

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

DEPT: Chief Executive Office

BOARD AGENDA #*B-1

Urgent ☐

Routine ☒

AGENDA DATE March 6, 2012

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 Establishing Monthly Regular Meetings

STAFF RECOMMENDATIONS:

Amend the Bylaws of the Modesto City-County Airport Advisory Committee to be effective immediately upon Board approval establishing monthly regular meetings on the third Thursday of each month.

FISCAL IMPACT:

There are no fiscal impacts associated with this item. The proposed amendment to the Modesto City-County Airport Advisory Committee Bylaws is intended to provide a more efficient meeting schedule for the Committee to weigh in on matters of importance to the Airport and its users.

BOARD ACTION AS FOLLOWS:

No. 2012-092

On motion of Supervisor Monteith, Seconded by Supervisor Withrow
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) ☒ Approved as recommended

2) ☐ Denied

3) ☐ Approved as amended

4) ☐ Other:

MOTION:

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No. BD-40-15

Approval to Amend the Bylaws of the Modesto City-County Airport Advisory Committee Establishing Monthly Regular Meetings

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. Recently, staff was directed to revise the AAC Bylaws incorporating changes to the meetings of the committee.

Proposed Amendment

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 A). The amendment pertains to the frequency of regular meetings held to conduct business.

The amendment proposes to modify the regular meetings of the Airport Advisory Committee from the current quarterly schedule (July, October, January and April) to once a month on the third Thursday unless it is a holiday, in which case the meeting will be held on the Wednesday immediately preceding.

The Airport Advisory Committee unanimously requested this change to allow them to weigh in on matters of importance to the Modesto City-County Airport and its users in a more timely basis.

The Modesto City Council took action on January 24, 2012 to adopt the new Bylaws for the Modesto City-County Airport Advisory Committee with the monthly regular meeting change (Attachment B). The new Bylaws become effective immediately upon Board approval.

On August 16, 2011 the Stanislaus County Board of Supervisors approved an amendment to the Bylaws for the Modesto City-County Airport Advisory Committee that changed its composition, clarified its advisory powers and duties, and established detailed rules of order. The Board has since made appointments to this Advisory Committee as required. The proposed change to the regular meeting schedule is consistent with the interest to structure the Modesto City-County Airport Advisory Committee to function more effectively and efficiently.

Approval to Amend the Bylaws of the Modesto City-County Airport Advisory Committee
Establishing Monthly Regular Meetings

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 appoints 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, and alternate, appointed to the non-voting seat.

CONTACT PERSON:

Keith Boggs, Assistant Executive Officer, (209) 525-6333

**BYLAWS OF THE
AIRPORT ADVISORY COMMITTEE**

ARTICLE I

AUTHORITY

The Airport Advisory Committee, hereinafter referred to as the "Committee", has been established by the City of Modesto and Stanislaus County Board of Supervisors on August 9, 2011, Resolution #2011-355, and by the Stanislaus County Board of Supervisors on August 16, 2011, Resolution #2011-474.

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 City of Modesto and 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 of Modesto and Stanislaus County Board of Supervisors in the implementation of these objectives.

ARTICLE III

POWERS AND DUTIES

The powers and duties of the Committee are:

1. Advise the City of Modesto 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 or 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 .
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 expired 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 Board of Supervisors 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~~ once a month 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 with 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 Bylaws, 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 City of Modesto or 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: January 24, 2012
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Date: December 19, 2011

TO: Mayor & City Council

THROUGH: Greg Nyhoff, City Manager

FROM: Dennis Turner, Director of Public Works

SUBJECT: Airport Advisory Committee Bylaw Amendment

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

DESCRIPTION:

Consider approving an amendment to Article VII of the Modesto City-County Airport Advisory Committee Bylaws calling for regular monthly meetings.
(Funding Source: 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. 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. The Airport also plays an important role in the economic development of the region. In 1972, the City established 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. On August 9, 2011, by Resolution No. 2011-355, the City Council approved revised AAC Bylaws incorporating changes that redefine and clarify the composition, function and authority of this all-volunteer committee. On August 16, 2011, by Resolution No. 2011-474, the Stanislaus County Board of Supervisors approved the new Bylaws.

On October 20, 2011, AAC members reviewed the new Bylaws and raised a concern about holding meetings on a quarterly basis (Article VII). Members felt that meeting only four times a year would create an unacceptable delay in their ability to weigh in on matters of importance to the Airport and its users. AAC members unanimously requested that Article VII in the "Bylaws of the Modesto City-County Airport Advisory Committee" be amended from "once per quarter" to "once per month".

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 an amendment to Article VII of the Bylaws of the Modesto City-County Airport Advisory Committee calling for regular monthly meetings.

Approved by:

Dennis Turner, Director of Public Works

Greg Nyhoff, City Manager

Attachments:
Resolution