NAPA COUNTY BOARD OF SUPERVISORS

Board Agenda Letter

TO: Board of Supervisors
FROM: Liz Habkirk for Steven Lederer - Director of Public Works Airport
REPORT BY: Greg Baer, Airport Manager - x4665
SUBJECT: Second Reading of an Ordinance Adopting the Rules and Regulations for the Napa County Airport

RECOMMENDATION

Director of Public Works requests the second reading and adoption of Ordinance No. 1437 amending Section 1.28.040 (Definitions) and Chapter 11.28 (Napa County Airport) of the Napa County Code and Adopting Rules and Regulations for the Napa County Airport.

EXECUTIVE SUMMARY

On February 12, 2019, the Director of Public Works requested the first Reading and Notice of Intent to Adopt Ordinance No. 1437 amending Section 1.28.040 (Definitions) and Chapter 11.28 of the Napa County Code and Adopting Rules and Regulations for the Napa County Airport. At the meeting, Board members raised questions and comments and requested edits to the policy documents, including changes to the Rules & Regulation, prompting the agenda item to be continued. The continuation of the item was held on May 7, 2019. The Board of Supervisors opened the public hearing and County staff reported on the revision process which resulted in improved clarity and refinement to each of the four proposed Napa County Airport policy documents. After the close of the public hearing, the Board read the title, waived reading the balance of the Ordinance and declared its intention to adopt the Ordinance, with modifications as summarized by staff, at the next regularly scheduled meeting or as soon thereafter as possible.

This item requests that the Board conduct its second reading taking final action on the Ordinance amending Section 1.28.040 and Chapter 11.28 of the Napa County Code and adopting Rules and Regulations for the Napa County Airport as directed with the first reading. The final version of the Ordinance is attached.

The Ordinance will become effective 30 days following adoption.
FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State of CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Airport operates under a series of policies and procedures that includes Rules and Regulations that govern activities of tenants, commercial operators and general users of the Airport in order to comply with Federal Aviation Administration guidance and grant assurances. The Airport is currently operating under outdated policies and many important and contemporary management issues are not addressed. In total, four policy documents make up the Airport's Primary Management and Compliance Documents, which are a compendium of rules, regulations, policies, and standards that govern the operation, management, and development of an airport. In combination, these Primary Management and Compliance Documents are designed to: (1) contribute to the long-term financial health of an airport, (2) facilitate (foster) the orderly development of an airport, (3) encourage the provision of quality products, services, and facilities at an airport, (4) protect the health, safety, interest, and general welfare of the public, and (5) reduce the potential for conflict with tenants, consumers, and users. Specifically, the adoption and implementation of the Rules and Regulations will allow the Airport to be managed more safely and efficiently for many years.

Board of Supervisors Action

The Director of Public Works requested a first reading of the ordinance on February 12, 2019. In consideration of the Board's comments and recommendations during the presentation, the item was continued. A second public meeting was held at the Board of Supervisors meeting on May 7, 2019, resulting from their hearing on February 12, 2019. After considering staff's presentation of the revised documents, the Board unanimously passed a motion of intent to adopt the Ordinance including changes and edits as summarized by staff during the hearing.

Upon closing the public hearing, the Board read the title, waived reading the balance of the Ordinance, and declared its intention to adopt the Ordinance at the next regularly scheduled meeting or as soon thereafter as possible. The Ordinance is now before the Board for formal adoption.

Changes

The following items broadly outline many of the changes that staff made to the Rules and Regulations:

- Removed language that is covered by existing federal and/or state law.
- Provided clarity to those sections that only apply to commercial operators or lessees (those with agreements with the County) to reduce confusion for transient airport users.
- Where able, and for consistency purposes, revised language to use existing County Code and process.
- Defined terms within the body of the policies when minimally used in the documents, eliminated
unnecessary definitions, and provided clarity to others.

Clarification to Prohibited Activities
During staff's aforementioned revision process, a question arose about the policies allowing certain activities such as banner towing or skydiving. These two items are covered within section 3.17 of the proposed Rules and Regulations under "Restricted Activities." These specific items among others are listed as restricted as opposed to expressly allowed activities due to inherent safety concerns when trying to integrate these activities at an airport such as Napa having significant jet traffic; aircraft that have high approach speeds within the airport environment. Such aeronautical activities are not listed as prohibited because of FAA Grant Assurance 22, Economic Nondiscrimination, whereby the Airport is required to operate the airport for the use and benefit of the public and to make it available to all types, kinds, and classes of aeronautical activities on reasonable terms, and without unjust discrimination. By listing these items as restricted, the Airport is requiring any person or entity interested in such activities to coordinate with the Airport to ensure a safe operation and proper documentation/authorization(s) have occurred between the entity, the Airport, and the FAA.

SUPPORTING DOCUMENTS
A. Amendment to Ch. 11.28

CEO Recommendation: Approve
Reviewed By: Mary Booher