

October 8, 2013

To the Tehachapi City Council Committee for review of the Municipal Code with regards the powers and duties of the Airport Commission, the following discourse is submitted for consideration.

After considering the below review of the Municipal Code as it is currently being applied, there are two possible outcomes:

1. Dissolve the Airport Commission as the functions of the Airport Commission set out in the Municipal Code have long been taken over by City Management.
2. Completely redefine the function of the Airport Commission in the Municipal Code acknowledging that the City Management now and for many years effectively manages the Airport in concert with the City Council.

Over decades of being gradually replaced by City Management in the administration of the powers and duties long ago ascribed by the Municipal Code, the current Airport Commission has evolved into a public forum for the public and airport users to be informed of airport operations and future plans, to voice opinions and air complaints, and to act as non-binding ad hoc arbiter with Airport Staff. The impression most people have is that among the participants in Airport Commission meetings, while most are very informative and beneficial in advancing the progress and pride in the Tehachapi Airport, the whiners and complainers command the most notice and gives the Airport Commission an undeserved reputation among some observers.

A public forum for addressing Airport issues separate from the City Council and City Management but supported by both is probably needed as a buffer, so I recommend number 2, above. Perhaps rather than making recommendations to the City Council, the function of the Airport Commission, or Airport Board, or whatever title it should be, should be to have a published monthly agenda, note and discuss issues brought before them, and have the minutes of meetings presented formally to the City Council and City Management to be informative of community points of view on issues that each may choose to act upon or not.

Respectfully submitted,

Eric Hansen, Chairman, Tehachapi Airport Commission

11.04.070 Powers and duties.

A.

1.

The airport commission shall have the responsibility to recommend to the city council policies for the proper operation of the Tehachapi Municipal Airport. **Day to day general operations of the Tehachapi Municipal Airport have generally been managed well by Airport Staff with the backing of City Management. The Airport Commission has served as a public complaint forum for airport users when users find the operation of the airport not to their liking and either have had no satisfaction dealing directly with the Airport Manager, or are reluctant to go to him. These issues are openly discussed, and usually resolved, or has occasionally been elevated as a recommendation to the City Council.**

2.

If a written appeal is filed by an aggrieved party within thirty days, the city council shall have the right to change, modify, amend or repeal any recommendation made by the airport commission. **This has never happened. Usually recommendations by the Airport Commission have been noted by the City Council as informational, but no Airport Commission recommendation has ever had any power such that there would ever be an "aggrieved" party. The Airport Commission has no authority such as the Planning Commission. This provision of the Municipal Code was never really necessary.**

B.

The airport commission shall also act on the following subject matters, as follows:

1.

To advise and make recommendations to the city council for contractual agreements for the Tehachapi Municipal Airport facilities; and **All contractual agreements for the Airport Facilities are now handled by City Staff and recommendations made to the City Council directly. The Airport Commission is very seldom advised of any of these except when placed on the City Council Agenda for a City Council meeting which precedes the next announced Airport Commission meeting. The Airport Commission is unable to discuss or make recommendations until having a published/announced meeting in compliance with the Brown Act, and therefore not able to make any recommendations. This has not been a real problem, since after the fact, the**

Airport Commission almost always agrees with the action, but just to point out that the Airport Commission has not been able to act with regards to this item of the Municipal Code for at least 10 years, pre-dating all of the current Airport Commissioners. To be fair, people usually want to wrap up contractual issues promptly, and to have to wait for a monthly Airport Commission meeting for City Staff and an applicant to present their case, and then have the Airport Commission pass on their recommendation to the City Council, would be time consuming and aggravating to all. Also, many times contract negotiations are not anything that belong in public forum, and City Management needs freedom to deal smartly in this respect. To bring these negotiations to monthly public forums such as Airport Commission meetings is not a good way to do business.

2.

To recommend to the city council fees and charges for users of the airport facilities; and All fees and charges for users of the airport facilities are now determined and enacted by City Staff without consultation with the Airport Commission or the City Council. For more than 10 years, the Airport Commission has not been part of the fees and charges determination process.

3.

To research and make recommendations to the city council for capital improvements on the airport; and Airport and City Staff has completely taken over this task, obtaining grants and requesting bids and presenting recommendations directly to the City Council, frequently informing the Airport Commission of details after the fact, or just very general intentions before the fact. Usually the only notification to Airport Commissioners is the City Council Agenda immediately preceding the next Airport Commission meeting, again effectively cutting the Airport Commission out of the recommendation process due to the notification timing required by the Brown Act. This has not been an issue in that the Airport Commission usually agrees with the City Staff who do their homework well.

4.

To advise and make recommendations to the city council for the implementation and compliance of the airport master plan; The Airport Commission has made recommendations to the City Council on the Airport Master Plan a few times in the past several years, with no action due to budget constraints and that the City Staff is able to operate and work with the FAA effectively in spite of having an outdated and unapproved Airport Master Plan.

5.

To advise and make recommendations to the city council for the qualifications to be used in the selection of an airport manager; and **The Airport Commission has been completely left out of this process by City Management, considering it a City Management function. The Airport Commission has asked in the past to at least be a party to the selection process in vetting the qualifications of applicants when the position was open, but the vetting and hiring decision has always been made within City Management. The Airport Commission has been pleased with the results, but has been left out of participation in this item of the Municipal Code.**

6.

To advise and make recommendations to the city council of the duties and responsibilities for the position of airport manager; and **The Airport Commission has not been asked to make any recommendations in this area, with Airport Manager duties and responsibilities determined and directed directly by City Management.**

7.

To make recommendations concerning the airport as from time to time requested by the city council. **In 10 years of memory, although Commissioners have been selected for their knowledge, experience, vested interest, and expertise in the aviation business, the Airport Commission has seldom, if ever, been formally asked by the City Council to weigh in on any issue with regards to the Airport.**

(Ord. 91-12-593 § 15, 1991: Ord. 81-15-464 § 5, 1981)