

# SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY



## BOARD MEMBERS

LAURIE BERMAN\*  
BRUCE R. BOLAND  
GREG COX  
JIM DESMOND  
ROBERT H. GLEASON  
LLOYD B. HUBBS  
JIM PANKNIN  
PEDRO REYES\*  
COL. FRANK A. RICHIE\*  
PAUL ROBINSON  
TOM SMISEK  
ANTHONY K. YOUNG

\* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO  
THELLA F. BOWENS

**Revised 11/15/11**

**DRAFT**

## **SPECIAL BOARD** **AGENDA**

Thursday, December 1, 2011  
**10:00 A.M.**

San Diego International Airport  
Commuter Terminal – Third Floor  
Board Room  
3225 N. Harbor Drive  
San Diego, California 92101

***Live webcasts of Authority Board meetings can be accessed at  
[http://www.san.org/airport\\_authority/boardmeetings.asp](http://www.san.org/airport_authority/boardmeetings.asp).***

This Agenda contains a brief general description of each item to be considered. The indication of a recommended action does not indicate what action (if any) may be taken. If comments are made to the Board without prior notice or are not listed on the Agenda, no specific answers or responses should be expected at this meeting pursuant to State law.

Staff Reports and documentation relating to each item of business on the Agenda are on file in Corporate Services and are available for public inspection.

**NOTE:** Pursuant to Authority Code Section 2.15, all Lobbyists shall register as an Authority Lobbyist with the Authority Clerk within ten (10) days of qualifying as a lobbyist. A qualifying lobbyist is any individual who receives \$100 or more in any calendar month to lobby any Board Member or employee of the Authority for the purpose of influencing any action of the Authority. To obtain Lobbyist Registration Statement Forms, contact the Corporate Services/Authority Clerk Department.

PLEASE COMPLETE A "REQUEST TO SPEAK" FORM PRIOR TO THE COMMENCEMENT OF THE MEETING AND SUBMIT IT TO THE AUTHORITY CLERK. ***PLEASE REVIEW THE POLICY FOR PUBLIC PARTICIPATION IN BOARD AND BOARD COMMITTEE MEETINGS (PUBLIC COMMENT) LOCATED AT THE END OF THE AGENDA.***

*The Authority has identified a local company to provide oral interpreter and translation services for public meetings. If you require oral interpreter or translation services, please telephone the Corporate Services/Authority Clerk Department with your request at (619) 400-2400 at least three (3) working days prior to the meeting.*

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**PRESENTATIONS:**

**A. PRESENTATION OF PUBLIC OWNER OF THE YEAR AWARD:**

Presented by Brad Barnum, Associated General Contractors

**B. GREEN BUILD CHALLENGES (EDUCATIONAL ITEM):**

Presented by David Brush, Director, Terminal Development Program

**REPORTS FROM BOARD COMMITTEES, AD HOC COMMITTEES, AND CITIZEN COMMITTEES AND LIAISONS:**

***STANDING BOARD COMMITTEES***

- **AUDIT COMMITTEE:**

Committee Members: Gleason, Hollingworth, Hubbs, Smisek (Chair), Tartre, Van Sambeek, Young

- **EXECUTIVE PERSONNEL AND COMPENSATION COMMITTEE:**

Committee Members: Boland, Cox, Desmond (Chair), Smisek

- **FINANCE COMMITTEE:**

Committee Members: Cox (Chair), Desmond, Panknin, Robinson, Young

- **TERMINAL DEVELOPMENT PROGRAM COMMITTEE:**

Committee Members: Boland (Chair), Gleason, Hubbs, Panknin, Robinson

***ADVISORY COMMITTEES***

- **AUTHORITY ADVISORY COMMITTEE:**

Liaison: Panknin

- **PUBLIC ART ADVISORY COMMITTEE:**

Committee Member: Gleason

***LIAISONS***

- **AIRPORT LAND USE COMPATIBILITY PLAN FOR SAN DIEGO INTERNATIONAL AIRPORT:**

Liaison: Robinson

- **CALTRANS:**  
Liaison: Berman
- **INTER-GOVERNMENTAL AFFAIRS:**  
Liaison: Cox
- **MILITARY AFFAIRS:**  
Liaisons: Boland (Primary), Panknin
- **PORT:**  
Liaisons: Boland, Gleason (Primary), Smisek

***BOARD REPRESENTATIVES (EXTERNAL)***

- **SANDAG TRANSPORTATION COMMITTEE:**  
Representatives: Panknin, Smisek (Primary)
- **WORLD TRADE CENTER:**  
Representatives: Panknin (Primary), Young

**CHAIR'S REPORT:**

**PRESIDENT/CEO'S REPORT:**

**NON-AGENDA PUBLIC COMMENT:**

Non-Agenda Public Comment is reserved for members of the public wishing to address the Board on matters for which another opportunity to speak **is not provided on the Agenda**, and which is within the jurisdiction of the Board. Please submit a completed speaker slip to the Authority Clerk. ***Each individual speaker is limited to three (3) minutes. Applicants, groups and jurisdictions referring items to the Board for action are limited to five (5) minutes.***

**Note:** Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board.

**CONSENT AGENDA (Items 1-10)**

The consent agenda contains items that are routine in nature and non-controversial. Some items may be referred by a standing Board Committee or approved as part of the budget process. The matters listed under 'Consent Agenda' may be approved by one motion. Any Board Member may remove an item for separate consideration. Items so removed will be heard before the scheduled New Business Items, unless otherwise directed by the Chair.

**1. APPROVAL OF MINUTES:**

The Board is requested to approve minutes of prior Board meetings.

RECOMMENDATION: Approve the minutes of the November 3, 2011 regular meeting.

**2. ACCEPTANCE OF BOARD AND COMMITTEE MEMBERS WRITTEN REPORTS ON THEIR ATTENDANCE AT APPROVED MEETINGS AND PRE-APPROVAL OF ATTENDANCE AT OTHER MEETINGS NOT COVERED BY THE CURRENT RESOLUTION:**

The Board is requested to accept the reports.

RECOMMENDATION: Accept the reports and pre-approve Board member attendance at other meetings, trainings and events not covered by the current resolution.

**(Corporate Services: Tony Russell, Director/Authority Clerk)**

**3. AWARDED CONTRACTS, APPROVED CHANGE ORDERS FROM OCTOBER 10, 2011 THROUGH NOVEMBER 6, 2011 AND REAL PROPERTY AGREEMENTS GRANTED AND ACCEPTED FROM OCTOBER 10, 2011 THROUGH NOVEMBER 6, 2011:**

The Board is requested to receive the report.

RECOMMENDATION: Receive the report.

**(Procurement: Jana Vargas, Director)**

**4. DISPOSITION OF SURPLUS PROPERTY:**

The Board is requested to authorize disposition of surplus property.

RECOMMENDATION: Adopt Resolution No. 2011-\_\_\_\_, authorizing the disposition of surplus property by: 1) sale to the highest bidder; 2) donating electronic surplus to San Diego Futures Foundation; 3) recycling; and 4) disposing of unwanted items as scrap.

**(Procurement: Jana Vargas, Director)**

**5. DECEMBER 2011 LEGISLATIVE REPORT AND 2012 LEGISLATIVE AGENDA:**

The Board is requested to approve the report.

RECOMMENDATION: Adopt Resolution No. 2011-\_\_\_\_, approving the December 2011 Legislative Report and the 2012 Legislative Agenda.

**(Inter-Governmental Relations: Michael Kulis, Director)**

**6. APPOINTMENT TO THE AIRPORT ART ADVISORY COMMITTEE:**

The Board is requested to approve the appointment.

RECOMMENDATION: Adopt Resolution No. 2011-\_\_\_\_, appointing \_\_\_\_\_ to the Airport Art Advisory Committee.

**(Public, Community & Customer Relations: Constance White, Art Program Manager)**

***CLAIMS***

**7. AUTHORIZE THE REJECTION OF THE CLAIM OF PAULA TATE:**

The Board is requested to reject the claim.

RECOMMENDATION: Adopt Resolution No. 2011-\_\_\_\_, authorizing the rejection of the claim of Paula Tate.

**(Legal: Breton Lobner, General Counsel)**

***COMMITTEE RECOMMENDATIONS***

**8. EXTERNAL AUDITOR'S FISCAL YEAR ENDED JUNE 30, 2011, REPORTS: A) AUDITED FINANCIAL STATEMENTS, B) COMPLIANCE (SINGLE AUDIT) REPORT, C) PASSENGER FACILITY CHARGE COMPLIANCE REPORT, D) CUSTOMER FACILITY CHARGE COMPLIANCE REPORT, AND E) REPORT TO THE AUDIT COMMITTEE:**

The Board is requested to accept the report.

RECOMMENDATION: The Audit Committee recommends that the Board accept the report.

**(Finance: Vernon Evans, Vice President/Treasurer; Audit: Mark A. Burchyett, Chief Auditor)**

**9. REVIEW OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR THE FISCAL YEAR ENDED JUNE 30, 2011:**

The Board is requested to accept the report.

RECOMMENDATION: The Audit Committee recommends that the Board accept the report.

**(Finance: Vernon Evans, Vice President/Treasurer)**

**10. QUARTERLY AUDIT ACTIVITIES REPORT – FISCAL YEAR 2012 FIRST QUARTER, AND REPORT ON AUDIT RECOMMENDATIONS ISSUED BY THE OFFICE OF THE CHIEF AUDITOR:**

The Board is requested to accept the report.

RECOMMENDATION: The Audit Committee recommends that the Board accept the report.

**(Audit: Mark A. Burchyett, Chief Auditor; and Fred Bolger, Manager, Audit Services)**

***CONTRACTS AND AGREEMENTS***

***CONTRACTS AND AGREEMENTS AND/OR AMENDMENTS TO CONTRACTS AND AGREEMENTS EXCEEDING \$1 MILLION***

**PUBLIC HEARINGS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

**CLOSED SESSION:**

**11. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

Real property negotiations pursuant to Cal. Gov. Code §54954.5(b) and §54956.8:

Property: Salt Plant – 17 acre parcel located at 1470 Bay Boulevard, San Diego

Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer

Negotiating Parties: United States Fish and Wildlife Service, GGTW, LLC (current tenant) and/or other interested parties

Under Negotiation: Sale – terms and conditions

**12. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

(Cal. Gov. Code §54956.9 (a)):

San Diego Unified Port District v. TDY Industries, Inc., et al., and related cross-actions. U.S. District Court, Southern District Case No. 03 CV 1146-B (POR)

**13. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

(Cal. Gov. Code §54956.9(a)):

City of San Diego, Historical Resources Board: In re: Western Salt Company Salt Works, Report No. HRB-08-005

**14. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:**

(Cal. Gov. Code §54956.9(a)):

West Tech, Inc. v. San Diego County Regional Airport Authority, et al., L.A.S.C 37-2010-00106565-CU-BC-CTL

**15. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

Initiation of litigation pursuant to subdivision (c) of §54956.9: (1 case)

**16. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to Cal. Gov. Code §54956.9(b)

[Number of cases: 1] and §54956.9(b)(3)(C) [Liability claim against Authority by Theresa, Warren & Carl Hopkins]

**17. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

Significant exposure to litigation pursuant to Cal. Gov. Code §54956.9(b):  
Kelly Lancaster, David Boenitz, Mary Erickson and Richard Gilb, et al v. SDCERS,  
San Diego Sup. Court Case No. 37-2011-G0096238-CU-PO-CT  
Number of cases: 1

**18. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION:**

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: (1 case)

**19. CONFERENCE WITH REAL PROPERTY NEGOTIATORS:**

Real Property Negotiations Pursuant To Cal. Gov. Code Sections 54954.5(B) and 54956.8.

Property: 1.15 Acre Parcel Located At The Northern Terminus Of 13<sup>th</sup> Street In Imperial Beach, CA

Agency Negotiators: Vernon D. Evans, Vice President, Finance/Treasurer

Under Negotiation: Sale – Terms and Conditions

**REPORT ON CLOSED SESSION:**

**NON-AGENDA PUBLIC COMMENT:**

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**GENERAL COUNSEL REPORT:**

**BUSINESS AND TRAVEL EXPENSE REIMBURSEMENT REPORTS FOR BOARD MEMBERS, PRESIDENT/CEO, CHIEF AUDITOR AND GENERAL COUNSEL WHEN ATTENDING CONFERENCES, MEETINGS, AND TRAINING AT THE EXPENSE OF THE AUTHORITY:**

**BOARD COMMENT:**

**ADJOURNMENT:**

**Policy for Public Participation in Board, Airport Land Use Commission (ALUC), and Committee Meetings (Public Comment)**

- 1) Persons wishing to address the Board, ALUC, and Committees shall complete a "Request to Speak" form prior to the initiation of the portion of the agenda containing the item to be addressed (e.g., Public Comment and General Items). Failure to complete a form shall not preclude testimony, if permission to address the Board is granted by the Chair.
- 2) The Public Comment Section at the beginning of the agenda is limited to eighteen (18) minutes and is reserved for persons wishing to address the Board, ALUC, and Committees on any matter for which another opportunity to speak is not provided on the Agenda, and on matters that are within the jurisdiction of the Board. A second Public Comment period is reserved for general public comment later in the meeting for those who could not be heard during the first Public Comment period.
- 3) Persons wishing to speak on specific items listed on the agenda will be afforded an opportunity to speak during the presentation of individual items. Persons wishing to speak on specific items should reserve their comments until the specific item is taken up by the Board, ALUC and Committees. Public comment on specific items is limited to twenty (20) minutes – ten (10) minutes for those in favor and ten (10) minutes for those in opposition of an item. Each individual speaker will be allowed three (3) minutes, and applicants and groups will be allowed five (5) minutes.
- 4) If many persons have indicated a desire to address the Board, ALUC and Committees on the same issue, then the Chair may suggest that these persons consolidate their respective testimonies. Testimony by members of the public on any item shall be limited to **three (3) minutes per individual speaker and five (5) minutes for applicants, groups and referring jurisdictions.**
- 5) Pursuant to Authority Policy 1.33 (8), recognized groups must register with the Authority Clerk prior to the meeting.
- 6) After a public hearing or the public comment portion of the meeting has been closed, no person shall address the Board, ALUC, and Committees without first obtaining permission to do so.

**Additional Meeting Information**

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For your convenience, the agenda is also available to you on our website at [www.san.org](http://www.san.org).

**For those planning to attend the Board meeting, parking is available in the public parking lot located directly in front of the Commuter Terminal. Bring your ticket to the third floor receptionist for validation.**

**You may also reach the Commuter Terminal by using public transit via the San Diego MTS system, Route 992. For route and fare information, please call the San Diego MTS at (619) 233-3004 or 511.**

**UPCOMING MEETING SCHEDULE**

<i><b>Date</b></i>	<i><b>Day</b></i>	<i><b>Time</b></i>	<i><b>Meeting Type</b></i>	<i><b>Location</b></i>
January 5	Thursday	9:00 A.M.	Regular	Board Room
February 9	Thursday	9:00 A.M.	Regular	Board Room
March 1	Thursday	9:00 A.M.	Regular	Board Room