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Jan I. Goldsmith  
CITY ATTORNEY

MEMORANDUM OF LAW

**DATE:** March 5, 2010  
**TO:** Honorable Mayor and City Councilmembers  
**FROM:** City Attorney  
**SUBJECT:** Airport Advisory Committee Formation

INTRODUCTION

This memorandum examines whether the Airport Advisory Committee [AAC] was established and functions in conformance with the City's Charter.

QUESTIONS PRESENTED

Was the AAC established, and does it function, in conformance with the City's Charter?

SHORT ANSWER

No, the AAC was not established and does not function in conformance with the City's Charter.

ANALYSIS

The San Diego Charter grants City Council the authority to establish permanent advisory boards via ordinance. San Diego Charter § 43(a). Board members are appointed by the Mayor, and confirmed by City Council. *Id.* Board members may serve fixed terms of office that may not exceed eight consecutive years. *Id.*

In contrast, Charter section 43(b) provides for the creation of temporary citizens' committees. There are three key differences between these committees and advisory boards established pursuant to Charter section 43(a). First, the Mayor, City Council, or City Manager may create these committees; therefore, they need not be created by ordinance. San Diego Charter § 43(b). Second, the committees are to be "created and established only for the purpose of advising on questions with clearly defined objectives." *Id.* Last, they are temporary, and "shall be dissolved upon the completion of the objectives for which they were created." *Id.*

The City may not establish an advisory board or committee, or allow it to function, in a manner contrary to the Charter. “[I]t is well settled that a charter city may not act in conflict with its charter” and that “[a]ny act that is violative of or not in compliance with the charter is void.” *Domar Electric, Inc. v. City of Los Angeles*, 9 Cal. 4th 161, 171 (1994) (citations omitted).

**I. THE AAC WAS CREATED BY THE CITY MANAGER PURSUANT TO HIS AUTHORITY TO CREATE TEMPORARY CITIZENS’ COMMITTEES UNDER SAN DIEGO CHARTER SECTION 43(b).**

Two City Manager Reports speak to the Airports Advisory Committee: City Manager Reports No. 87-568 (November 16, 1987) and No. 95-31 (February 1, 1995). The 1987 Report informed the City Council’s Rules Committee of the City Manager’s intent to form the AAC. City Manager Report No. 87-568 at 1. The 1987 Report stated that the AAC “could be structured for on-going participation to address airport issues” by allowing it to provide “added input in developing recommendations for City Council consideration.” *Id.* at 1.

The City Manager evidently established the AAC at some point subsequent to the 1987 Report for “on-going participation to address airport issues.” *Id.* The second City Manager Report, issued almost eight years later, recommended restructuring and changing the role of the AAC as it existed at that time. City Manager Report No. 95-31 (February 1, 1995). The 1995 Report recognized that the AAC “was created to provide advice and assistance to the City on general aviation/airport issues.” Attachment 3 to City Manager Report No. 95-31 at 1. The Report details a wide range of AAC duties, including a general charge to “provide recommendations on matters related to aviation planning, airports development, proposals, and policies.” *Id.* The City Manager also suggested that the AAC report to the City Council at least once per year. *Id.* at 2. With respect to restructuring the AAC, the 1995 Report recommended that the committee adopt bylaws, that its members serve for four-year terms, and that the City Manager appoint its members. *Id.* at 2-3.

The AAC adopted bylaws after being reorganized pursuant to the 1995 City Manager Report. The bylaws state that the AAC, “serving at the pleasure of the City Manager, is charged with the responsibility of studying major aviation issues, specifically regarding Montgomery and Brown Field Airports that are identified by the City Manager, San Diego Airports staff, or Advisory Committee members.” Bylaws of the City of San Diego Airports Advisory Committee, art. I, § 101 (2005). As recommended by the 1995 City Manager Report, the bylaws specify that the City Manager makes appointments to the AAC, and that appointees serve four-year terms. *Id.* at Art. II, §§ 201 and 202.

**II. THE AAC WAS NOT ESTABLISHED, AND DOES NOT FUNCTION, IN CONFORMANCE WITH THE CITY’S CHARTER.**

The AAC was not properly established under the Charter because it was established as a permanent advisory board. The stated intent of the City Manager in the 1987 Report was to establish the AAC for the purpose of “on-going participation to address airport issues.” City Manager Report No. 87-568. The wide-ranging and general nature of the AAC’s duties evidenced by that statement is further demonstrated by the 1995 City Manager Report, which

states that the ACC “was created to provide advice and assistance to the City on general aviation/airport issues” and that its duties include “provid[ing] recommendations on matters related to aviation planning, airports development, proposals, and policies.” Attachment 3 to City Manager Report No. 95-31 at 1. The open-ended and general nature of the AAC’s purpose and duties indicate that the ACC was not “created and established only for the purpose of advising on questions with clearly defined objectives . . . .” San Diego Charter § 43(b). Furthermore, neither the AAC’s bylaws, nor the 1995 City Manager Report that restructured the AAC, provide a fixed objective that, when reached, will result in the AAC being dissolved. *Cf.* San Diego Charter § 43(b) (stating that a temporary citizens committee “shall be dissolved upon the completion of the objectives for which [it was] created”).

The AAC does not function in conformance with the Charter because it has operated for decades providing recommendations and advice on a wide variety of issues affecting Brown and Montgomery Fields, rather than “advising on questions with clearly defined objectives.” San Diego Charter § 43(b). Its members are appointed for terms of four years. City Manager Report No. 95-31. These are all attributes of permanent advisory boards created under Charter section 43(a).

To comply with the Charter, the AAC – if it is to maintain its current permanent status and wide-ranging advisory functions – should be dissolved and subsequently re-established by City Council as a permanent advisory board pursuant to Charter section 43(a). In the alternative, the AAC should be restructured as a temporary citizen’s committee in conformance with the provisions of Charter section 43(b).

### CONCLUSION

The AAC was not established, and does not function, in compliance with the Charter. The AAC should be re-established by the City Council pursuant to Charter section 43(a) or restructured as a temporary committee that conforms to the requirements of Charter section 43(b).

JAN I. GOLDSMITH  
City Attorney

By:



Keith Bauerle  
Deputy City Attorney

KB:hm  
Attachment  
ML-2010-6



The City of San Diego

# MANAGER'S REPORT

SAN DIEGO, CALIF.

1987 NOV 16 PM 3:41

RECEIVED  
CITY CLERK'S OFFICE

DATE ISSUED: November 16, 1987

REPORT NO. 87-568

ATTENTION: Rules Committee, Agenda of November 18, 1987

SUBJECT: Airport Advisory Committee

REFERENCE: Rules Committee Meeting, November 4, 1987

## SUMMARY

THIS IS AN INFORMATION ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE COMMITTEE OR THE CITY COUNCIL.

## BACKGROUND

At the November 4, 1987 Rules Committee meeting Councilmember Cleator suggested that the City Manager form an Airport Advisory Committee to serve as a resource to the City Manager in a manner similar to the role provided by the Real Estate Advisory Committee.

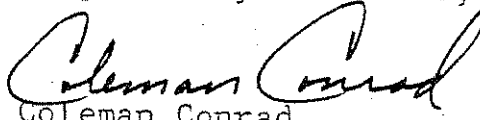
## DISCUSSION

An Airport Advisory group could provide the benefit of knowledgeable input to help maximize use of Brown Field and Montgomery Field. Both airports are important future transportation and economic elements to San Diego. The formation of an Airport Advisory Committee will be particularly timely with the upcoming Brown Field Master Plan update. Advisory Committees made significant contributions in past Airport Master Planning efforts and could be structured for on-going participation to address airport issues.

The City Manager would seek representatives from a broad spectrum including airport tenants and users, community businessmen and leaders, government agencies and civic organizations. The committee would address concerns such as airport land development, noise, safety and generation of resources for future airport needs. As is the case with the Real Estate Advisory Committee, the airport group would provide added input in developing recommendations for City Council consideration.

The Manager will select participants for an Airport Advisory Committee and the initial effort will focus on formulating the group's role and agenda. The group is expected to be organized by the time the Brown Field Master Plan Update is initiated. This process will utilize grant funds recently awarded by the Federal Aviation Administration to contract assistance from Airport Master Planning Consultants. The Manager is in the process of soliciting proposals and expects to recommend a consultant for selection in approximately sixty days.

Respectively submitted,



Coleman Conrad  
Deputy City Manager

Flynn/JG



The City of San Diego

# MANAGER'S REPORT

RECEIVED  
CITY CLERK'S OFFICE  
FEB 1 AM 9:42  
SAN DIEGO, CALIF.  
*Che*

DATE ISSUED: February 1, 1995

REPORT NO. 95-31

ATTENTION: Committee on Natural Resources, Culture, and the Arts, Agenda of February 8, 1995

SUBJECT: Airports

## SUMMARY

ISSUES - Should the City Council 1) adopt a City Council Policy regarding the operation of City Airports, and 2) approve the proposed restructuring and role of the Airports Advisory Committee?

Manager's Recommendation - 1) Adopt the Council Policy regarding the operation of City Airports, and 2) approve the restructuring and role of the Airports Advisory Committee.

Other Recommendations - The Airports Advisory Committee recommends approval of the City Manager's recommendations.

Fiscal Impact - No fiscal impact beyond expenditure of staff time to support the Committee.

## BACKGROUND

During budget discussions in the fall of 1993, the City Council expressed interest in diverting revenues from Montgomery Airport. The mechanism to divert revenues was a potential private contract for management of the airport. In 1994, after revenue diversion was deemed inappropriate, Council directed staff to prepare a Request for Proposals for the Management of the Airports in keeping with the concept of efficiencies available through privatization. Following the introduction of the Competition Program, and in keeping with the spirit of that program, Council approved the concept of allowing City Staff to compete in the selection process.

At the July 27, 1994 Public Facilities and Recreation Committee meeting, the Committee requested the Manager to: 1) recommend policies that could be implemented to facilitate airport operations, 2) review the composition, organization, and function of the Airports Advisory Committee, and 3) address issues raised by the employee organizations relative to the competition process.

## DISCUSSION

Statement of Airport Policy - Brown and Montgomery Fields are public assets. They serve as gateways to San Diego -- gateways frequented by business and travellers alike. They positively impact the economy. They stimulate economic growth, attract industry, and provide jobs that are both directly and indirectly related to the airports.

Brown and Montgomery Fields operate together as totally self sufficient enterprises. In fact, they are two of the very few general aviation airports in the country that are operated without a general fund subsidy. Continued success depends on management efficiency and economic diversity.

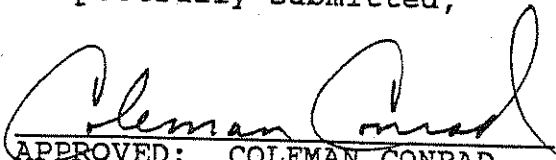
In recognition of these facts and to ensure the continued planned, orderly development of Brown and Montgomery Fields, the Airports Advisory Committee and city staff developed a proposed Council Policy regarding City Airports (attachment 1). When endorsed by the Council, this Policy will set the tone for how Brown and Montgomery Fields are to be operated. Attachment 2 lists a number of procedures that will serve to effect this Policy.

Airports Advisory Committee Reorganization - Committee members and staff have devoted extensive effort to what they view as an opportunity to refocus the direction of the City Manager's Airports Advisory Committee. Four regular meetings and several subcommittee meetings have yielded a recommended structure that will provide broader representation, additional responsibility, and the opportunity to work more closely with the City Council. The results of this effort are presented in attachment 3.

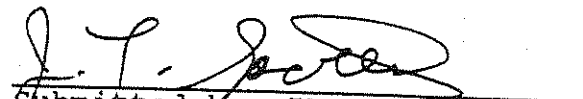
Labor Issues - As part of the Competition Program, Airport Management is working with employees and labor organizations on issues raised at the July 27 Committee meeting.

Next Steps - Staff is reviewing the organization of the airports division with the intent of making it competitive with the private sector. A report on the recommendations derived from this effort will be made within the next two months.

Respectfully submitted,



APPROVED: COLEMAN CONRAD  
Deputy City Manager

  
Submitted by: JAMES L. SPOTTS  
Real Estate Assets Director  
(236-6144)

CC:JLS:prs (Council A:\MGRRT6.PFR) (1/27/95)

CITY OF SAN DIEGO, CALIFORNIA  
**COUNCIL POLICY**

SUBJECT

AIRPORT POLICY

POLICY  
NUMBER

EFFECTIVE  
DATE

BACKGROUND AND PURPOSE

Brown and Montgomery Fields are general aviation airports owned and operated by the City of San Diego. They are public assets that serve as gateways to San Diego -- gateways frequented by business and travellers alike. They positively impact the economy. They stimulate economic growth, attract industry, and provide jobs that are both directly and indirectly related to the airports.

It is the intent of the City Council to ensure that Brown and Montgomery Fields are operated in a fashion representative of the requirements of the sixth largest City in the United States. These airports are among the busiest airports in San Diego County. They depend on economic diversity and management efficiency to assure their continued success. It is the purpose of this Policy to set the framework that will assure the continued planned, orderly development of Brown and Montgomery Fields.

POLICY

The City Council levies the following requirements on the City Airports Division as they relate to the operation of Brown and Montgomery Fields:

1. Maintain a safe and operationally reliable airport system in conformance with all applicable federal, state, and local laws.
2. Maintain the Airports Division as self sufficient, economically viable enterprises with no need for city general fund support.
3. Maintain the Brown and Montgomery Fields as integral components of the Regional and National Air Transportation Systems.
4. Maintain and enhance Brown and Montgomery Fields as community assets while minimizing the negative impacts of their operation.
5. Identify and involve the users, citizens and other various beneficiaries in the operation, utilization and development of the airports.
6. Enhance and encourage continued growth of general aviation; provide conditions where aviation service businesses can earn a reasonable profit.
7. Provide wanted and needed services to airport businesses, local area businesses and visitors at reasonable prices.



SUE

**CITY OF SAN DIEGO  
BROWN AND MONTGOMERY FIELDS**

**AIRPORT POLICIES AND PROCEDURES**

**POLICY 1. Maintain a safe and operationally reliable airport system in conformance with all applicable federal, state, and local laws.**

**PROCEDURES:**

- 1a. Implement efforts to enhance the overall safety and operational efficiency of both airports.
- 1b. Foster innovation and effectiveness in the management and operations of its airport using technology where possible.
- 1c. Maintain Aircraft Rescue and Fire Fighting at a level determined by management with user input.
- 1d. Ensure approaches and operating area surfaces remain obstruction free, and in compliance with all applicable local state and federal regulations.
- 1e. Participate in regional land use and zoning plans. Require avigation easements where appropriate.
- 1f. Comply with all environmental rules, regulations and grant assurances, which do not endanger the safety of flight operations.

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**POLICY 2. Maintain Brown and Montgomery Fields as self sufficient, economically viable enterprises, without using city general funds.**

**PROCEDURES:**

- 2a. All airport improvements including the matching share for FAA grant eligible items will be funded from revenues derived by the operation of the airport enterprise fund or other outside source.
- 2b. Ensure maintenance of reserves sufficient to support necessary capital improvement projects.
- 2c. Create a marketing and outreach plan, that will serve to attract aviation businesses to San Diego.
- 2d. Work with the Greater San Diego Chamber of Commerce, Economic Development Corporation, SANPAC, and other business organizations to attract and bring aviation businesses to San Diego.

- 2e. Develop and implement a leasing strategy that serves to attract and retain quality general aviation oriented enterprises, and provide for the full range of aviation activities.
- 2f. Determine competitive fair market values for commercial leases and permits and develop a real property marketing program in cooperation with other public and private agencies.
- 2g. Develop and implement a marketing strategy that maximizes the benefit of Brown Field's location and Free Trade Zone status.

**POLICY 3. Maintain Montgomery and Brown Fields as integral components of the regional and national air transportation systems.**

**PROCEDURES:**

- 3a. Brown and Montgomery Airports will be operated to adequately serve as relievers to the Port of San Diego's Lindbergh Field.
- 3b. Airports management in cooperation with local and regional economic development agencies will seek to enhance the Airports' transportation and economic links with Mexico.
- 3c. Take advantage of Brown Field's location as a Port of Entry to the United States.
- 3d. Support and encourage all categories of aviation to use the Airports.

**POLICY 4. Maintain and enhance Montgomery and Brown Fields as community assets.**

**PROCEDURES:**

- 4a. Manage Montgomery and Brown Field to stimulate economic growth, attract industry, and positively impact real estate values.
- 4b. As gateways to the community frequented by business and travelers alike, ensure that all facilities are maintained to reflect a positive image.
- 4c. Work with the Community College Districts to provide job training at FBO's.
- 4d. Airport management, in cooperation with the aviation community, will foster community awareness of the Airports as community assets through Fly Ins, Aviation Days and other special events.

- 4e. Facilitate private and public development plans to provide jobs that are directly and indirectly related to the airports.
- 4f. Prepare and distribute informational brochures about the Airports' role in the community.
- 4g. Attend surrounding community meetings as a representative of the airport to give out information on issues at the airport, provide opportunities for educational field trips.
- 4h. Actively participate in the development of non-commercial, community oriented aviation activities that provide the airport users and neighbors with cultural, recreational, and educational enrichment, as provided for in Council Policy 700-12.
- 4i. Utilize surplus or vacant land facilities to create recreation facilities for communities, provide community recreation meeting space, provide a viewing area and maintain a quality street side image and landscaping, up to development standards of the surrounding communities.

**POLICY 5. Identify and involve the users citizens and other various beneficiaries in the operation, utilization and development of the airports.**

**PROCEDURES:**

- 5a. Build a constructive partnership with airport users and the community.
- 5b. Establish a positive partnership between airport management and aviation businesses, pilots, and the surrounding community.
- 5c. Encourage attendance and participation at Airports Advisory Committee and Noise Abatement meetings by airport users and neighbors.
- 5d. Maintain an ongoing dialogue with the citizens of San Diego; especially those that surround the airports.
- 5e. Develop positive, proactive Airport Awareness programs for users and citizens targeting the issues of noise, access, and economic benefit.
- 5f. Improve "public access" to the airport recognizing that Montgomery and Brown Field serve as the "front door" of the San Diego community for citizens and visitors.

**POLICY 6. Enhance and encourage continued growth of general aviation in the region.**

**PROCEDURES:**

- 6a. Encourage and support activities conducive to the well being of general aviation including corporate business, personal recreational users, flight instruction, aviation education, fuel availability, and aircraft maintenance.
- 6b. Cooperate in the effort to stimulate economic opportunity for airport lessees and businesses.
- 6c. Insure equitable rates and charges for all users to contribute to the economic health and future of the airport system implementing landing fees only on revenue producing flights.

**POLICY 7. Provide wanted and needed services to airport businesses, local area businesses and visitors at reasonable prices.**

**PROCEDURES:**

- 7a. Survey airport users in an effort to determine those services believed to be lacking and needed at Brown and Montgomery Fields.
- 7b. Meet regularly with local businesses and airport businesses to determine what improvements can be made to the airport system that would attract new, needed and desirable aviation activities.
- 7c. Survey area airports to determine suitability of prices charged at Brown and Montgomery Fields.
- 7d. Work with incumbent tenants in an effort to ensure all is being done to allow them an opportunity to charge fair and reasonable prices to customers while at the same time supporting the City and the Airports Enterprise Fund.

## AIRPORTS ADVISORY COMMITTEE

Brown and Montgomery Fields are general aviation reliever airports that serve the flying public and general aviation needs of the City of San Diego. They are public assets. They serve as gateways to the community -- gateways frequented by business and travellers alike.

Brown and Montgomery Fields stimulate economic growth, attract industry, and positively impact real estate values. They provide jobs that are both directly and indirectly related to the airports.

Brown and Montgomery Fields are integral components of the regional and national air transportation systems. They are aviation-oriented enterprises that must exceed a level of service recognized acceptable as industry standard for facilities of their size. They depend on economic diversity and management efficiency to assure their continued success.

In recognition of these facts and to ensure the continued planned, orderly development of Brown and Montgomery Fields, the City Manager has formed the San Diego Airports Advisory Committee.

### MISSION

The Airports Advisory Committee was created to provide advice and assistance to the City on general aviation/airport issues.

The overriding consideration of the Committee in any topic or activity is the issue of safety and the ability of the City to provide clean, obstruction free operating surfaces and approaches, including compatible land uses around the airports. To this end, and for this reason, the membership of the Committee will have strong representation from the aviation community.

The Committee is charged with maintaining an awareness of the level of service being provided by Brown and Montgomery Fields. This includes services provided by both the City and the aviation businesses at each airport. The Committee will identify shortcomings in the level, type, or quality of service provided. The Committee will recommend improvements that provide wanted and needed services that serve local area businesses, airport businesses, their users and visitors.

The Committee will monitor the impact of Brown and Montgomery Fields on surrounding communities. Airport neighbors will share in the benefit of its airports location -- this being accomplished by providing recreational and other services of a non-aviation nature.

Brown and Montgomery Fields are charged by the City Council to operate as financially self sufficient entities. To this end, the Committee will advise the Manager on opportunities that enhance the Division's economic viability.

### DUTIES

The Airports Advisory Committee shall provide recommendations on matters related to aviation planning, airports development, proposals, and polices. Staff support shall be provided by airport management.

Provide informed analysis and recommendations on aviation issues to City government elected and staff officials. The Committee shall report to the City Council at least once per year.

Provide a forum for citizens with aviation-related issues.

Seek ways of fostering efficient management and development of City aviation resources, especially Brown and Montgomery Airports.

Seek ways of integrating aviation interests with the interests of adjacent and related civic entities and communities to achieve synergy and quality.

Promote General Aviation education, appreciation, public relations, and enterprise in the City of San Diego.

The Airports Advisory Committee shall consider the following issues:

1. Airport Safety
  2. Airport Environment and Noise Abatement Program.
  3. Airport Master Plan Update and Land Use Plan.
  4. Airport Developments and Improvements.
  5. Airport Rules, Regulations, and Municipal Codes, and Minimum Standards.
  6. Budgets
  7. Airport Policies, Operations and Maintenance.
  8. Such aviation-related items as may be directed by the Mayor, the City Council, or the City Manager.
- 
9. Such aviation related items as may be raised by members of the committee, or concerned citizens.

## COMMITTEE MEMBERS

## QUALIFICATIONS

1. Prospective members of the Airports Advisory Committee shall be residents of the City of San Diego, or shall be a lease-holder at a City aviation resource, or shall be identified as holding an established aviation interest and experience benefiting the mission of the Airports Advisory Committee.
2. Prospective members of the Airports Advisory Committee shall have an understanding of aviation activities and airport operations in San Diego.
3. Appointments to the Committee shall be made as needed by the City Manager.

4. The Airports Advisory Committee will be advised of any prospective nomination for membership on the Committee.
5. The Airports Advisory Committee may make recommendations for committee members to the City Manager.
6. Community group representatives need not meet qualifications #1 and #2.

### TERMS

Members shall serve for a term of four years with terms staggered.

### STRUCTURE

The committee shall consist of seven voting members plus three non-voting members. The chairman and co-chairman will be elected by the committee.

1. One committee member shall be a representative from community groups in the Montgomery Field area.
2. One committee member shall be from the Brown Field area.
3. One member shall be the elected representative of a Montgomery Field aviation user group.
4. One member shall be the elected representative of a Brown Field aviation user group.
5. The other three members shall have special expertise which will benefit the committee.
6. One member shall be the elected representative of the Montgomery field aviation lessees (non-voting).
7. One member shall be the elected representative of the Brown Field aviation lessees (non-voting).
8. One member shall be a representative of the FAA (non-voting).

### BY LAWS

By laws shall be developed by the Committee and City staff and approved by City Manager.

**BYLAWS  
OF  
THE CITY OF SAN DIEGO  
AIRPORTS ADVISORY COMMITTEE**

Amended June 14, 2005

I. PURPOSE

101. The City of San Diego Airports Advisory Committee is formed pursuant to Manager's Reports #87-568, dated November 16, 1987, and #95-31, dated February 1, 1995.

The primary purpose of the City of San Diego Airports Advisory Committee is to provide advocacy for San Diego General Aviation as an integral part of the total aviation system. The Advisory Committee, serving at the pleasure of the City Manager, is charged with the responsibility of studying major aviation issues, specifically regarding Montgomery and Brown Field Airports that are identified by the City Manager, San Diego Airports staff, or Advisory Committee members. The Advisory Committee specifically is charged with providing the City Manager and Airports staff with recommendations regarding Brown and Montgomery Airports.

The overriding consideration of the Committee in any topic or activity is the issue of safety and the ability of the City to provide clean, obstruction-free operating surfaces and approaches, including compatible land uses around the airports. For this reason, the Committee will have strong representation from the aviation community.

The Committee is charged with maintaining an awareness of the level of service being provided by Brown and Montgomery Fields. This includes services provided by both the City and the aviation businesses at each airport. The Committee will identify shortcomings in the level, type, or quality of service provided. The Committee will recommend improvements that provide wanted and needed services that serve local area businesses, airport businesses, their users and visitors.

102. Duties

The Airports Advisory Committee shall provide recommendations on matters related to aviation planning, airport development, proposals, and policies. Staff administrative support shall be provided by airport management.

The Committee shall provide informed analyses and make recommendations to City government elected and staff officials on aviation issues such as:

- 1) Airport safety
- 2) Airport environment and the noise abatement program
- 3) Airport master plan update and land use plan



- 4) Airport development and improvements
- 5) Airport rules, regulations, municipal codes, and minimum standards
- 6) Budgets
- 7) Airport policies, operations and maintenance
- 8) Such issues as may be directed by the City Manager

The Committee shall:

Seek ways of fostering efficient management and development of the City's aviation resources: Brown and Montgomery Airports.

Seek ways to integrate aviation interests with the interests of adjacent and related civic entities and communities to achieve synergy and quality.

Provide a forum for citizens with aviation-related issues.

Promote the interests of general aviation in the City of San Diego.

Report to the City Council at least once each year.

## II. ORGANIZATION

### 201. Membership

1. Members of the Airports Advisory Committee shall be residents of the City of San Diego, or shall be a leaseholder at a City aviation resource, or shall be identified as holding an established aviation interest and experience benefiting the mission of the Airports Advisory Committee.

2. Members of the Committee shall have an interest in aviation activities and airport operations in San Diego.

3. Appointments to the Committee shall be made as needed by the City Manager.

4. The Airports Advisory Committee shall be advised of any prospective nomination for membership on the Committee.

5. Community group representatives need not meet qualifications #1 and #2.

### 202. Terms

Members shall serve for a term of 4 years.

### 203. Structure

Membership shall consist of twelve members. Appointments shall be made by the City Manager, who may be advised by members of the Committee. Committee membership shall be representative of Montgomery and Brown Fields. It shall consist of pilots and non-pilots, sensitive to the needs of the users of each airport, the surrounding communities, and to the role of general aviation in the area.

1. One Committee member shall represent the Serra Mesa Community
2. One Committee member shall represent the Tierrasanta Community
3. One Committee member shall represent the Clairemont Community
4. One Committee member shall represent the Kearny Mesa Community
5. One Committee member shall represent the Otay Mesa Community
6. One Committee member shall represent a Montgomery Field aviation user group.
7. One Committee member shall represent a Brown Field aviation user group.
8. One Committee member shall represent the Montgomery Field aviation lessees.
9. One Committee member shall represent the Brown Field aviation lessees.
10. The other three Committee members shall have special expertise that will benefit the Committee.

### 204. Officers

At its first meeting each calendar year, the Committee shall nominate a Chairperson by majority vote. The appointment of the Chairperson shall be made by the City Manager. If the City Manager does not make this appointment within 45 days after being notified of the vacancy and nomination, the Committee may confirm a chairperson from its membership. The Chairperson shall preside at all meetings and hearings of the Committee, decide all points of order or procedure, and perform all duties required by these rules.

### 205. Vice Chairperson

At its first meeting each calendar year, the Committee shall elect a Vice Chairperson from among its appointed members who shall serve in the absence of the Chairperson.

### 206. Candidacy for Elective Public Office

Any member, upon publicly announcing his candidacy for elective public office, or upon filing petitions pursuant to becoming a candidate for elective public office, shall forfeit membership prior to the next public meeting of the Committee.

### 207. Subcommittees

The Committee may establish such subcommittees as it feels necessary on any subject pertinent to the matters being heard by and of concern to the Committee. The Committee shall appoint one of its members to serve as the chairperson of any such subcommittees.

### III. MEETINGS

#### 301. Regular Meetings

Regular meetings of the Committee shall be held monthly or as scheduled by the Committee.

#### 302. Special Meetings

Special meetings for good cause may be held by the Committee on call of its Chairperson, which call shall be filed with the Airports Director. The manner of the call shall be noted in the minutes of the special meeting, and at least twenty-four (24) hours' notice of the meeting shall be given to each member.

#### 303. Public Meetings and Study Sessions

All meetings and study sessions of the Committee shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting.

#### 304. Quorum

A quorum necessary for the transaction of business shall consist of a majority of the filled seats of the Committee. The business of the Committee shall be transacted by the majority vote of members present.

#### 305. Absence of Chairperson and Vice Chairperson

In the absence of the Chairperson and Vice Chairperson, the senior Committee member present may convene the meeting if a quorum is present.

#### 306. Member Attendance

If any member of the Committee is absent from three (3) consecutive or four of six scheduled meetings, his/her office shall be automatically vacated. Excused absences are exempted from this provision. The City Manager will be the final authority in determining whether or not an absence is excused. Should a position be vacated by this section, the Airports Advisory Committee Chairperson, in consultation with the Airports Director, shall then determine a list of eligible candidates to fill the vacancy, and the Airports Director shall appoint a new member.

#### 307. Agenda Items

Items will be placed on the agenda by the Airports Director with the concurrence of the Chairperson or by a majority vote of the members of the Committee.

308. Conflict of Interest

All members of the Committee shall comply with the provisions of Council Policy 000-4 (a copy of which is attached hereto and made a part hereof.)

309. Abstention

Any member who believes participating in discussion or voting on cases coming before the Committee could give the appearance to the general public of a Conflict of Interest may voluntarily abstain from participating in discussion or voting.

IV. OFFICIAL RECORDS

401. Definition

The official records shall include the Airport section of the San Diego Municipal Code as amended, these bylaws and the minutes of the Committee meetings together with all findings, maps, and other official statements.

402. Recording of Vote

The minutes shall show the vote on every question on which the Committee acts. Any statement any member may wish to make regarding his vote will be recorded upon his request.

403. Retention of Files

All matters coming before the Committee shall be filed in the Airports Administration office in accordance with that department's general file system.

404. Public Record

All of the records of the Committee shall be public records and shall be open for public inspection during customary working hours. Copies may be obtained for established fees.

V. RULES AND AMENDMENTS

501. Bylaws

Bylaws shall be developed by the Committee and City Staff and approved by the City Manager.

502. Amendment Procedure

Amendments to the bylaws may be recommended by the Committee upon the affirmative vote of a majority of members, provided any such amendment is proposed at a preceding meeting or is submitted in writing at a prior, regular meeting of the Committee and is noted in the minutes of such meeting. Amendments recommended by the Committee shall become effective upon approval of the City Manager.

503. Copy of Rules and Regulations

A certified copy of these rules and any amendments thereto shall be placed on record in the Airports Administration Office.

504. Robert's Rules of Order

If a question of parliamentary procedure arises, it shall be decided upon the basis of Robert's Rules of Parliamentary Procedure, unless otherwise specified in these bylaws of the Committee.

505. Interpretation and Conflict

In the event that any Airport Advisory Committee bylaw shall be at variance with any State Statute or any ordinance or resolution of the City of San Diego, the statute, ordinance, or resolution shall prevail. These bylaws are intended only to supplement such ordinance and resolutions and may not amend, invalidate, or abrogate any ordinance or resolution of the City of San Diego.

DATE: June 14, 2005

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Chairperson, Airports Advisory Committee

Airports Director

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