airport that utilizes a hosted online platform to obtain payment for goods or services must comply with the business license requirements of this chapter. Subcontractor and sub-consultant business entities shall be subject to the business license requirements of this chapter.

CASp FEE. The mandatory state fee as enacted by Senate Bill (SB) 1186 and amended by Assembly Bill (AB) 1379, collected in addition to the Airport's base registration and business license fee, intended to increase disability access and compliance with construction-related accessibility requirements and to develop education resources for business in order to facilitate compliance with federal and state disability laws, as specified.

AIRPORT. The Monterey Peninsula Airport District, a California special district formed by special legislation of the State of California.

DISABLED. A person with a long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

EMPLOYEE. Either:

(A) Any person engaged or employed by any business which business withholds, or is required to withhold, compensation for the purpose of paying state or federal taxes as required by the Franchise Tax Board or Internal Revenue Service; or

(B) Any person who is regarded as the employee of any business for purposes of the Workers Compensation laws of the State of California, including, without limitation, an agent working for, or engaged by, a real estate broker and which business is subject to the provisions of this chapter.

MOBILE FOOD FACILITY and **MOBILE FOOD VENDOR.** A mobile operator that sells or vends food, including ice cream.

MOBILE OPERATOR. Those businesses that are operated on a mobile basis utilizing a motor vehicle to visit customer locations to conduct business within the Airport. Examples of business that may constitute **MOBILE OPERATORS**, depending on the circumstances, include mobile, automobile, or other motor vehicle washing; pest control services; mobile carpet, drape, or furniture cleaning; concrete mixing or cutting; masonry; painting and coating; landscaping; pool and fountain cleaning; and Port-a-Potty or other portable toilet servicing; and taxi cabs, limousines or shuttles (as otherwise allowed by law). **MOBILE OPERATOR** does not include sidewalk vendors.

NON-PROFIT OR CHARITABLE ORGANIZATION. Any organization or entity considered exempt pursuant to IRS Section 501 and/or California State Tax Section 23701d.

PEDDLING. Any selling of merchandise which is transported from place to place in the course of approaching prospective customers or selling merchandise or services from door to door. A "peddler" is a person who engages in peddling. **PEDDLING** shall not include or relate to sidewalk vending or vendors and does not include kiosk operators located within the Airport terminal building.

PERSON. All domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, common law trusts, societies, and individuals advertising, conducting, transacting or carrying on any lawful business within the Airport other than as an employee. **PERSON** and **PERSONS** shall also include the operator of a festival, fair, farmers' market, special event or similar event for which one person (the "organizer") obtains required permits and licenses and which includes other persons who sell or offer to sell goods and/or food at the event ("purveyors") through contract with the organizer or otherwise.

PERSONALLY IDENTIFIABLE INFORMATION (PII). In respect to Transportation Network Companies shall mean individually identifiable information about an individual driver collected by the local jurisdiction from that individual, including, but not limited to, all of the following:

- (1) A first and last name.
- (2) A residential address, including a street and city name.
- (3) An email address.
- (4) A telephone number.
- (5) A social security number.
- (6) Driver income or tax information.

RETAIL GREENHOUSES. All commercial greenhouses other than those that are licensed by the State of California in the "producer" category to grow and sell nursery stock in the amount of \$1,000 or more in one year and that are inspected by the County Agricultural Commissioner pursuant to California Food & Agricultural Code § 6701 *et seq.* and any applicable state regulations promulgated thereto.

RETAIL NURSERIES. All commercial nurseries other than those that are licensed by the State of California in the "producer" category to grow and sell nursery stock in the amount of \$1,000 or more in one year and that are inspected by the County Agricultural Commissioner pursuant to California Food & Agricultural Code § 6701 *et seq.* and any applicable state regulations promulgated thereto.

SIDEWALK VENDOR. A person(s) who sells food or merchandise from a sidewalk vending receptacle or from one's person, upon a public sidewalk or pathway.

SOLICITOR. Any person, whether principal or agent, whether a resident of the Airport or not, who goes from house to house or only one house, or upon any street, sidewalk, alley, or in any park or public place in the Airport, soliciting or taking orders for sales of goods, wares, merchandise, magazines, periodicals or other publications, regularly published newspapers excepted, or personal property of any nature whatsoever, or any coupon, certificate, ticket or card which is redeemable in goods, wares, merchandise or services, for future delivery, or for service to be performed in the future, whether or not such individual has, carries or exposes for sale, a sample of the subject of such order, or whether he or she is collecting advance payments on such orders, or who solicits, takes or attempts to take public opinion polls, consumer surveys, or by such contracts attempts to secure similar information. Such definition shall include any person who uses any building, motor vehicle or other place within the Airport for the primary purpose of exhibiting samples and taking orders for future delivery, or one who, as an invitee of a purchaser or prospective purchaser, or otherwise, solicits a sale, or exhibits any sample, or gives a demonstration, or makes a delivery within this Airport after a purchaser or prospective purchaser has been solicited or contacted by telephone, correspondence or other method of communication from within the Airport. Such definition shall also include the term "canvasser."

SPECIAL EVENT. An activity or series of activities, specific to an identifiable time and place, produced in conjunction with community organizations often held on public property, and which typically occur on a one-time basis or as an annual event. Such events may include but are not limited to weddings, street closures, filming, protests and rallies, block parties, fundraisers, street parties, runs, races, walks, and other community events. **SPECIAL EVENTS** may occur on streets and/or sidewalks, parks, and other Airport-owned property. For the purposes of this chapter, **SPECIAL EVENTS** shall not include privately sponsored events that are located on or in a rented Airport facility.

SUBCONTRACTOR and SUB-CONSULTANT. A business or person who is awarded a portion of an existing contract by a principal or general contractor or consultant.

VETERAN. All individuals who have served (even for a short time), but are not currently serving, on active duty in the U.S. Army, Navy, Air Force, Marine Corps, or Coast Guard, or who served in the U.S. Merchant Marine during World War II. People who served in the National Guard or Reserves are classified as **VETERANS** only if they were ever called or ordered to active duty, not counting the four to six months required for initial training or yearly summer camps.

VETERAN-OWNED BUSINESS and DISABLED VETERANS' BUSINESS ENTERPRISES (DVBE). A business certified by the U.S. Department of Veterans Affairs (VA) as a veteran-owned small business (VOSB) or service-disabled veteran-owned small business (SDVOSB), or a business certified by the State of California as a DVBE.

§ 1.030 EVIDENCE OF DOING BUSINESS.

(A) The following circumstances shall be considered evidence that a person is conducting business in the Airport:

- (1) The report by reliable persons or other governmental agencies that the person is doing business in the Airport;
- (2) Where any person, by use of any sign, circular, card, brochure, telephone book, magazine, newspaper, website, electronic media or other publication, advertises, holds out or by any other means represents that the person is in business in the Airport;
- (3) When any person holds an active license or permit issued by a governmental agency indicating that the person is doing business in the Airport;
- (4) The filing of fictitious business name statement or be in the possession of a resale number issued by the state board of equalizations or the California Department of Tax and Fee Administration;
- (5) Deliver, distribute, supply, manufacture, sell at retail or wholesale, or provide a service or generate revenue in any manner within the Airport.

(B) Notwithstanding any other provision to the contrary, a person may provide the Airport with a sworn statement (acceptable in form to the Airport) attesting that such person is not doing business in the Airport, shall be considered in determining which that the person is conducting business within the Airport.

§ 1.040 BUSINESS LICENSE REQUIRED.

(A) Unless otherwise exempt, every person conducting or carrying on a business as defined in this chapter anywhere in the Airport shall do the following:

(1) Complete and file the appropriate forms with the Airport and pay the applicable fee (including an inspection fee where required) for securing a business license.

(2) Secure a separate business license for each physical location (including branch establishments) of a business and for each separate business carried on at the same location.

(B) A business license is required of all businesses rendering services to or on behalf of the Monterey Peninsula Airport District as a public agency.

§ 1.050 FEES.

Prior to conducting any business, each person shall pay all business license fees as determined by the Airport Board. Business license fees for existing businesses must be paid annually. Business license fees for new businesses shall be prorated on a quarterly basis at the time that the business license is issued based on current fee schedule adopted by the Airport Board. In addition, the Airport Board shall set fees for the NPDES, other regulatory inspections, penalties and supplemental licenses for specific businesses (e.g., massage).

(A) *One day special event vendors.* Out of Airport vendors qualify for a one day special event license for a reduced fee as adopted by the Airport Board. This fee will only cover the community event date referred to on submitted and approved application.

§ 1.060 MASSAGE BUSINESSES.

Before obtaining a business license, and as a condition of renewal and/or continuation of such business license, all massage business and establishments, as defined by California statutes and Monterey Peninsula Airport District Ordinance, shall comply with the requirements of that California law and Airport Ordinance. The Airport Board by resolution may set additional appropriate fees for such massage business licensing.

§ 1.070 BUSINESS LICENSE REQUIREMENTS FOR ALL BUSINESSES.

Any business not explicitly exempt per this chapter and located within Monterey Peninsula Airport District boundaries as well as any business located out of Airport doing business within the Monterey Peninsula Airport District boundaries shall file an application for a business license utilizing a form provided by the Airport. The application shall not be deemed filed unless the form has been filled out completely and accurately by the applicant and paid all applicable fees including but not limited to additional fees for additional inspections, late application or failure to register. By signing the application, the applicant agrees to be bound by all provisions of this chapter, including but not limited to those providing for access for inspections.

(A) The application shall contain all of the following information:

(1) The business's name, DBA, physical address, mailing address, phone number, fax number, email address, start date, and ownership type;

(2) If a business ownership type requires a FEIN (Federal Employee Identification Number), one shall be provided;

(3) The applicant's name, address, telephone numbers (home, business and mobile), email and fax number; and the name of a person authorized to accept service of process;

(4) The name, telephone number and address of the person to notify in the event of an emergency;

(5) If the business is advertised to the public by name or designation other than the name of the applicant, that name or designation and proof of filing and publishing of a fictitious business name statement;

(6) The State Board of Equalization or The California Department of Tax and Fee Administration Resale certificate if a resale certificate is required by the State Board of Equalization or the California Department of Tax and Fee Administration;

(7) A detailed description of the nature of the business (including both current and future uses must be disclosed), including, but not limited to, a listing of all federal, state, county and other required permits or licenses, including any state permit or license number and category (e.g. contractors);

(8) Evidence that any and all state, federal and/ or county permits or certificates required to conduct the applicable business or profession have been lawfully acquired. No application shall be deemed final until adequate evidence of such permits or certificates have been shown;

(9) An assessment of the possible regulatory compliance of the business, including but not limited to, specific information regarding storage of materials, disposal of materials, fire risk, use of hazardous materials, type of services provided and specifically whether such services include massage, mobile operators, sidewalk vendors, or other businesses which may be determined to have additional regulatory requirements;

(10) Any other information necessary to determine appropriate regulatory requirements applicable to the business or deemed necessary by the Airport; and

(11) The signature of the applicant or corporate agent acknowledging under penalty of perjury that the information provided on the application is true and correct to the best of that person's knowledge and that the applicant or corporation is responsible for all applicable fees.

(B) By signing the application, the applicant and business agree to be bound by all provisions of this chapter, including but not limited to the provisions for inspection.

(C) Approval of license is contingent on the written verification from the Building and Safety, Police, Community Development Departments and other departments as needed.

(D) The license shall be deemed null and void if the license application contains any false or misleading information. It shall be considered a violation of this code, punishable as set out herein, to intentionally give any false or misleading information on the application.

(E) Notwithstanding the requirements of the California Public Records Act, the information requested by subdivisions (2) and (4) of subsection (A) of this section and any personally identifiable information deemed confidential under Business and Professions Code section 16550 *et seq.* shall be, to the extent allowed by law, considered confidential and will not be made available to the public.

§ 1.080 BUSINESS LICENSE; ANNUAL RENEWAL.

(A) A business license must be obtained by a business before commencing business in the Airport.

(B) The first business license obtained by a business shall be valid through December 31 of each year no matter what date it was obtained.

(C) Thereafter, business license shall be valid from January 1 or the date of renewal issuance, whichever is last, through December 31 of each year.

(D) The business license shall be renewed annually by the filing of a renewal application on a form provided by the Airport, accompanied by payment of the appropriate fee, if applicable, not more than 30 calendar days nor fewer than 60 calendar days prior to the expiration of the current license. The renewal application and fee shall be delinquent after December 31 of each year. Any License Fee that becomes delinquent for more than 60 Days will automatically be subject to applicable penalties.

(E) The Airport may send a courtesy notice of renewal to each person holding a business license approximately 60 days before December 31 of each year (i.e., by the beginning of November of each year). Any notice shall be mailed to the business mailing address set out in the application and shall remind the person of the requirement to renew their business license and how to do so. Failure of the Airport to send or the person to receive a renewal notice does not waive the renewal requirement.

§ 1.090 COMPLIANCE WITH OTHER LAWS AND REGULATIONS.

(A) The fact that a business license has been issued does not authorize or legalize any business or business activity which violates any federal, state or local governmental statute, ordinance, public or private rule or regulation, or CC&R's, nor shall the issuance of a business license be construed

as permitting a business in a zone or land use district where such businesses are otherwise not permitted.

(B) In any trade or profession where an additional Airport, county, state or federal license or permit is required, such license or permit shall first be exhibited to the Finance Department before an Airport business license will be issued. Specifically, a mobile food vendor or mobile food facility selling food will be required to comply with County Department of Environmental Health Services requirements, including but not limited to County Ordinance No. 580, as it may be amended from time to time. However, the Airport is not responsible for verifying or confirming the validity of any other license, permit or requirement.

§ 1.100 ISSUANCE, FORM AND CONTENT OF LICENSE.

(A) A license will not be issued until an application has been completed and filed with the Airport, all applicable fees have been paid, and all Airport officers or departments required to investigate the application have approved such issuance. However, the Airport shall make every attempt practicable to complete any review or investigation within 20 working days of receipt of the completed application with all supporting documentation. If a license is not issued within 20 working days of the receipt of the application, the applicant shall be informed of the reason(s) why the license has not yet been issued or will not be issued.

(B) The issuance of a business license shall not be deemed evidence that a person, organization, institution, firm or corporation operating a business in the Airport is in fact in compliance with all ordinance rules or regulations of the Airport or that the person has applied for or has been issued all permits or certificates which otherwise may be required.

(C) A business license shall be prepared and issued upon approval by Airport Administration.

(D) Each license shall state on its face the following:

- (1) The name of the business or person to whom the license is issued;
- (2) The location of the business;
- (3) The date of the issuance of the license;
- (4) The expiration date of the license;
- (5) The license control number, unique to each license;
- (6) The official seal of the Airport; and
- (7) Such other and further information as the Airport Board shall deem appropriate from time to time.

§ 1.110 GROUNDS FOR BUSINESS LICENSE DENIAL OR LICENSE REVOCATION.

A business license or renewal of a license may be denied or revoked for any of the following reasons, including, but not limited to:

- (A) The application is not on the form provided or does not contain the required information;
- (B) The application contains materially false information;
- (C) Noncompliance with requirements of this chapter, any Monterey Peninsula Airport District Ordinance or otherwise applicable regulations;
- (D) The vehicle to be used in the business is inadequate or unsafe for the purpose for which it is to be used, or the building or structure where the business is located does not comply with all laws;
- (E) The business would interfere with or unreasonably obstruct the free flow of vehicular traffic, with other means of travel on any public street, or with pedestrian traffic on the sidewalks;
- (F) Appropriate permits for the business have not been obtained from the state, county or Airport;
- (G) The conduct of the business or activity will be contrary to law;
- (H) The conduct of the business or activity will interfere with the preservation of the public peace, health, safety or welfare of the public; or
- (I) The business does not comply with applicable Community Development, Building and Safety, Fire, and/or Police requirements and/or other regulations.

§ 1.120 REFUNDS.

Each business license initial and/or renewal application shall be accompanied by a mandatory filing or renewal fee in an amount determined by resolution of the Airport Board along with any additional applicable fees, including but not limited to zoning review and state CASp fees due at the time of application and/or renewal.

(A) The license fee is to compensate the Airport for the cost of administering this chapter, and such fee is not refundable, with the exception where a business license issuance or business license renewal is not approved, in which case, the base fee will be refunded along with the State CASp Fee.

(B) Notwithstanding the foregoing, zoning review fees are not refundable.

§ 1.130 POSTING OF LICENSE.

(A) Every business license shall at all times be posted in a conspicuous place upon the premises where such business is conducted and shall be produced in response to a request from the Airport, duly authorized law enforcement officers, and Airport code enforcement officers.

(B) Mobile operators shall have the license or a copy of it available in their vehicles.

§ 1.140 TRANSFER OF BUSINESS LICENSE.

(A) When a licensed business is transferred from one location to another location within the Airport, the current license may be amended in writing by the Airport to authorize the conduct of the business at the new location with a submittal and Airport approval for a "request for transfer of business license" without requiring a new business license fee but subject to a business address change fee and zoning review and fee.

(B) Application for any transfer or assignment shall be filed on a form provided by the Airport for that purpose prior to the effective date of the transfer or assignment. The transfer application shall not be deemed filed unless the form has been filled out completely and accurately by the licensee or such person's duly authorized representative and current fees paid including a change of address fee.

(C) A transfer or assignment from one person to another is not allowed.

§ 1.150 DUPLICATE LICENSE.

A duplicate license certificate may be issued to replace any license issued hereunder which has been lost or destroyed where such license holder submits a statement of such fact and provides payment of a duplicate license fee in the amount established by resolution of the Airport Board.

§ 1.160 INSPECTIONS AND ENFORCEMENT.

(A) For the purpose of enforcing the provisions of this chapter, a building and safety inspector, fire inspector, code enforcement officer, peace officer or other authorized agent employed by the Airport may enter free of charge, at any reasonable time, any place of business for which a business license has been granted or which is required by this chapter to make inspections. The purpose of such entry, at least on an annual basis, shall be to inspect the premises, grounds, facilities and structures located therein for compliance with all applicable imposed by the provisions of this chapter, the Monterey Peninsula Airport District Ordinances, state/local building and fire code requirements, and all other applicable requirements and it shall be unlawful for any such person to fail or refuse to make available the necessary access.

(B) When the business license application indicates that there may be additional regulatory issues regarding the business (including, but not limited to, the disposal of materials in a manner requiring compliance with NPDES requirements or storage of materials in a manner which may constitute a fire risk) which could impact public health, safety or welfare, the Airport shall require the applicant to deposit an additional fee equal to the cost of a regulatory inspection. Such regulatory inspection fees may be collected on an annual basis along with the business license fee. The fee shall fund the cost of an annual inspection. If the inspection is not performed within the one year period, the holder of the license may request that the fee be refunded or credited toward the following year's fees.

(C) The Airport may initiate enforcement actions against business license holders whose business premises are found upon inspection to be in violation of such requirements and will be subject

to license revocation. In addition to any other costs or penalties, the business license holder shall be liable to the Airport for the costs of such inspection and subsequent inspections. An annual inspection cost shall be added to such license fee. Any unpaid inspection costs shall be added to fees owing and no license shall be issued until amounts outstanding are paid in full.

§ 1.170 ACCEPTANCE OF THIS CHAPTER.

By doing business within the Airport, applying for a business license and any renewal thereof, each business agrees to be bound by the provisions of this chapter, to cooperate with the Airport for enforcement of this chapter, and authorizes the Airport and its agents and employees to obtain and verify information regarding that business as well as to engage in reasonable inspections and investigations and to provide access therefor.

§ 1.180 POWERS AND DUTIES OF THE AIRPORT.

(A) The Airport may enforce the provisions of this chapter with duly authorized law enforcement officers, code enforcement or building and safety officers. The Airport shall have the authority to enter, examine all places of business within the Airport and the business's license records or business vehicles to confirm compliance with this chapter.

(B) The Airport performing the duties under this chapter shall have access to state and local summary criminal history information in order to fulfill their duties. Labor Code Section 432.7, Stats. 1974 and Ch. 1321 shall apply to such information.

(C) Subject to the Airport's retention schedule, the Airport shall keep a record of all business licenses issued, the term, to whom issued, the location of the business, the amount of the fee paid and any other information as directed by the Airport Board.

§ 1.190 UNLAWFUL BUSINESS.

A determination under this chapter may be appealed as set out in the Rules and Regulations for the Monterey Peninsula Airport District. No business license issued pursuant to this ordinance shall be construed as authorizing the conduct of or continuance of any occupation, use or activity of any kind which is prohibited by this the Rules and Regulations, this Ordinance, state or federal law or regulation.

§ 1.200 APPEAL.

A determination under this chapter may be appealed as set out in Article 10 of the Rules and Regulations of the Monterey Peninsula Airport District Ordinance.

§ 1.210 VIOLATION; PENALTY.

A violation of this chapter shall constitute a misdemeanor or infraction, whichever may be charged. A violation of this chapter also constitutes a public nuisance. This chapter may be enforced by the Airport by any available means, including, but not limited to, administrative citation or injunction pursuant to the Rules and Regulations, and Ordinances of the Monterey Peninsula Airport District.

SECTION 3: That any person, firm or corporation violating any provision of the code adopted hereby or failing to comply therewith, or violating or failing to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder shall be deemed guilty of a misdemeanor or infraction, whichever may be charged, and, upon conviction thereof, shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000) or by imprisonment in the county jail for not to exceed six (6) months, or both fine and imprisonment. Each separate day or portion thereof, during which any violation occurs or continues, shall be deemed to constitute a separate offense. The imposition of any one penalty for any violation shall not excuse the violation or permit it to continue and all such violations shall be corrected or remedied by the person, firm or corporation responsible for the violation within a

reasonable time. The application of any penalties provided for above shall not be held to prevent the enforced removal of any violation of the code hereby adopted.

SECTION 4: Compliance with the California Environmental Quality Act. The Board of Directors finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5: Severability. If any section provision, of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

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

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 17th day of November 2021 by the following roll call vote:

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

G. REGULAR AGENDA - ACTION ITEMS

Chair Cursio stated that Item G.2 would be brought to the Board prior to Item G.1.

Presentation 1. Fiscal Year 2021 Audit Report by Brandon Young, Partner, LSL CPAs and Advisors

Executive Director La Pier introduced Item G.1 (after Item G.2).

Brandon Young, Partner at LSL CPAs and Advisors, presented the Fiscal Year 2021 Audit Report, giving an overview of the year's audit process and the results of the audit. He discussed the letters that were included in the audit and the findings of the audit.

Director Leffel stated that the Fiscal Year 2021 Audit Report was reviewed by the Finance Committee, and they fully support it.

The Board discussed Item G.1 and thanked Young and his team.

No public comment.

Presentation 2. Update on Air Service Marketing Efforts by Rob O'Keefe, President and CEO, Monterey County Convention & Visitors Bureau

Executive Director La Pier introduced Item G.2 (prior to Item G.1) and also introduced Rob O'Keefe, President and CEO of Monterey County Convention & Visitors Bureau (MCCVB). He noted that the presentation is brought to the Board as part of an effort to develop a deeper relationship between the Airport and MCCVB for marketing and air service development.

Rob O'Keefe, President and CEO of MCCVB presented Item G.2. He discussed where MCCVB is and where they are going, occupancy levels, business development, fly-in vs. drive-in meeting attendance, 2021 marketing impact study (trip spending), new visit widget app, visitor services, community relations, "Now is the Moment" fall leisure campaign, "All Inspired" group campaign, recovery plan areas of focus and strategic plans.

No public comment.

The Board discussed Item G.2 and thanked O'Keefe for his presentation.

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:

Discussions limited to 3 minutes on matters not covered in committee minutes.

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

b. Ad-Hoc Committees:

Discussions limited to 3 minutes.

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

c. Liaison/Representatives:

Discussions limited to 3 minutes.

- | | | |
|---|-----------------|--------------|
| i. Local Agency Formation Commission | Director Leffel | Alt: Sawhney |
| ii. Regional Taxi Authority | Director Leffel | Alt: Sawhney |
| 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 |

The Board discussed the Committee and Department reports.

I. CLOSED SESSION

The Board entered into Closed Session at 11:33 AM.

- 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. **REAL PROPERTY NEGOTIATIONS** [Government Code Section 54956.8] The Board will meet with Real Property Negotiators, Executive Director and District Counsel regarding the property identified as APN 013-221-020-000, commonly known as 1118 Airport Road, Monterey, CA 93940.

J. RECONVENE TO OPEN SESSION

The Board reconvened to Open Session at 12:11 PM.

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

Approve 1. Consent to Mortgage of Leasehold Interest and Authorization to Execute Related Documents on Behalf of Ground Tenant

La Pier introduced Item J.1 and recommended approval by the Board.

Director Sabo moved to approve the Consent to Mortgage of Leasehold Interest and Authorization to Execute Related Documents on Behalf of Ground Tenant. Director Leffel seconded the motion. The motion passed by a roll call vote of 4-0. Director Sawhney was absent.

K. PENDING REQUESTS FOR FUTURE AGENDA ITEMS

- *Pension Funding Analysis*

L. DISCUSSION OF FUTURE AGENDAS

Director Sabo stated that he would like for the Pension Funding Analysis to be presented at the January Board meeting. Executive Director La Pier stated that the Item was scheduled to be presented at the December Board meeting.

M. ADJOURNMENT

The meeting adjourned at 12:13 PM.

Minutes Approved at the
Meeting of December 15, 2021



Gary Cursio, Chair

ATTEST



Michael La Pier, AAE
District Secretary