

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

November 26, 2018 - 10:00 AM - Board Room

## A. CALL TO ORDER/ROLL CALL

*Chair Miller called to order the Special Meeting of the Board of Directors at 10:08 AM. Directors Cursio, Leffel, Nelson and Sabo were present. The following District Officers were present: Executive Director La Pier, District Counsel Huber, and Acting District Secretary Auker.*

## B. PLEDGE OF ALLEGIANCE

*Executive Director La Pier led the Pledge of Allegiance.*

## C. COMMUNICATIONS/ANNOUNCEMENTS/INFORMATIONAL ITEMS

*Executive Director La Pier noted that an updated Agenda was placed at each setting for their reference.*

## D. OPEN SESSION/PUBLIC HEARING

1. **Transition to District Based Elections** – Receive public input on and provide input regarding the composition of potential Board Member election district boundaries.

*Doug Johnson, Consultant, National Demographics Corporation, presented the maps to the Board, which had been updated with information and recommendations from the last public hearing at the meeting dated October 26, 2018. He also stated that the once adopted, the maps will need to be update every 10 years, after the results of the census. The differences between the suggested maps were described.*

*Chair Miller opened the public hearing for Item D.1. No input was given from the public. Chair Miller closed the public hearing.*

2. **Transition to District Based Elections** – District-Based Elections / Content of Draft Maps, Sequence of Elections – Receive Input From the Community and Board Consideration of Introducing (Pass to Print) Ordinance 924 to Adopt District Boundary Maps and Sequence of Elections Pursuant to Elections Code § 10010.

Recommendation: That the Board of Directors

1. Open the public hearing and invite members of the public to provide feedback on the initial draft maps, Focus Maps, and potential election sequencing presented; and
2. Close the public hearing and select a preferred map and set the sequence of elections; and
3. Introduce (Pass to Print) Ordinance 924, an Ordinance of the Monterey Peninsula Airport District Establishing a By-District Election Process in Five Districts Pursuant to California Elections Code § 10010 & California Government Code §§ 34871(C) & 34886, incorporating the adopted map and sequence of elections.

*Chair Miller opened the public hearing for Item D.2. No input was given from the public. Chair Miller closed the public hearing.*

*Director Sabo moved to select map B3. Director Cursio seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

*District Counsel Huber introduced Ordinance No. 924 and noted that map B3 would be attached as an exhibit.*

*Director Leffel moved to approve Pass to Print Ordinance No. 924. Director Sabo seconded the motion. The motion passed unanimously by a roll call vote of 5-0.*

## **ORDINANCE NO. 924**

### **ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT ESTABLISHING A BY-DISTRICT ELECTION PROCESS PURSUANT TO ELECTIONS CODE SECTION 10010**

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

**WHEREAS**, the board members of the Monterey Peninsula Airport District are currently elected in at-large elections, in which each Board Member is elected by all registered voters of the entire District; and

**WHEREAS**, at-large election systems such as those presently employed by the District to elect Board Members, are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025, et seq., of the California Elections Code ("CVRA"); and

**WHEREAS**, "by-trustee area" electoral systems, whereby only voters residing within a specific trustee district vote only for the trustee representing that trustee district, are not similarly vulnerable to challenge under the CVRA; and

**WHEREAS**, the Board of Directors previously determined that it is in the best interest of the District to move from its current at-large electoral system to a by-district election for members of the Board of Directors in furtherance of the purposes of CVRA; and

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

**WHEREAS**, it is the considered view of the Board of Directors that revised draft map B3, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the Monterey Peninsula Airport District; and

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT AS FOLLOWS:**

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

**SECTION 2.** (A) Beginning with the general municipal election in November 2020, Board Members shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the Board of Directors shall be elected from each district, by the voters of that district alone. Each Board Member shall serve a four-year term until his or her successor has qualified.

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

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

**SECTION 3.** The Board Members from Board Districts 1, 3 and 5 shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter. The Board Members from Board Districts 2 and 4 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

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

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

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

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

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

Members expire and in accordance with all other provisions of law, until such time as the voters of the Monterey Peninsula Airport District shall approve a different method of election of Board Members in accordance with Government Code section 34871, et seq.

**SECTION 9.** The Executive Director is authorized to take any and all other necessary actions to give effect to this Ordinance.

**PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT:** This 26th day of November 2018, by the following roll call vote:

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

*A break was taken from 10:45 AM until 10:50 AM.*

**E. CLOSED SESSION**

*The Board entered into Closed Session at 10:50 AM.*

- 1. ANTICIPATED LITIGATION** (Government Code section 54956.9(d)(2)) The Board will meet with the Executive Director and District Counsel regarding anticipated litigation – two cases.

**F. ADJOURNMENT**

*The Board returned to Open Session at 12:10 PM.*

*Chair Miller reported that no action was taken during Closed Session.*

*The meeting adjourned at 12:10 PM.*

Minutes Approved at the  
Meeting of December 12, 2018

  
Carl M. Miller, Chair

ATTEST



Michael La Pier, AAE  
District Secretary