

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA # *B-1

Urgent

Routine

AGENDA DATE August 16, 2011

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Amend the Bylaws of the Modesto City-County Airport Advisory Committee and Related Actions

STAFF RECOMMENDATIONS:

1. Amend the Bylaws of the Modesto City-County Airport Advisory Committee to be effective immediately upon Board approval.
2. Reappoint to the Airport Advisory Board James Barron McKay (Small Aircraft Owner/General Aviation position) with the term expiring June 30, 2013 and M Robert Adkison, PhD (Public at Large position) with the term expiring June 30, 2014.
3. Direct the Clerk of the Board to post the vacancy on the Airport Advisory Board for the Corporate Aircraft Owner/General Aviation position with the term expiring on June 30, 2015.

(Continued on Page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item. The proposed amendments to the Modesto City-County Airport Advisory Committee Bylaws are intended to strengthen the Committee's composition, clarify its advisory powers and duties, and establish detailed rules of order.

BOARD ACTION AS FOLLOWS:

No. 2011-474

On motion of Supervisor Chiesa, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. **BD-40-14**

Approval to Amend the Bylaws of the Modesto City-County Airport Advisory Committee and Related Actions

STAFF RECOMMENDATIONS: (Continued)

4. Direct the Clerk of the Board to prepare an amendment to the 2011 Stanislaus County Board of Supervisors Committee Assignment List to reflect the appointment of Supervisor Jim DeMartini as the primary member and Supervisor Dick Monteith as the alternate member to the Modesto City-County Airport Advisory Committee.

DISCUSSION:

Background

The City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in and around the City of Modesto, Stanislaus County, and surrounding areas. The Airport plays an important role in the economic development of the region.

On December 20, 1972, during Executive Session, the Modesto City Council approved the creation of an Airport Advisory Committee (AAC) to provide public input and assistance to the City Manager on all policy matters affecting the use, growth and development of the Airport. At that time, the City Council approved the Bylaws defining the powers and duties of the Committee (Attachment A). Recently, staff was directed to revise the AAC Bylaws incorporating changes that redefine and clarify the composition, function and authority of this Advisory Committee.

Proposed Amendments

The proposed amended Modesto City-County Airport Advisory Committee Bylaws were developed by City staff based on input received by the Advisory Committee and City and County representatives (Attachment B). The following highlights the major changes being proposed by section.

- Purpose and Intent - Strengthens purpose and intent statement by indicating that the Modesto City Council and Stanislaus County Board of Supervisors seek to ensure that the Modesto City-County Airport is "maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and the community may change as the surrounding areas continues to grow and develop."
- Powers and Duties - Clarifies role of the Committee on advising City Manager and City Council on policy matters pertaining to Airport operation and management. Indicates involvement in preparation of critical plans and policies. Requires annual report be provided to the Modesto City Council and Stanislaus County Board of Supervisors on activities related to Airport and Committee.

Approval to Amend the Bylaws of the Modesto City-County Airport Advisory Committee and Related Actions

- **Membership** - Makes significant changes to membership. Specifically, changes Committee composition from nine voting members to seven voting members and three non-voting members. Further develops criteria (public at large, small aircraft owner/general aviation, corporate aircraft owner/general aviation, business owner/service provider, commercial carrier/service provider) for each voting member seat to ensure diverse background and perspective. Non-voting members will be one representative from the Modesto City Council, Ceres City Council, and the Stanislaus County Board of Supervisors. Members will be required to reside within Stanislaus County. Attendance provision also included.
- **Subcommittees** - Specifies that standing or ad hoc subcommittees may be formed as needed.
- **Officers** - Reaffirms Officers of the Committee as the Chair and Vice Chair and specifically describes the duties of each. In addition, establishes the Airport Manager as the Clerk of the Committee and describes duties in regards to maintaining Committee records and correspondence.
- **Meetings** - Establishes in greater detail the regular and special meeting parameters. Committee will meet regularly on a quarterly basis on the third Thursday of July, October, January, and April, unless it is a holiday. Meetings will generally be held at the Modesto City-County Airport office unless changed by a majority vote. Special meetings may be called at the discretion of the Chair following State Government Code. Provisions for canceling meetings, distributing agenda packets and posting agendas are contained. Meetings will be consistent with Brown Act and Robert's Rules of Order.
- **Other** - Includes provisions for quorum and voting, conflicts of interest and amendments to Bylaws and severability. The presence of four voting members shall constitute a quorum. Each present member shall have one vote and voting by proxy is not allowed. Bylaws may be amended, repealed, or altered, in whole or part upon approved by the Modesto City Council and the Stanislaus County Board of Supervisors.

The proposed amended Modesto City-County Airport Advisory Committee Bylaws requires the Board to revisit its appointments to this Committee. Historically, the Board of Supervisors has designated two Board members to this Committee in an ex-officio capacity. Under the new Bylaws, one Board member will serve as a non-voting member. The Board also has the ability to designate an alternate in the event the primary member is not available for a meeting. In addition, the Board of Supervisors has in the past appointed two members to the Committee (public at large and general aviation/non-provider user). Under the revised Bylaws, the Board would now be responsible for appointing three members to the Committee (public at large, small aircraft owner/general aviation, and corporate aircraft owner/general aviation).

Approval to Amend the Bylaws of the Modesto City-County Airport Advisory Committee and Related Actions

The Modesto City Council took action on August 9, 2011 to adopt the new Bylaws for the Modesto City-County Airport Advisory Committee and to direct current City-appointed members to resubmit their applications for consideration under the new Bylaws (Attachment C). The new Bylaws become effective immediately upon Board approval. It is recommended that the current Airport Advisory Committee members, previously appointed by the Board, be reappointed to the respective seats under the new parameters and their terms adjusted accordingly. The Clerk of the Board will follow normal protocol to notice the one new seat on the Airport Advisory Committee requiring Board appointment and return back with a recommendation at a later date.

POLICY ISSUE:

The recommended action is consistent with the Board's priorities of Effective Partnerships and the Efficient Delivery of Public Services by working with the City of Modesto and the City of Ceres to strengthen the functionality of the Airport Advisory Committee for the benefit of the operation of the Modesto City-County Airport.

STAFFING IMPACT:

There are no staffing impacts associated with this item. The Board of Supervisors will appoint three voting and one non-voting members to the Committee. An alternate member for the one non-voting member will also be designated. The Chief Executive Office provides staff support as needed to the Board member appointed to the non-voting seat.

CONTACT PERSON:

Monica Nino, Assistant Executive Officer, 209.525.6333

AIRPORT ADVISORY COMMITTEE BY-LAWS
(Originally Adopted 1972)

PURPOSE

The Modesto City-County Airport/Harry Sham Field is an important facility in the day-to-day service it provides to the residents of Modesto and Stanislaus County in general. As such, it is desirable that the City Manager receives community counsel on all policy matters affecting the use, growth, and development of the airport. Therefore, an Airport Advisory Committee is created for the City of Modesto.

MEMBERSHIP

The Committee shall consist of nine members. The Modesto City Council shall appoint five members, the County Board of Supervisors shall appoint two members, and the cities of Turlock and Ceres shall each appoint one member. The Committee shall designate a chair and vice-chair from among its members and they shall serve for a two-year period.

The Airport Manager shall act as secretary for the Committee, keeping minutes of all meetings, and provide necessary staff assistance for the functioning of the Committee.

The Committee shall consist of five representatives of the public-at-large, and should to the extent practical, have representation from: a service-provider representing the general aviation side of the airport, a service-provider representing the commercial side of the airport, general aviation side non-providers, non-providers representing the business community, and non-providers representing the travel agent business community. The County shall appoint one of the public-at-large members and one of the general aviation side non-provider user members. The cities of Turlock and Ceres shall each appoint a public-at-large member.

Membership on the Committee shall be for a term of four years, except that two of the initial appointments by the City Council and one of the initial appointments by the Board of Supervisors shall be for two years, and thereafter shall be four-year terms.

When an interim vacancy occurs, an appointment shall be to fill the un-expired term of the membership vacated. All Committee members serve at the discretion of the appointing body and serve without compensation.

DUTIES

The Airport Advisory Committee shall act in an advisory capacity to the City Manager on airport policy matters by providing advice and recommendations in the following areas:

- (1) The Committee shall review all rules and regulations governing aircraft operations on the airport and recommend to the City Manager appropriate modifications and/or changes to these rules and regulations.

Airport Advisory Committee
Page 2

- (2) The Committee shall annually review the Airport Security Plan to assure that it is adequate to meet FAA regulations and workable for users of the airport facilities.
- (3) The Committee shall annually review the Airport Master Plan and make recommendations to the City Manager on the need and timing for capital improvements at the airport.
- (4) The Committee shall monitor and evaluate commercial airline service at the airport, and shall make recommendations to the City Manager concerning modifications or improvements to commercial airline service at the airport.
- (5) The Committee shall periodically consider the land use and development occurring in the area around the airport, and make recommendations to the City Manager concerning actions which might be desirable to ensure continued compatibility of the airport with its neighbors.
- (6) The Committee shall annually submit a report to the City Manager of its activities.

MEETINGS

Meetings shall be held at least quarterly. The date, time, and place of meetings shall be designated by the chair. Committee members shall be given not less than five days written notice of Committee meeting. Meeting notices shall be posted on the outside bulletin board at City Hall.

RULES

Rules of procedure shall be adopted by the Committee. Such rules may be adopted and amended only upon the affirmative vote of five or more members. Regular business of the Committee shall be approved by the majority of a quorum. Not less than five members shall constitute a quorum. Each member is entitled to one vote. Action proposed by the Committee members which fails to achieve a majority vote, shall be deemed to fail.

VACANCY

Death, resignation, removal, or inability to serve shall constitute a vacancy on the Committee. Unexcused absence from three consecutive meetings shall establish an inability to serve and create a vacancy on the Committee.

**BYLAWS OF THE
MODESTO CITY-COUNTY
AIRPORT ADVISORY COMMITTEE**

ARTICLE I

AUTHORITY

The Airport Advisory Committee, hereinafter referred to as the "Committee", has been established and approved by resolution by the Modesto City Council on _____, Resolution # _____ and by the Stanislaus County Board of Supervisors on _____, Resolution # _____.

ARTICLE II

PURPOSE AND INTENT

The City of Modesto operates the Modesto City-County Airport for the benefit of all residents, business owners and visitors in and around the City of Modesto and surrounding areas. The Modesto City Council and Stanislaus County Board of Supervisors seek to ensure that the Modesto City-County Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop. The Committee has been established to assist and advise the City Manager and the Modesto City Council in the implementation of these objectives.

ARTICLE III

POWERS AND DUTIES

The powers and duties of the Committee are:

1. Advise the City Manager and the Modesto City Council on policy matters pertaining to the operation and management of Modesto City-County Airport, the uses of property adjacent to the airport if such uses may impact operations at the airport, and any other matters as the City Manager or Modesto City Council may from time to time request relating to the Modesto City-County Airport.
2. Review and make recommendations regarding plans and policies for airport safety.
3. Review and assist in the preparation of the Airport Master Plan, Airport Business Plan, Airport Capital Improvement Plan, and other related plans and documents.
4. Submit to the City of Modesto and Stanislaus County Board of Supervisors an annual report relating to activities of the Airport and the Committee.

ARTICLE IV

MEMBERSHIP

The Committee shall consist of seven (7) voting members and three (3) non-voting members with the intent to include a diversity of backgrounds and perspectives on the Committee.

1. Members shall be appointed by the City of Modesto and Stanislaus County Board of Supervisors as follows:

Voting Members: Seven (7) members. The voting members of the Committee should be appointed based on the following criteria:

- (a) **Public at Large** – Two (2) members

(One appointed by Stanislaus County and one by Modesto City Council)
Consideration should be made for those who reside within the airport influence area or planning area of the Airport,

- (b) **Small Aircraft Owner/General Aviation** – Two (2) members

(One appointed by Stanislaus County and one by Modesto City Council)
Members shall be a pilot or owner of a small private aircraft that is based at the Airport.

- (c) **Corporate Aircraft Owner/General Aviation** – One (1) member

(Appointed by Stanislaus County)
Members should be a pilot/aircraft user or owner who flies primarily for business purposes and who is a tenant at the Airport.

- (d) **Business Owner/Service Provider** – One (1) member
(Appointed by Modesto City Council)
Member should be associated with a business/service provider who is a tenant at the airport.
- (e) **Commercial Carrier/Service Provider** – One (1) member
(Appointed by Modesto City Council)
Member should be associated with a commercial carrier/service provider who is a tenant at the airport.

Non-Voting Members: Three (3) members. The non-voting members shall be a member of the Committee, but shall be without a vote in matters of the business of the Committee. The non-voting members of the Committee should be appointed based on the following criteria:

- (a) **Stanislaus County Board of Supervisors** – One (1) member
(Appointed by County Board of Supervisors)
Member should be a member of the Board of Supervisors
- (b) **Modesto City Council** – One (1) member
(Appointed by Modesto City Council)
Member should be a member of the City Council
- (c) **City of Ceres** – One (1) member
(Appointed by Ceres City Council)
Member should be a staff liaison for the City of Ceres

2. Members of the Committee shall reside within Stanislaus County.
3. The terms of office for each Committee member shall be four (4) years, ending on June 30. The terms of the original members shall be staggered so that the terms of no more than two (2) members will expire in any one year.
4. Should a vacancy occur in a Committee position, the appointing agency shall appoint a replacement member to fill only the unexpired term of the vacant position(s).
5. If the Modesto City Council or Stanislaus County Board of Supervisors do not appoint a new member or reappoint an existing member, on or before the expiration of a member's term, that member may hold over on a month-to-month basis until such time as the member is either reappointed or a new person has been appointed to the position.

6. The failure of a member to attend 75 percent (75%) of the regular meetings within one year (July through June) shall constitute a tender of resignation by that member, which tender can be accepted by the Committee without further notice. The Committee Clerk shall promptly notify the City of Modesto or Stanislaus County of such resignation and resulting vacancy.

ARTICLE V

SUBCOMMITTEES

The Committee may form standing or ad hoc subcommittees, as needed.

ARTICLE VI

OFFICERS

1. The officers of the Committee shall be the Chair and Vice Chair.
2. The Committee shall elect from its members, at its regular meeting in July of each year, a Chair and Vice Chair. The Chair and Vice Chair should not serve more than two consecutive one-year terms. The newly elected officers shall take office upon election. A vacancy in either position shall be promptly filled by the Committee, and such replacement officer shall serve out the remainder of the term.
3. It shall be the duty of the Chair to preside over all Committee meetings, to appoint chairs of any standing or ad hoc subcommittees, and to exercise such other powers and perform such other duties as may be prescribed by the Committee.
4. It shall be the duty of the Vice Chair to assist the Chair in the execution of that office, to preside at meetings in the event Chair is absent, and to exercise such other powers and perform such other duties as may be delegated by the Chair or as may be prescribed by the Committee.
5. The Airport Manager shall serve as Clerk to the Committee, but shall not be a member of the Committee, and shall be without a vote in matters of the business of the Committee. It shall be the duty of the Clerk to maintain the minutes and other records of the Committee, and to receive communications and correspondence addressed to the Committee.

ARTICLE VII

MEETINGS OF THE COMMITTEE

1. Regular meetings of the Committee shall be held once per quarter on the third Thursday of July, October, January, and April, unless it is a holiday, in which case the meeting shall be held on the Wednesday immediately preceding. Meetings shall be held at the Modesto City-County Airport office. A regular meeting time shall be designated by the Chair.
2. The regular meeting may adjourn and reconvene at any specified time and place within Stanislaus County upon a majority vote of the Committee.
3. Special meetings may be called at the discretion of the Chair, according to Section 54596 of the Government Code.
4. A regular meeting may be cancelled by the Chair, or Vice Chair in the absence of the Chair, not less than forty-eight (48) hours in advance of the meeting, due to an expected lack of a quorum or lack of business. A regular or special meeting may be cancelled by the Chair or Vice Chair at any time due to an emergency. The reason for cancellation shall be noted in the minutes.
5. Agendas for meetings shall be prepared by Committee staff and mailed at least five days prior to a meeting to all Committee members and to others on the approved agenda mailing list. Public notice of all meetings shall be given pursuant to the Brown Act (Government Code Sections 54950 and following) in compliance with the 72-hour posting deadline for regular meetings and the 24-hour deadline for special meetings.
6. All meetings of the Committee shall comply with the Ralph M. Brown Act.
7. Unless otherwise addressed by these Bylaws, the conduct of the affairs of the Committees and subcommittees shall proceed in accordance with the Rules of Order and Procedure as may be adopted by the Committee, or in the absence thereof, in accordance with the provisions of Robert's Rules of Order.

ARTICLE VIII

QUORUM AND VOTING

1. The presence of four (4) voting members of the Committee shall constitute a quorum for the transaction of all business duly presented at a meeting of the

Committee, even if one more members must abstain from voting on a particular item of business, but if less than the full quorum was eligible to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

2. Each member of the Committee shall have one vote, which shall be exercised by the member, if present at a meeting, unless required to abstain due to an actual or perceived conflict of interest. Voting by proxy shall not be allowed.
3. A tie shall be a rejection of the approval sought for the agenda item, but if less than the full Committee was present to vote on the item, the Chair may direct that the item be brought back for reconsideration at the next meeting of the Committee.

ARTICLE IX

CONFLICT OF INTEREST

Members of the Committee shall comply with the terms and provisions of the California Political Reform Act, and shall abstain from acting on matters as required by that Act.

ARTICLE X


AMENDMENTS TO BYLAWS

These Bylaws may be amended, repealed, or altered, in whole or in part upon approval by the Modesto City Council and Stanislaus County Board of Supervisors. A recommendation to amend, repeal, or alter these by-laws, in whole or in part, may be made by a majority vote of the Committee members present at any duly organized meeting of the Committee, provided that a copy of any amendment proposed for consideration shall be mailed to the last recorded address of each member at least thirty days prior to the date of the meeting. These Bylaws, and any amendments to these Bylaws, shall take effect only upon approval by the Modesto City Council and Stanislaus County Board of Supervisors.

ARTICLE XI

SEVERABILITY

If any provision of these Bylaws, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of these Bylaws.

	CITY OF MODESTO COUNCIL AGENDA REPORT	DATE OF MEETING: August 9, 2011
---	--	---

Date: July 12, 2011

TO: Mayor & City Council

THROUGH: Greg Nyhoff, City Manager

FROM: Dennis Turner, Director of Public Works

SUBJECT: Airport Advisory Committee Bylaws

CONTACT: Jerome Thiele, Airport Manager, jthiele@modestogov.com, 577-5319

DESCRIPTION:

Consider (i) approving the revised Bylaws of the Modesto City-County Airport Advisory Committee, and (ii) directing that all current Airport Advisory Committee members resubmit their applications to be considered under the new criteria stated in the revised Bylaws.

(Funding: Not applicable)

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

The City of Modesto operates the Modesto City-County Airport (Airport) for the benefit of all businesses, industries, visitors and residents in and around the City of Modesto, Stanislaus County, and surrounding areas. The Modesto City Council and Stanislaus County Board of Supervisors seek to ensure that the Airport is maintained and developed in such a manner that it will continue to be a high-quality aviation facility for its users and a good neighbor in the community, recognizing that both the users and community may change as the surrounding area continues to grow and develop. The Airport plays an important role in the economic development of the Region.

On December 20, 1972, during Executive Session, Council approved the creation of an Airport Advisory Committee (AAC) to provide public input and assistance to the City Manager on all policy matters affecting the use, growth and development of the City-County Airport. At that time the Council approved Bylaws defining the powers and duties of the committee. Recently, staff was directed to revise AAC Bylaws incorporating changes that redefine and clarify the composition, function and authority of this all-volunteer committee.

A companion agenda item is being processed through the Stanislaus County Board of Supervisors for approval.

COMMITTEE RECOMMENDATION:

This item was not seen by a Council committee.

STRATEGIC PLAN ELEMENT:

Providing the community with a safe and efficiently operated airport is consistent with the Strategic Commitments to *"provide a safe and inviting community in which to live, work and visit", and to "Promote Modesto"*.

RECOMMENDED COUNCIL ACTION:

Resolution approving the revised Bylaws of the Modesto City-County Airport Advisory Committee.

Resolution directing that all current Airport Advisory Committee members resubmit their applications to be considered under the new criteria stated in the revised Bylaws.

Approved by:

Dennis Turner, Director of Public Works

Greg Nyhoff, City Manager

Attachments:
Resolutions (2)
AAC Bylaws