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April 3, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to adopt resolution setting forth the City's position in regard to the reformulation of the Southern California Regional Airport Authority (SCRAA)

DISCUSSION

Pursuant to your request of March 20, 2007, this office has prepared and submits the above-described resolution for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By


MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm
Enclosure

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH SETTING FORTH ITS POSITION IN REGARD TO THE REFORMULATION OF THE SOUTHERN CALIFORNIA REGIONAL AIRPORT AUTHORITY (SCRAA)

WHEREAS, the Southern California Regional Airport Authority ("SCRAA") was organized in 1985 pursuant to a Joint Powers Agreement ("JPA") executed by the City of Los Angeles and the counties of Los Angeles, Riverside, and San Bernardino, for the stated purpose of forming a regional airport authority to acquire, construct, operate, repair, maintain and administer airports and related facilities and services in the Southern California Region; and

WHEREAS, the SCRAA JPA was amended in 1992 so as to include the County of Orange as a participating JPA member; and

WHEREAS, from 1985 to 1992, the mission of SCRAA focused primarily upon regional airport planning and as an informational forum, completing several regional airport feasibility and market share allocation studies in cooperation with the Southern California Association of Governments ("SCAG"); and

WHEREAS, from 1992 to approximately 2004, SCRAA continued its planning efforts and focused its mission on shifting future regional aviation demand from LAX to outlying airports such as Palmdale and Ontario, supporting an "airport without runways" proposal to build a high speed rail system to run from Anaheim to the Inland Empire airports and ultimately to Las Vegas, and becoming involved in the LAX Master Plan and a proposed airport at the former El Toro Marine Corp Air Station in Orange County; and

WHEREAS, in approximately 2004, SCRAA, as an organization became largely inactive, although the Joint Powers Agreement remained intact; and

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1 WHEREAS, in June 2006, City of Los Angeles Mayor Antonio R.
2 Villaraigosa, Los Angeles County Supervisor Don Knabe, Los Angeles City Councilman
3 Bill Rosendahl, and Congresswoman Jane Harman announced plans to reactivate
4 SCRAA to “accomplish [its] goal of regionalizing air traffic and making airports better
5 neighbors to [their] residents, while maintaining a vital economic engine for the entire
6 community”; and

7 WHEREAS, the City of Long Beach, together with other local
8 governments and stakeholders was asked to participate in the reformulization and
9 revitalization of the SCRAA organization and was further asked to participate in various
10 workshops and submit written comments regarding appropriate revisions to the SCRAA
11 Joint Powers Agreement, with particular emphasis on the “mission” and “purpose” of the
12 organization; and

13 WHEREAS, City of Long Beach Mayor Bob Foster did submit letters of
14 comment on January 2, 2007, and February 28, 2007, setting forth the City's
15 preliminary comments, requests and suggestions in regard to the reformulization of
16 SCRAA and the amendment to various provisions of the JPA;

17 NOW, THEREFORE, the City Council of the City of Long Beach resolves
18 as follows:

19 Section 1. SCRAA should re-define its mission to clearly state its goal of
20 supporting growth at airports only in instances where the growth is desired by the
21 airport operator and surrounding communities.

22 Sec. 2. SCRAA should revise its Joint Powers Agreement (JPA) to
23 ensure appropriate, broad-based participation, including a role for all commercial airport
24 operating entities, including the City of Long Beach.

25 Sec. 3. SCRAA should eliminate from its JPA any ability to acquire
26 property through eminent domain or any ability of SCRAA to operate airports.

27 Sec. 4. The City of Long Beach should be invited to join as a permanent
28 voting member of SCRAA.

1 Sec. 5. The City of Long Beach suggests that strong consideration be
2 given to dissolving the existing SCRAA JPA, given that the JPA governance structure
3 is, in-and-of-itself, a cause of many of the concerns expressed by interested
4 stakeholders. The JPA should be replaced with a "structured MOU." Such an
5 organizational structure conforms to the recommendation of a SCAG consultant study
6 authored in 2005 which analyzed various governance options to implement
7 regionalization of air traffic as envisioned in the 2004 Regional Transportation Plan.

8 Sec. 6. In the event that the JPA organizational structure is retained, the
9 City is supportive of the "Membership and Governance" Option IV language in the
10 "Proposed Revision" (as distributed by SCRAA staff at the February 8, 2007,
11 "Informational Workshop") which provides for "one additional voting Board member
12 from each municipality or other local government entity that owns, operates, or hosts a
13 commercial airport in Southern California."

14 Sec. 7. The City is supportive of the "Membership and Governance"
15 Option V component of the "Proposed Revision" that would include "other committees"
16 of experts/advisors as non-voting members, in order to broaden the base of problem-
17 solving participation.

18 Sec. 8. The City is supportive of the "Reaffirmation of the Ability of Each
19 Airport Operator to Freely Manage its own Airport" provision of the "Proposed Revision"
20 which states, in part, that "charter cities that operate airports shall not be affected by
21 SCRAA without their consent," and suggests that a provision be added "allowing an
22 airport operator to veto an aviation plan or other planning action that it believes
23 adversely affects its own airport."

24 Sec. 9. The "recitals" as set forth on page 2, and as further elaborated
25 upon in Section 5 of the existing JPA (relating to "appropriate non-exclusive powers"),
26 should be amended to eliminate any reference to acquiring or operating existing
27 commercial air carrier and general aviation airports (i.e., eminent domain), entering into
28 agreements for the use or acquisition of airports owned by state or federal

1 governments, or allocating air carrier service and use among airports. Instead, the
2 "purpose" and "powers" of the newly reformulated SCRAA should be fully articulated
3 and should contain a clear definition of the phrase "regionalization of Southern
4 California Air Commerce."

5 Sec. 10. The amended JPA should recognize the importance of existing
6 community agreements and operational ordinances such as the City of Long Beach's
7 "Airport Noise Compatibility Ordinance" which regulates operation and noise limits at
8 the Long Beach Airport.

9 Sec. 11. The JPA should be amended to grant all voting members the
10 unilateral right to veto any consulting contract or proposed scope of work that is
11 contrary to preexisting ordinances or community commitments relative to the operation
12 of a local airport.

13 Sec. 12. The JPA should be amended to grant all voting members the
14 unilateral right to veto any lobbying activity related to legislation or regulatory action that
15 is inconsistent with that member's preexisting commitments relative to the operation of
16 its airport.

17 Sec. 13. The JPA should be amended to give any airport operator/host
18 explicit veto power over any SCRAA action to re-activate previously divested powers
19 relative to eminent domain and the operation of airports.

20 Sec. 14. The JPA should be amended to specifically state that neither the
21 JPA nor any member of the JPA will undertake any action, lobbying, or legislation that
22 would in any manner be inconsistent with the existing or future airport operational
23 restrictions of any other JPA airport operation/host member. This would include, but
24 not be limited to, the City's "Airport Noise Compatibility Ordinance" which regulates
25 capacity and noise limitations at the Long Beach Airport.

26 Sec. 15. The provision of the current JPA (Sec. 3(e), at p. 5) relative to
27 the requirement that the JPA cannot be amended without the "unanimous mutual
28 consent" of each member should be retained.

