

Assembly Bill No. 2722

CHAPTER 474

An act to amend Sections 3, 5, 6, 7, 7.5, 12.5, 13, 15.1, 16, 20, 22, and 24 of Chapter 52 of the Statutes of 1941, relating to airport districts.

[Approved by Governor September 12, 1996. Filed
with Secretary of State September 13, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2722, McPherson. Airport districts.

Existing provisions of the Monterey Peninsula Airport District Act of 1941, Chapter 52 of the Statutes of 1941, establish the powers and duties of the Monterey Peninsula Airport District.

This bill would revise the powers and duties of that district.

The people of the State of California do enact as follows:

SECTION 1. Section 3 of Chapter 52 of the Statutes of 1941, as amended by Chapter 199 of the Statutes of 1987, is amended to read:

Sec. 3. Corporate Powers. The Monterey Peninsula Airport District is hereby declared to be, and established as, a body corporate and politic, and, in addition to other powers herein granted, shall have and is hereby granted the following powers, namely:

(a) Perpetual Succession. To have perpetual succession.

(b) Lawsuits. To sue and be sued in the name of said district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) Seal. To adopt a seal and alter it at pleasure.

(d) Property. To take by grant, purchase, gift, devise or lease, hold, use, enjoy, and to lease or dispose of, real or personal property of every kind within or without the district necessary to the full exercise of its power.

(e) Improvements. To acquire or contract to acquire lands, rights-of-way, easements, privileges and property of every kind, and construct, maintain and operate any and all works or improvements within or without the district necessary or proper to carry out any of the objects or purposes of this act, and to complete, extend, add to, repair, or otherwise improve, any works or improvements acquired by it as herein authorized.

(f) Eminent Domain. To exercise the right of eminent domain to take any property necessary to carry out any of the objects or purposes of this act.

(g) Indebtedness.



(1) To incur indebtedness and to issue bonds pursuant to bond provisions of the Community Services District Law, Chapter 4 (commencing with Section 61650) of Part 5 of Division 3 of Title 6 of the Government Code or the Revenue Bond Law of 1941, Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code, or both, except that the total amount of outstanding bonds issued under this paragraph shall not exceed fifteen million dollars (\$15,000,000) at any one time.

(2) To incur indebtedness and to issue negotiable promissory notes pursuant to a resolution adopted by vote of a majority of the members of the district's board of directors. The amount of indebtedness under this paragraph shall not exceed one million dollars (\$1,000,000) and shall be repaid within 10 years from the date on which it is incurred.

(3) To borrow money from the United States of America or any federal agency or department for the acquisition or improvement of land for district purposes. The district may borrow this money pursuant to a resolution adopted by vote of a majority of the members of the district's board of directors. The resolution shall specify the particular project being undertaken and the amount, term, and method of repayment of the loan. When received, the money shall be deposited in a special fund and spent only for the purposes for which the loan was approved. If a surplus remains after the completion of the project, the surplus shall be applied to repaying the loan.

(4) Notwithstanding any other provision of law, the maximum rate of interest on indebtedness issued pursuant to this subdivision shall not exceed the rate prescribed by Article 7 (commencing with Section 53530) of Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code. The interest may be fixed or variable and may be simple or compound. The interest shall be payable at the time or times determined by the district.

(h) Taxes. To cause taxes to be levied and collected for the purpose of paying any obligation of the district in the manner herein provided.

(i) Exercise of Powers—Contracts. To make contracts, and to employ persons and labor, and to do all acts necessary for the full exercise of all powers vested in said district, or in any of the officers thereof, by this act.

(j) Disposal of Property. To lease, sell or dispose of any property (or any interest therein) acquired in fee, or otherwise, whenever in the judgment of said board of directors said property, or any interest therein or part thereof, is no longer required for the purposes of said district, or may be leased for any purpose without interfering with the use of the same for the purposes of said district, and to pay any compensation received therefor into the general fund of said district and use the same for the purposes of this act.



(k) Operation and Concession Agreements. To make contracts for the operation, or operation maintenance, of any airport of said district, or for any concession thereupon necessary or convenient thereto.

(l) Police Powers of District. To equip and maintain a police department; to adopt ordinances and resolutions and make regulations for the protection of the public peace, health, or safety, in or upon any airport of the district, or in or upon any approach thereto, owned or controlled by the district and to prescribe penalties for the violation thereof; provided, that the police powers of said district, hereby granted, shall be limited strictly to the provisions of the subsection.

Violation of any such ordinance, resolution or regulation shall constitute a misdemeanor.

(m) General Powers. To possess and exercise all powers necessary or appropriate to a public airport district which are not prohibited by the Constitution, including all powers granted by, or which may be hereafter granted by, any general law of the state to any public airport district therein, and all powers incidental to, and necessary or convenient in connection with, the exercise of the powers generally or specifically granted to the district by the provisions of this act.

SEC. 2. Section 5 of Chapter 52 of the Statutes of 1941, as amended by Chapter 282 of the Statutes of 1995, is amended to read:

Sec. 5. General District Elections. A general district election shall be held therein on the first Tuesday after the first Monday in November in each even-numbered year. At each such election members of the board of directors equal in number to the members whose terms on said board are expiring thereat, and upon the qualification of their successors, shall be elected for the term of four years each and until each of their successors have been elected and have qualified for such office. All such elections shall be noticed, held, the returns thereof canvassed and the results thereof declared in the manner prescribed by law for general municipal elections in general law cities and by the general laws so far as applicable; provided, however, that the powers and duties vested in governing bodies and city clerks, respectively, of general law cities, shall be vested in the board of directors and secretary thereof of the district.

At least 10 days prior to the date that candidates may be nominated for the office of director, the board shall publish in a newspaper of general circulation, which is circulated in the district, a notice stating the manner in which candidates may be nominated, the last date on which nominations for director will be accepted, and that, if not more than one person is nominated for each open office of director, directors will be appointed by the board of supervisors pursuant to this section.

If, on the 54th day prior to the day fixed for the district general election, only one person has been nominated for each office of the



board of directors to be filled at that election, or no one has been nominated for such office, and if on the 44th day prior to the day fixed for the election, a petition signed by 5 percent of the qualified electors in the district, requesting that the district general election be held, has not been presented to the board of directors of the district, the board of directors shall by resolution entered in its minutes order that an election shall not be held and shall immediately request that the Board of Supervisors of the County of Monterey, at a regular or special meeting held prior to the day fixed for the election, appoint, and the board of supervisors shall thereupon appoint, to the office or offices the person or persons, if any, who have been nominated. If no person has been nominated for any office, the board of supervisors shall appoint any qualified person to the office prior to the date when the election would have been held. The person appointed shall qualify and take office and serve exactly as if elected at a district general election.

In such instances, notices shall be posted in three public places in the district at least 10 days before the date fixed for the election, which notices shall state that no election is to be held and that the board of supervisors will appoint or has appointed a person or persons to serve for the ensuing term on the board of directors.

SEC. 3. Section 6 of Chapter 52 of the Statutes of 1941, as amended by Chapter 985 of the Statutes of 1985, is amended to read:

Sec. 6. Legislation.

(a) The board of directors shall act in legislative matters only by ordinance or resolution. Other actions of the board of directors, unless otherwise provided by this act, may be taken by resolution, motion, or order.

The votes shall be counted upon the passage of all ordinances and resolutions and entered upon the record of the proceedings of the board of directors. Upon the request of any member of the board of directors, the vote on any matter shall be recorded. All members present at any meeting shall vote.

No ordinance or resolution shall be passed without receiving the votes of at least three members of the board of directors.

(b) Each ordinance shall be headed by a brief title which shall indicate its purpose.

The ordaining clause of all ordinances adopted by the board of directors shall be, "The Board of Directors of Monterey Peninsula Airport District do ordain as follows:". The ordaining clause of all ordinances passed by initiative shall be, "The People of the Monterey Peninsula Airport District do ordain as follows:".

(c) No ordinance shall be passed by the board of directors until at least five days after its introduction or until publication at least once in the official newspaper of the district at least three days before its adoption. When an ordinance is amended before its final adoption, and after its publication, it shall be republished in full as amended



at least one day before its adoption as amended, except that, where the amendment is only for the correction of clerical errors or omissions of form, the ordinance need not be given a first reading or a republication as corrected.

(d) Except as otherwise provided by law, no action providing for any expenditure exceeding ten thousand dollars (\$10,000), the acquisition or disposition of real property or any interest therein (other than the renting, leasing or hiring of real property on a month-to-month basis or for a term of one year or less), the levying of any tax or assessment, the granting of any franchise, or the imposing of any penalty, shall be taken except by ordinance.

(e) No ordinance shall be amended or repealed except by ordinance. No ordinance shall be amended by reference to its title only.

All ordinances shall be signed by the chairperson of the board of directors and attested by the secretary.

All ordinances shall take effect 30 days after final passage and approval, except that any ordinance determined and declared by the board of directors to be necessary for the immediate preservation of the public peace, health, or safety, of the district shall take effect immediately upon final passage, and a statement of facts constituting the urgency shall be set forth in the ordinance.

SEC. 4. Section 7 of Chapter 52 of the Statutes of 1941, as amended by Chapter 282 of the Statutes of 1995, is amended to read:

Sec. 7. Officers. The officers of the district shall comprise the members of the board of directors, the secretary of the board, a general manager, an assistant manager, an auditor, and district counsel. No member of the board of directors shall be qualified for election or appointment as a member unless he or she has been a registered voter of the district for at least 30 days immediately preceding the deadline for filing nomination documents. Each member of the board of directors shall reside in the district during his or her incumbency. The board of directors shall, by ordinance, prescribe the powers, duties, and compensation, of all officers, except where the same are prescribed by the provisions of this act and in those cases, may by ordinance, prescribe additional powers and duties for any officer consistent with the provisions of this act.

SEC. 5. Section 7.5 of Chapter 52 of the Statutes of 1941, as added by Chapter 160 of the Statutes of 1990, is amended to read:

Sec. 7.5. Compensation. Each member of the board of directors shall receive compensation in an amount not to exceed the amount set forth in Section 22407 of the Public Utilities Code for attendance at each regular or special meeting of the board held within the district, which amount shall be fixed by the board from time to time. However, no director shall receive compensation for more than four meetings in any calendar month. Each director shall also be allowed, with the approval of the board, all travel and other expenses



necessarily incurred by the member in the actual performance of the member's duties.

SEC. 6. Section 12.5 of Chapter 52 of the Statutes of 1941, as added by Chapter 456 of the Statutes of 1968, is amended to read:

Sec. 12.5. Collection of Fines. Notwithstanding any other provision of law, 50 percent of all fines or forfeitures collected for violations of district ordinances shall be transferred, once a month, by the county treasurer to the account of the district.

SEC. 7. Section 13 of Chapter 52 of the Statutes of 1941, as amended by Chapter 662 of the Statutes of 1967, is amended to read:

Sec. 13. Collection of Property Taxes by County. In addition to the powers and duties vested in the board of supervisors of the County of Monterey by other provisions of this act, said board of supervisors is hereby vested with the following additional powers and duties relative to said district: Except as otherwise herein provided, the board of supervisors, at the time and in the manner provided by general law for the levy and equalization of county taxes, shall levy annually upon the property in said district the district taxes as formally directed by the board of directors of the district, and as limited by the provisions of this act, and shall sit and act as a board of equalization for the purpose of equalizing such district taxes at the time and in the form and manner prescribed by general law for the equalization of county taxes. The county clerk, the county assessor, the county tax collector and the county auditor of said Monterey County shall, without additional compensation, be vested with like powers and duties with relation, respectively, to the assessment, equalization and collection of district taxes as they are vested and charged with relation to county taxes of said Monterey County. The proceeds of the taxes collected shall be paid to the district.

SEC. 8. Section 15.1 of Chapter 52 of the Statutes of 1941, as amended by Chapter 1715 of the Statutes of 1963, is amended to read:

Sec. 15.1. Claims. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

SEC. 9. Section 16 of Chapter 52 of the Statutes of 1941, as amended by Chapter 154 of the Statutes of 1990, is amended to read:

Sec. 16. Construction Projects. In the erection, construction, improvement, and repair of all public buildings, structures, and airports of the district, and in supplying materials for those activities, when the expenditure in that case exceeds the sum of five thousand dollars (\$5,000), the contract shall be awarded by the board of directors to the lowest responsible bidder after notice by publication in a newspaper of general circulation printed, published, and circulated in the district under conditions that the board may specify.



The detailed procedure for carrying out this section shall be prescribed by ordinance.

The board of directors may reject any and all bids presented, and may readvertise for other bids.

The board of directors may determine and declare by a four-fifths vote of all its members that the work or improvement in question may be more economically or satisfactorily performed as a project of the Works Projects Administration, or other agency of the federal or state government, and after the adoption of a resolution to that effect, it may proceed to have the work or improvement made through that administration or agency and need not follow the requirements imposed by this section.

This section shall not apply if the board elects to become subject to the Uniform Public Construction Cost Accounting Act (Chapter 2 (commencing with Section 22000) of Part 3 of Division 2 of the Public Contract Code).

SEC. 10. Section 20 of Chapter 52 of the Statutes of 1941 is amended to read:

Sec. 20. Levy of Special Tax. A special tax, in addition to other taxes or assessments herein authorized, may be levied upon the taxable property within the district; provided, the same is authorized by a two-thirds vote of the voters voting on such proposition at a regular or special district election, for airport district purposes, including the acquisition of lands for a public airport or airports and/or the improvement thereof. The detailed procedure for carrying out this section shall be prescribed by ordinance.

SEC. 11. Section 22 of Chapter 52 of the Statutes of 1941 is amended to read:

Sec. 22. Temporary Borrowing of Money by District on Anticipated Revenue From Taxes. Article 7 (commencing with Section 53820) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code relative to temporary borrowing of money by counties, cities and regional park and school districts, in anticipation of the receipt of income through taxes, shall be applicable to the Monterey Peninsula Airport District, and the powers and duties vested in the board of supervisors, the legislative body of each city, the board of directors of each regional park district, and the governing board of each school district, by Article 7 are hereby vested in the board of directors of the airport district.

SEC. 12. Section 24 of Chapter 52 of the Statutes of 1941, as amended by Chapter 2043 of the Statutes of 1965, is amended to read:

Sec. 24. Alteration of Boundaries, Annexation of Contiguous Territory; Changes of Organization. The boundaries of the district may be altered and contiguous territory in the same county annexed thereto and other changes of organization or reorganizations made, all in the manner and as provided in the Cortese-Knox Local



Government Reorganization Act of 1985, Division 3 (commencing with Section 56000) of Title 5 of the Government Code.

O

