

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

July 15, 2020 - 9:00 AM

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

Due to the directives contained in the Governor's Declarations of Emergency for the State of California (Executive Orders N-25-20 and N-29-20) and the Governor's Stay at Home Order (Executive Order N-33-20), the Board of Directors of the Monterey Peninsula Airport District is required to limit in-person attendance at the upcoming Board Committee meeting. Members of the public may utilize alternative measures established by the Monterey Peninsula Airport District to listen to Board meeting and/or to communicate your opinions to the Board Members. To participate in the Board meeting via Zoom video conference, please visit [www.zoom.us/join](http://www.zoom.us/join) and enter the following Meeting ID: 854 0739 7580. The password for this meeting is: 20200715. 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 and password.

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.

### A. CALL TO ORDER/ROLL CALL

*Chair Leffel called to order the Regular Meeting of the Board of Directors at 9:03 AM. Directors Cursio, Miller, Sabo and Sawhney were present. The following District Officers were present: Executive Director La Pier, Acting District Secretary Auker, Deputy Executive Director Bergholz and Deputy Director Morello. District Counsel Huber was absent. Steven Graham, Cole Huber LLP, was present as acting counsel.*

### B. PLEDGE OF ALLEGIANCE

*Chair Leffel led the Pledge of Allegiance.*

### C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

*Executive Director La Pier stated that because of the most recent business shut-downs, JSX has decided to put a pause on their service to Orange County and postpone the start of service to Burbank, which was scheduled to begin on July 23<sup>rd</sup>. He noted that this decision went into effect immediately, but the service would come back when the local economy was more stable.*

### D. PUBLIC COMMENTS

*Ken Rutherford, resident of Del Rey Oaks, noted that he appreciates the opportunity to speak. He stated that he knows that with a Zoom call it is pretty easy to record the Board meetings and for added transparency with the public, knowing that many people are not able to attend the meetings like he is fortunate to be able to attend and learn so much by attending, he would request that the Board record the Zoom meetings and then make them available to the public on the website. He added that there is a lot of good information that would be wonderful for the public to hear, for those that are interested. He noted that he could record the meeting from his phone personally while he watches, but that would not do the public any good in trying to get that information out to the broader public. He stated that he appreciates the information and he appreciates the time.*

*Douglas McKensie, resident of Del Rey Oaks, stated that he speaks to second his neighbor Ken Rutherford's suggestion because, in addition to what he said, as many of the people on the call may know, many of them are not very pleased with what they heard at the last Board meeting. He added that when he went to go look at the minutes of last month's meeting, he did not think they accurately*

reflect what actually transpired. He noted that he too looked for a recording and he could not find one, so he would like for that to be made available.

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

(The Consent Agenda consists of those items which are routine and for which a staff recommendation has been prepared. A Board member, member of the audience or staff may request that an item be placed on the deferred consent agenda for further discussion. One motion will cover all items on the Consent Agenda. The motion to approve will authorize the action or recommendation indicated.)

- Approve 1. Minutes of the Committee Meeting of the Air Carrier Service, Marketing and Community Relations Committee of June 5, 2020
- Approve 2. Minutes of the Committee Meeting of the Airport Property Development and Leases Committee of June 8, 2020
- Approve 3. Minutes of the Committee Meeting of the Budget and Finance Committee of June 15, 2020
- Approve 4. Minutes of the Regular Meeting of June 17, 2020

*Director Cursio moved to approve Consent Agenda Items E.1 through E.4. Director Miller seconded the motion.*

*Public Comment: Douglas McKensie, resident of Del Rey Oaks, reiterated his objections to the minutes of the last meeting, stating again that he does not think they accurately reflect what transpired.*

*The motion passed unanimously by a roll call vote of 5-0.*

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

*None.*

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

- Approve 1. Monterey Peninsula Airport District's Response to the 2019-2020 Grand Jury Report

*Executive Director La Pier, presented Item G.1, stating that the product in the Board packet is the result of the ad-hoc committee that was appointed by the Board at the last meeting to develop a response to the Grand Jury and their findings during their study. He noted that he thinks the responses are positive and acknowledge the Grand Jury's effort and are responsive to help the Grand Jury understand more about how the Airport operates and particularly, how airport finance operates. He called attention to the committee members who did a lot of work to make sure this was a responsive document that was positive and thankful of the Grand Jury's efforts.*

*Director Sabo added that it was important to reemphasize that the District does not have the legal ability to impose property taxes on the constituents of the Airport District or the county. He noted that was emphasized a lot in the response because they felt that was a misunderstanding on the part of the Grand Jury and the Committee members thought that was important to share.*

*Chair Leffel thanked Director Sabo for taking the time to write a well-written piece for the Committee to use to start their conversations. She reiterated that the Board does not have the ability nor the desire to tax the constituents.*

Director Cursio moved to approve Monterey Peninsula Airport District's response to the 2019-2020 Grand Jury Report. Director Miller seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

Adopt 2. Resolution No. 1780, 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 presented Item G.2, stating that it is a standard resolution that is required when Board members are standing for re-election, and it is required by the District to provide notification of election to the County for the District's candidates to be part of the overall election in November. He added that there are three positions that have timed out.

Acting Counsel Graham noted the anticipated cost of the election, and Executive Director La Pier added that staff received notification from the county that the District should use \$6-8 per voter for budgeting.

Public Comment: Kimberly Shirley, resident of Del Rey Oaks, stated that she is excited about the Board members running in separate Districts and noted that she is excited to see a map. She asked if there is something that would show each representative and the District that they represent, because it seems like it is unclear.

Director Sabo moved to adopt Resolution No. 1780. Director Sawhney seconded the motion. The motion passed unanimously by a roll call vote of 5-0.

#### RESOLUTION NO. 1780

#### 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 3, 2020; 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:

Mary Ann Leffel four-year term expiring 2020  
William Sabo four-year term expiring 2020  
Lisa Sawhney two-year term expiring 2020

**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 3, 2020 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 3, 2020 ballot:

<b>POSITION</b>	<b>SEATS OPEN</b>	<b>OFFICE</b>	<b>TERM</b>
Board District One	One	Board of Directors	Four Years
Board District Three	One	Board of Directors	Four Years
Board District Five	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 15th day of July 2020, by the following roll call vote:

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

Presentation 3. Detachment of Parcels Owned by Monterey Peninsula Airport District - MOU and Property Tax Transfer Agreement

*Deputy Executive Director Bergholz presented Item G.3. He gave a brief background of the item, stating that back in October 2019, Executive Director La Pier opened dialogue with the City of Monterey regarding parcels owned by the Airport but within the boundaries of the City. He explained that staff has had discussions with the Local Area Formation Commission to understand the process of detaching the parcels from the City of Monterey, and what documents would be needed in the LAFCO application. He further explained what would be required for the detachment/annexation.*

*Public Comment: Ken Rutherford, resident of Del Rey Oaks, stated that he was curious if any efforts have been made to have a similar MOU with the city of Del Rey Oaks regarding parcels that the Airport owns that are within their city.*

Presentation 4. Overview of Safety Measures Implemented in Response to COVID-19 and Enhanced Passenger Safety - Recovery Plan

*A break was taken from 10:14 AM to 10:21 AM.*

*Deputy Director Morello presented Item G.4, giving a detailed description of Airport staff's terminal cleaning program and highlighting the areas where cleaning has been enhanced to help prevent the spread of COVID-19 and to keep passengers, visitors and employees safe. She noted that the Airport purchased a Clorox Total 360 electrostatic sprayer system and added that staff is using that technology weekly to disinfect the terminal building. She also explained how the information was being displayed on the website for public knowledge.*

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

*(Report on meetings attended by Board Members at Monterey Peninsula Airport District's expense - AB1234)*

*(The board receives department reports which do not require any action by the board)*

a. Standing Committees:

i. Budget and Finance

Directors Cursio & Leffel

- ii. Air Service, Marketing, Community Relations                      Directors Sabo & Sawhney

*Public Comment: Ken Rutherford, resident of Del Rey Oaks, stated that he appreciates the efforts that are being made and they have noticed a decrease in some of the low pattern flying, but there are an occasional pilot or aircraft that continues to do the same and it seems to be excessive. He reiterated that he appreciates the efforts that the Board is making to help them with the situation, and they have noticed an improvement. He noted that he just wanted to express his appreciation for the efforts that he sees are being made by the Board in this regard. He added that apparently the airspace is not directly controlled but there are mechanisms that allow the Airport to have some greater control and he thinks those are starting to be exercised and he appreciates that.*

- iii. Airport Property Development and Leases                      Directors Leffel & Miller

b. Ad-Hoc Committees:

- i. Local Jurisdiction Liaison    Directors Leffel & Miller
- ii. Grand Jury Response    Directors Leffel & Sabo

c. Liaison/Representatives:

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

A break was taken from 11:40 AM to 11:56 AM.

**I. CLOSED SESSION**

The Board entered into Closed Session at 11:56 AM.

1. **POTENTIAL LITIGATION** (Government Code section 54956.9(d)(4)). The Board will meet with the Executive Director and District Counsel to discuss potential initiation of litigation – one case.
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 2999 Monterey-Salinas Highway, Monterey, CA 93940.

**J. RECONVENE TO OPEN SESSION**

The Board returned to Open Session at 1:57 PM.

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

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

- Minimum Standards and Rules and Regulations
- Annual Review for Executive Director La Pier

Chair Leffel stated that the Minimum Standards and Rules and Regulations would be presented to the full Board at the September meeting. She also requested that the Annual Review for Executive Director La Pier be brought to the Board in a special meeting at the end of July. The Board decided on July 30, 2020 at 10:00 AM for that meeting.



L. DISCUSSION OF FUTURE AGENDAS

*No new items were added.*

M. ADJOURNMENT

*The meeting adjourned at 2:03 PM.*

Minutes Approved at the  
Meeting of August 12, 2020



Mary Ann Leffel, Chair

ATTEST



Michael La Pier, AAE  
District Secretary