

## Senate Bill No. 10

### CHAPTER 287

An act to amend Sections 21670.3, 132360.2, 170006, 170026, 170032, and 170048 of, to add Sections 170010, 170011, 170012, 170013, 170014, and 170017 to, to add Article 6.3 (commencing with Section 132357) to Chapter 3 of Division 12.7 of, to repeal Sections 170020, 170022, 170028, 170041, 170042, and 170046 of, and to repeal and add Sections 170004, 170016, 170018, and 170024 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

[Approved by Governor October 5, 2007. Filed with  
Secretary of State October 5, 2007.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 10, Kehoe. Airport land use commissions: San Diego County Regional Airport Authority.

(1) The State Aeronautics Act (state act) governs the creation and operation of airports in this state. Under the state act, each county in which there is an airport served by a scheduled airline and each county with an airport operated for the benefit of the general public, with certain exceptions, is required to establish an airport land use commission. The state act requires the commission to formulate a comprehensive land use compatibility plan to provide for the orderly growth of the airport and the area surrounding the airport within the jurisdiction of the commission, and safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general. Under the state act, if the board of supervisors and the city selection committee of mayors in the county each makes a determination by a majority vote that proper land use planning can be accomplished through the actions of an appropriately designated body, then the body so designated assumes the planning responsibilities of an airport land use commission, and a commission need not be formed in that county.

The state act exempts the County of San Diego from those provisions, and, instead, designates the San Diego County Regional Airport Authority as the entity responsible for coordinating the airport planning of public agencies within San Diego County, and requires the authority, on or before June 30, 2005, to adopt an airport land use compatibility plan.

The San Diego Association of Governments (SANDAG), originally established pursuant to existing law authorizing the formation of a joint powers agency, has certain responsibilities with respect to transportation, infrastructure financing, and growth management planning for the San Diego County region. Existing law provides for the consolidation of certain regional transportation planning, programming, and related functions from various existing agencies, including SANDAG, the San Diego Metropolitan Transit

Development Board (MTDB), and the North County Transit District (NCTD) (collectively the consolidated agency).

This bill would make the authority responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County and would require the authority to engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan. The bill would require the authority to prepare and adopt a regional aviation strategic plan with the objective of identifying workable strategies to improve the performance of the San Diego County regional airport system, thereby imposing a state-mandated local program. The bill would require the consolidated agency to prepare and adopt, in a public process and in consultation with the authority and other specified entities, an airport multimodal accessibility plan for the San Diego region.

(2) The San Diego County Regional Airport Authority Act (act) establishes the authority as a local entity of regional government with jurisdiction throughout the County of San Diego. The act establishes the governing body and structure of the authority and assigns various powers and duties to the authority regarding the establishment and operation of airports within the county.

Under the act, the authority has the exclusive authority to study, plan, and implement any improvements, expansion, or enhancements at existing or future airports within its control. The act requires the authority to adopt a comprehensive plan on the future of a San Diego regional international airport and to submit a particular airport site recommendation in the form of a local ballot proposition to the San Diego County Registrar of Voters for placement on either the November 2, 2004, or the November 7, 2006, countywide election ballot.

This bill would dissolve the board of directors of the San Diego County Regional Airport Authority and replace that board of directors with a new 9-member board of directors appointed for staggered 3-year terms, pursuant to procedures established by the bill. The bill would authorize the board of directors to provide for additional nonvoting, noncompensated members of the board of directors. The bill would require the board of directors to appoint an Audit Committee of 4 board members and 3 public members, appointed for staggered 3-year terms, to perform certain audit and review functions. The bill would make other changes to the proceedings of the board of directors, the compensation of directors, and in the operation of the authority. The bill would provide that the authority has exclusive responsibility to study, plan, and implement any improvements, expansion, or enhancements at San Diego International Airport. The bill would delete those ballot provisions of the act and other provisions regarding the study of possible sites.

(3) The provisions of the bill would be known as the San Diego County Regional Airport Authority Reform Act of 2007.

(4) This bill would authorize the board of directors of the authority to adopt and enforce rules and regulations for the administration, maintenance,

operation, and use of its facilities and services. The bill would recast existing provisions making the violation of a rule, regulation, or ordinance adopted by the authority a misdemeanor or an infraction and would instead make the violation of a rule, regulation, or ordinance adopted by the board of directors a misdemeanor or an infraction.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. (a) This act shall be known and may be cited as the San Diego County Regional Airport Authority Reform Act of 2007.

(b) In enacting this act, it is the intent of the Legislature to restructure the San Diego County Regional Airport Authority established by the San Diego County Regional Airport Authority Act (Division 17 (commencing with Section 170000) of the Public Utilities Code) to accomplish all of the following goals:

(1) Improve the San Diego County Regional Airport Authority's governance structure, including the membership, responsiveness, and compensation of the governing board.

(2) Enhance the San Diego County Regional Airport Authority's fiscal accountability by adding three public members to the authority Audit Committee as voting members.

(3) Promote long-range planning for airports in local general plans and regional transportation strategies.

(4) Strengthen the San Diego County Regional Airport Authority's ability to operate the San Diego International Airport.

(5) Ensure consistency between the planning documents prepared or approved by the San Diego County Regional Airport Authority and the San Diego Association of Governments.

(c) The Legislature further intends that the San Diego County Regional Airport Authority will review and, if warranted, update the airport land use compatibility plans no less often than every five years.

SEC. 2. Section 21670.3 of the Public Utilities Code is amended to read:

21670.3. (a) Sections 21670 and 21670.1 do not apply to the County of San Diego. In that county, the San Diego County Regional Airport Authority, as established pursuant to Section 170002, shall be responsible for the preparation, adoption, and amendment of an airport land use compatibility plan for each airport in San Diego County.

(b) The San Diego County Regional Airport Authority shall engage in a public collaborative planning process when preparing and updating an airport land use compatibility plan.

SEC. 3. Article 6.3 (commencing with Section 132357) is added to Chapter 3 of Division 12.7 of the Public Utilities Code, to read:

Article 6.3. Adoption and Revision of a Regional Aviation Strategic Plan and Airport Multimodal Accessibility Plan

132357. On or before June 30, 2008, the San Diego County Regional Airport Authority and the consolidated agency shall enter into an agreement for the coordination of responsibilities for the adoption of, and updates to, the regional aviation strategic plan and the airport multimodal accessibility plan for San Diego County pursuant to this article. The agreement shall include provisions for coordination and timing of the preparation and maintenance of the plans. The agreement shall also provide for coordination of efforts to obtain funding from outside sources and equitable allocation of funding responsibilities for the airport multimodal accessibility plan.

132358. (a) The San Diego County Regional Airport Authority shall prepare a regional aviation strategic plan with the objective of identifying workable strategies to improve the performance of the San Diego County regional airport system.

(b) The San Diego County Regional Airport Authority shall seek review and comment from the consolidated agency regarding the scope and content of the regional aviation strategic plan and any updates to the plan.

(c) The elements of the regional aviation strategic plan shall include the following:

- (1) A forecast of air passenger and air cargo demand in San Diego County.
- (2) Identification of the existing capacity of the airports in the county for commercial and general aviation.
- (3) Identification of the strategies and facilities required to accommodate additional demand both as it relates to the air transportation system and the ground access system.
- (4) A financial strategy that estimates, over the life of the plan, the amount of funding that can be expected and the likely sources for the funding. The financial strategy shall include a program of investments supported by the expected revenues and estimated schedule of their implementation.

(5) Other elements that further the development of the regional aviation strategic plan.

(d) The regional aviation strategic plan shall incorporate the master plans and airport land use compatibility plans for the airports in San Diego County.

(e) During the preparation of the regional aviation strategic plan, the San Diego County Regional Airport Authority shall take into consideration the interregional aviation plans from the regions bordering San Diego County.

(f) During the preparation of the regional aviation strategic plan, the San Diego County Regional Airport Authority shall consult with all of the following:

- (1) Civilian and military airport operators in San Diego County.
- (2) Appropriate state and federal agencies.

- (3) Airport operators in regions adjacent to San Diego County.
- (4) The cities in San Diego County.
- (5) San Diego County.
- (6) The consolidated agency.
- (7) The public pursuant to subdivision (g).

(g) The San Diego County Regional Airport Authority, in consultation with the consolidated agency, shall undertake and complete a public participation process to aid in the preparation of the regional aviation strategic plan. The public participation process shall employ a procedure that includes a method of addressing and responding to recommendations made by the public.

(h) A draft of the regional aviation strategic plan and its recommendations shall be circulated for review and comment to the consolidated agency, to the civilian and military airport operators in the county, to cities within San Diego County in which an airport is located, and to San Diego County.

(i) The first regional aviation strategic plan shall be adopted by June 30, 2011.

(j) Upon adoption of the regional aviation strategic plan, the San Diego County Regional Airport Authority shall submit the plan to the consolidated agency.

132359. (a) The consolidated agency shall prepare and adopt a multimodal surface transportation accessibility plan for airports in San Diego County (airport multimodal accessibility plan) by December 31, 2013. The airport multimodal accessibility plan should be updated as necessary for the consolidated agency to comply with Section 132360.2.

(b) The airport multimodal accessibility plan shall be prepared in consultation with the San Diego County Regional Airport Authority, San Diego County, the cities within San Diego County, the transit operators within San Diego County, the Department of Transportation, the civilian and military airport operators within San Diego County, and airport operators in regions adjacent to San Diego County.

(c) The consolidated agency, in consultation with the San Diego County Regional Airport Authority, shall undertake and complete a public participation process to aid in the preparation of the airport multimodal accessibility plan. The public participation process shall employ a procedure that includes a method of addressing and responding to recommendations made by the public.

(d) The elements of the airport multimodal accessibility plan shall include the following:

(1) The identification of multimodal transportation investments that will improve surface transportation access to the airports in San Diego County and to other counties, if appropriate. The investments may include improvements that increase capacity through the construction of new facilities, or modification to existing facilities, and investments in operational improvements that enhance the carrying capacity of existing facilities.

(2) A program of investments and the anticipated schedule for the development of the projects that comprise the program.

(3) A financial element that estimates for the period of the plan the amount of funding that can be expected, the likely revenue sources from which the funding will be derived, and the program of investments supported by the expected revenue. The financial element shall also contain recommendations for allocation of funds. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action.

(4) Other elements that further the development of the airport multimodal accessibility plan.

(e) In preparing the airport multimodal accessibility plan, the consolidated agency shall consider the following:

(1) The regional aviation strategic plan prepared by the San Diego County Regional Airport Authority.

(2) The airport master plans of the civilian and military airport operators in the county.

(3) The general plans and their circulation element of the cities within San Diego County and San Diego County.

(4) The transit plans of the transit operators in San Diego County.

(5) The highway system improvement plans and programs of the Department of Transportation.

(6) The intercity passenger rail plans of the California High-Speed Rail Authority.

(7) The interregional aviation and rail plans from the regions bordering San Diego County.

(8) Other pertinent plans.

(f) Not less than six months prior to the adoption of the airport multimodal accessibility plan, the consolidated agency shall circulate for review and comment the draft plan and its proposed recommendations to the San Diego County Regional Airport Authority, the operators of the remaining civilian and military airports in San Diego County, the cities within San Diego County in which an airport is located, San Diego County, the Department of Transportation, representatives of the tenants of the airports, and other interested parties.

(g) Following adoption of the first airport multimodal accessibility plan, the San Diego County Regional Airport Authority shall submit updated airport land use compatibility plans to the consolidated agency for review prior to adoption of the revised airport land use compatibility plan by the San Diego County Regional Airport Authority. The board of directors of the consolidated agency shall review proposed airport land use compatibility plans and updates to the plans submitted by the San Diego County Regional Airport Authority and make a determination as to their compatibility with the airport multimodal accessibility plan. In the event the consolidated agency finds that the plans are incompatible with the airport multimodal accessibility plan, the consolidated agency shall return the plan to the San Diego County Regional Airport Authority with its findings. The San Diego County Regional Airport Authority shall make any necessary modifications

to achieve compatibility and resubmit the plan to the consolidated agency for another compatibility review.

(h) The regional aviation strategic plan shall be reviewed not less than every five years and shall be updated, as necessary, to comply with Section 132360.2.

(i) The airport multimodal accessibility plan shall not limit the authority granted to the San Diego County Regional Airport Authority in subdivision (a) of Section 170048.

SEC. 4. Section 132360.2 of the Public Utilities Code is amended to read:

132360.2. The regional transportation plan, the regional aviation strategic plan, the airport multimodal accessibility plan, and the regional comprehensive plan should be compatible. The regional comprehensive plan should set the framework for the type of changes upon which subsequent regional transportation plans, regional aviation strategic plans, and airport multimodal accessibility plans should focus.

SEC. 5. Section 170004 of the Public Utilities Code is repealed.

SEC. 6. Section 170004 is added to the Public Utilities Code, to read:

170004. The Legislature finds and declares all of the following:

(a) Airports help to link local, regional, statewide, national, and global economic activities. Airports are also essential features of comprehensive transportation systems, that include streets and highways, rail transit, transit over water, and mass transit.

(b) It is essential to the public health, safety, and welfare that public officials and the private sector plan, develop, and operate the airports in the San Diego County region so that those airports promote economic development, protect environmental quality, and enhance social equity.

(c) The significant regional consequences of airport planning, development, and operations require the creation of a regional airport authority.

SEC. 7. Section 170006 of the Public Utilities Code is amended to read:

170006. For the purposes of this division, the following terms have the following meanings, unless the context requires otherwise.

(a) The “authority” means the San Diego County Regional Airport Authority established under this division.

(b) The “board” and “board of directors” means the governing board of the authority established as specified in Chapter 2 (commencing with Section 170010).

(c) The “city selection committee” means the committee created pursuant to Article 11 (commencing with Section 50270) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

(d) The “consolidated agency” means the authority resulting from the consolidation of the San Diego Association of Governments and the transit boards pursuant to Chapter 3 (commencing with Section 132350) of Division 12.7.

(e) The “east county cities” means the Cities of El Cajon, La Mesa, Lemon Grove, and Santee.

(f) The “north county coastal cities” means the Cities of Carlsbad, Del Mar, Encinitas, Oceanside, and Solana Beach.

(g) The “north county inland cities” means the Cities of Escondido, Poway, San Marcos, and Vista.

(h) The “port” means the San Diego Unified Port District established under the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session).

(i) The “San Diego International Airport” means the airport located at Lindbergh Field in the County of San Diego.

(j) The “south county cities” means the Cities of Chula Vista, Coronado, Imperial Beach, and National City.

SEC. 8. Section 170010 is added to Chapter 2 of Division 17 of the Public Utilities Code, to read:

170010. (a) The board of directors shall consist of nine members, appointed as follows:

(1) The Mayor of the City of San Diego shall appoint three persons, two of whom shall be subject to confirmation by the City Council of the City of San Diego. The persons appointed pursuant to this paragraph shall be residents of the City of San Diego and not less than one shall be an elected official of the City of San Diego. For purposes of this subdivision, an “elected official of the City of San Diego” means the Mayor and members of the City Council of the City of San Diego.

(2) The Chair of the Board of Supervisors of the County of San Diego shall appoint two persons, subject to confirmation by the Board of Supervisors of the County of San Diego. The persons appointed pursuant to this paragraph shall be residents of the County of San Diego and not less than one shall be a member of the Board of Supervisors of the County of San Diego.

(3) At a meeting of the city selection committee, the mayors of the east county cities shall appoint one person. The person appointed pursuant to this paragraph shall be a member of a city council or a resident of the east county cities.

(4) At a meeting of the city selection committee, the mayors of the north county coastal cities shall appoint one person. The person appointed pursuant to this paragraph shall be a member of a city council or a resident of the north county coastal cities.

(5) At a meeting of the city selection committee, the mayors of the north county inland cities shall appoint one person. The person appointed pursuant to this paragraph shall be a member of a city council or a resident of the north county inland cities.

(6) At a meeting of the city selection committee, the mayors of the south county cities shall appoint one person. The person appointed pursuant to this paragraph shall be a member of a city council or a resident of the south county cities.

(7) Meetings of a city selection committee are subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(b) The following persons shall be nonvoting, noncompensated, ex officio members of the board of directors, appointed by the Governor:

(1) The District Director of the Department of Transportation for the San Diego region.

(2) The Department of Finance representative on the State Lands Commission.

(c) The board of directors may provide for additional nonvoting, noncompensated members of the board of directors, including representatives of the United States Navy and the United States Marine Corps, each of whom may appoint an alternate to serve in his or her place.

(d) The Mayor of the City of San Diego shall appoint the chair of the authority board from among the members of the board of directors.

(e) To provide for an orderly transition, the appointments to the board of directors shall take effect as follows:

(1) The term of office for the board position appointed by the Mayor of the City of San Diego, whose term is set to expire on the first Monday in December 2008, is extended until January 31, 2009. This board position shall thereafter be filled pursuant to paragraph (1) of subdivision (a).

(2) The term of office for the board position appointed by the mayors of the north county inland cities is extended until January 31, 2009. This board position shall thereafter be filled pursuant to paragraph (5) of subdivision (a).

(3) The term of office for the board position appointed by the mayor of the most populous city as of the most recent decennial census, among the south county cities is extended until January 31, 2009. This board position shall thereafter be filled pursuant to paragraph (6) of subdivision (a).

(4) The term of office for the board position occupied by the Mayor of the City of San Diego, or a member of the city council designated by the mayor to be his or her alternate, shall expire on January 31, 2010. This board position shall thereafter be filled pursuant to paragraph (1) of subdivision (a).

(5) The term of office for the board position appointed by the mayors of the east county cities shall expire on January 31, 2010. This board position shall thereafter be filled pursuant to paragraph (3) of subdivision (a).

(6) The term of office for the board position appointed by the Sheriff of the County of San Diego shall expire on January 31, 2010. This board position shall thereafter be filled pursuant to paragraph (2) of subdivision (a).

(7) The term of office for the board position appointed by the Mayor of the City of San Diego as a member of the executive committee is extended until January 31, 2011. This board position shall thereafter be filled pursuant to paragraph (1) of subdivision (a).

(8) The term of office for the board position appointed by the Governor is extended until June 30, 2011. This board position shall thereafter be filled pursuant to paragraph (2) of subdivision (a).

(9) The term of office for the board position appointed by the mayors of the north county coastal cities is extended until January 31, 2011. This board

position shall thereafter be filled pursuant to paragraph (4) of subdivision (a).

SEC. 9. Section 170011 is added to the Public Utilities Code, to read:

170011. (a) Except as provided in subdivision (b) and subdivision (e) of Section 170010, the term of office of a member of a board of directors appointed pursuant to subdivision (a) of Section 170010 is three years or until his or her successor qualifies and takes office whichever date occurs last. Members of the board of directors shall take office at noon on the first Monday in February following their appointment.

(b) If a member of the board of directors is appointed to be a member as a result of holding another public office and that person no longer holds that other public office, then that person shall no longer serve on the board of directors and a vacancy shall exist.

(c) Any vacancy in the office of a member of the board of directors shall be filled promptly pursuant to Section 1779 of the Government Code. Any person appointed to fill a vacant office shall serve the balance of the unexpired term. If a member of the board of directors serving a term extended pursuant to subdivision (e) of Section 170010 leaves office prior to the expiration of his or her term, the vacancy shall be filled for the balance of the unexpired term pursuant to subdivision (a) of Section 170010, except if a vacancy occurs for the Governor's appointment to the board of directors before June 30, 2011, the Governor shall make the appointment to fill the vacant office for the balance of the unexpired term.

SEC. 10. Section 170012 is added to the Public Utilities Code, to read:

170012. (a) At the first meeting of the board of directors on or after February 4, 2008, and at the first meeting of the board on or after the first Monday in February of each even-numbered year thereafter, the board of directors shall meet and elect its officers, except for the chair of the board of directors, who shall be appointed by the Mayor of the City of San Diego.

(b) The officers of the board of directors are a chair, vice chair, and those additional officers created by the board of directors pursuant to subdivision (c). The chair shall preside over meetings of the board of directors and the vice chair shall serve during the chair's absence or inability to serve.

(c) The board of directors may create additional offices and elect members to those offices, provided that no member of the board of directors shall hold more than one office.

SEC. 11. Section 170013 is added to the Public Utilities Code, to read:

170013. (a) The board of directors shall govern the authority.

(b) The board of directors shall establish policies for the operation of the authority. The board of directors shall provide for the implementation of those policies which are the responsibility of the authority's chief executive officer.

(c) All members of the board of directors shall exercise their independent judgment on behalf of the interests of the residents, property owners, and the public within San Diego County as a whole in furthering the purposes and intent of this division. The members of the board of directors shall

represent the interests of the public as a whole and not solely the interests of the local officials who appointed them to the board of directors.

(d) The authority shall have a three-person executive committee consisting of one board member from each of the following: the City of San Diego, the County of San Diego, and one board member from among the east county cities, south county cities, north county inland cities, or north county coastal cities.

(e) The San Diego County Regional Airport Authority shall have an Audit Committee as a standing committee of the board of directors, consisting of four members of the board and those public members specified in Section 170018.

SEC. 12. Section 170014 is added to the Public Utilities Code, to read:

170014. (a) Meetings of the board of directors are subject to the provisions of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(b) A majority of the total voting membership of the board of directors shall constitute a quorum for the transaction of business.

(c) The board of directors shall act only by ordinance, resolution, or motion.

(d) (1) Except as provided in subdivision (e), to adopt an ordinance, resolution, or motion requires both a numerical and a weighted majority vote of the total voting membership of the board of directors pursuant to paragraphs (2) and (3).

(2) A numerical majority requires an affirmative vote of five of the voting membership of the board of directors.

(3) (A) A weighted majority requires an affirmative vote of 51 vote points that are allocated to the voting membership of the board of directors, unless the total number of vote points is expanded beyond 100 as a result of the operation of subparagraph (E). If the total number of vote points is greater than 100 as a result of the operation of subparagraph (E), a weighted majority requires an affirmative vote of 50 percent plus one of the total vote points. Vote points shall be allocated pursuant to subparagraph (B).

(B) There shall be a total of 100 allocated vote points for the weighted vote, except that additional vote points shall be allocated pursuant to subparagraph (E). For purposes of this paragraph, the City of San Diego, the County of San Diego, the east county cities, the north county coastal cities, the north county inland cities, and the south county cities are each a jurisdiction. The points allocated to the City of San Diego shall be divided among the three board members appointed pursuant to paragraph (1) of subdivision (a), and prior to their appointment, to those board members identified in paragraphs (1), (4), and (7) of subdivision (e) of Section 170010. The points shall be allocated among the three board members by the Mayor of the City of San Diego, keeping the votes for each seat as close to equal as possible but in a manner that avoids fractional vote points. The vote points allocated to the County of San Diego shall be divided between the two board members appointed pursuant to paragraph (2) of subdivision (a), and prior to their appointment, to those board members identified in

paragraphs (6) and (8) of subdivision (e) of Section 170010. The vote points shall be allocated among the two board members by the chair of the board of supervisors, keeping the votes for each seat as close to equal as possible but in a manner that avoids fractional vote points. Each jurisdiction shall have that number of vote points determined by the following allocation formula, except that each jurisdiction shall have at least one vote point, no jurisdiction shall have more than 40 vote points, and there shall be no fractional vote points:

(i) If any jurisdiction has 40 percent or more of the total population of the San Diego County region, 40 vote points shall be allocated to that jurisdiction and the remaining vote points shall be allocated to the remaining jurisdictions pursuant to clause (ii). If no jurisdiction has 40 percent or more of the total population of the San Diego County region, vote points shall be allocated pursuant to clause (iii).

(ii) The total population of the remaining jurisdictions shall be computed and the remaining 60 vote points allocated based upon the percentage of the total that each jurisdiction has, in the following manner:

(I) The percentage each jurisdiction bears to the total remaining population shall be multiplied by 60 to determine fractional shares.

(II) Each fraction less than one shall be rounded up to one, so that no jurisdiction has less than one vote point.

(III) Disregarding any fractional vote points and adding just the whole vote points, if the total vote points is 60, fractional vote points are dropped and the whole numbers are the vote points for each jurisdiction.

(IV) If, after disregarding the fractional vote points and adding just the whole vote points, the total vote points for the remaining jurisdictions is less than 60, the difference in vote points shall be allocated to jurisdictions in order of the highest fractions until a total of 60 vote points are allocated, excepting those jurisdictions whose vote was increased to one pursuant to subclause (II).

(V) If, after disregarding the fractional vote points and adding just the whole vote points, the total vote points for the remaining jurisdictions is more than 60, the vote points in excess of 60 shall be eliminated by subtracting vote points from jurisdictions with the lowest percentage to the total remaining population except that no jurisdiction's vote points shall be reduced to less than one.

(iii) If no jurisdiction has 40 percent or more of the total population of the San Diego County region, the total population of the region shall be computed and all 100 vote points shall be allocated based upon the percentage each jurisdiction bears to the total population of the region, in the following manner:

(I) The percentage of any jurisdiction that is less than one shall be rounded up to one, so that no jurisdiction has less than one vote point.

(II) Disregarding any fractional vote points and adding just the whole vote points, if the total vote points is 100, fractional vote points shall be dropped and the whole numbers shall be the vote points for each jurisdiction.

(III) If, after disregarding the fractional vote points and adding just the whole vote points, the total vote points for all jurisdictions is less than 100, the difference in vote points shall be allocated to jurisdictions in order of the highest fractions until a total of 100 vote points are allocated, excepting those jurisdictions whose vote was increased to one pursuant to subclause (I).

(IV) If, after disregarding the fractional vote points and adding just the whole vote points, the total vote points for all jurisdictions is more than 100, the vote points in excess of 100 shall be eliminated by subtracting vote points from jurisdictions with the lowest percentage to the total population or the region except that no jurisdiction's vote points shall be reduced to less than one.

(C) When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the same supermajority percentage of the weighted vote.

(D) The allocation of vote points pursuant to this subdivision shall be made every July 1 by the board of directors based upon the population calculations made by the San Diego Association of Governments (SANDAG).

(E) Any other newly incorporated city shall be added to the jurisdiction designated by SANDAG. The board member representing that jurisdiction shall receive one additional vote under the weighted vote procedure specified above until the next allocation of vote points pursuant to subparagraph (D), at which time the new jurisdiction shall receive votes in accordance with the formula specified in this paragraph. Until this next vote points allocation, the total number of weighted vote points may exceed 100.

(e) Any act to submit a ballot measure to the voters at a regular or special election shall require a two-thirds majority vote, both numerically and by weighted vote, of the total voting membership of the board of directors.

(f) The board of directors shall keep a record of all of its actions, including financial transactions.

(g) The board of directors shall adopt rules or bylaws for its proceedings.

(h) The board of directors shall adopt policies for the operation of the authority, including, but not limited to, ethical standards and practices, administrative policies, fiscal policies, personnel policies, and purchasing policies.

SEC. 13. Section 170016 of the Public Utilities Code is repealed.

SEC. 14. Section 170016 is added to the Public Utilities Code, to read:

170016. (a) The board of directors may adopt and enforce rules and regulations for the administration, maintenance, operation, and use of its facilities and services.

(b) A person who violates a rule, regulation, or ordinance adopted by the board of directors is guilty of a misdemeanor punishable pursuant to Section 19 of the Penal Code, or an infraction under the circumstances set forth in paragraph (1) or (2) of subdivision (d) of Section 17 of the Penal Code.

(c) The authority may employ necessary personnel to enforce this section.

SEC. 15. Section 170017 is added to the Public Utilities Code, to read:

170017. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed two hundred dollars (\$200) for each day of service. A member of the board of directors shall not receive compensation for more than eight days of service a month. A board member must be present for at least half of the time set for the meeting, or for the duration of the meeting, whichever is less, in order to be eligible for compensation.

(b) By a two-thirds vote of the majority, the board of directors may, by ordinance or resolution, modify the amount of compensation provided pursuant to subdivision (a).

(c) The board of directors, by ordinance or resolution, may provide for the chair to receive an amount, not to exceed five hundred dollars (\$500) a month, in addition to all other compensation provided pursuant to this section.

(d) The board of directors may provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses incurred while on official business. Reimbursement of these expenses is subject to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, except that the provisions of this section shall prevail over the provisions of Section 53232.1 of the Government Code to the extent of any conflict.

(e) The members of the board of directors shall not receive any benefits pursuant to Chapter 2 (commencing with Section 53200) of Part 1 of Division 2 of Title 5 of the Government Code.

(f) A member of the board of directors may waive any or all of the payments permitted by this section.

(g) For the purposes of this section, a “day of service” means any of the following:

(1) A meeting conducted pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) Representation of the authority at a public event, provided that the board of directors has previously approved the member’s representation at a board of directors’ meeting and that the member delivers a written report to the board of directors regarding the member’s representation at the next board of directors’ meeting following the public event.

(3) Representation of the authority at a public meeting or a public hearing conducted by another public agency, provided that the board of directors has previously approved the member’s representation at a board of directors’ meeting and that the member delivers a written report to the board of directors regarding the member’s representation at the next board of directors’ meeting following the public meeting or public hearing.

(4) Representation of the authority at a meeting of a public benefit nonprofit corporation on whose board the authority has membership, provided that the board of directors has previously approved the member’s representation at a board of directors’ meeting and the member delivers a

written report to the board of directors regarding the member's representation at the next board of directors' meeting following the corporation's meeting.

(5) Participation in a training program on a topic that is directly related to the authority, provided that the board of directors has previously approved the member's participation at a board of directors' meeting, and that the member delivers a written report to the board of directors regarding the member's participation at the next board of directors' meeting following the training program.

(6) Representation of the authority at an official meeting, if the board of directors has previously approved the member's representation at a meeting of the board of directors and the member delivers a written report to the board of directors regarding the member's representation at the next meeting of the board of directors.

SEC. 16. Section 170018 of the Public Utilities Code is repealed.

SEC. 17. Section 170018 is added to the Public Utilities Code, to read:

170018. (a) On or before July 1, 2008, the board of directors shall expand the membership of the Audit Committee, a standing committee of the board of directors consisting of four board members, to include three members of the public who shall be voting members. The public members shall be appointed by the board of directors for staggered three-year terms commencing July 1, 2008.

(b) The board of directors shall select the three public members from among the following categories of persons, with no more than one appointee from each category at any one time:

(1) A professional with experience in the field of public finance and budgeting.

(2) An architect or civil engineer licensed to practice in this state.

(3) A professional with experience in the field of real estate or land economics.

(4) A person with experience in managing construction of large-scale public works projects.

(5) A person with public or private sector executive level decisionmaking experience.

(6) A person who resides within the airport influence area of the San Diego International Airport (Lindbergh Field).

(7) A person with experience in environmental justice as it pertains to land use.

(c) The board of directors may appoint other persons to serve as nonvoting, noncompensated, ex officio members on the Audit Committee.

(d) In appointing the public members of the Audit Committee, the board of directors shall provide for selection policies, appointment procedures, conflict-of-interest policies, length-of-term policies, and policies for providing compensation, if any.

(e) The Audit Committee shall serve as a guardian of the public trust, acting independently and charged with oversight responsibilities for reviewing the authority's internal controls, financial reporting obligations,

operating efficiencies, ethical behavior, and regular attention to cashflows, capital expenditures, regulatory compliance, and operations.

(f) The Audit Committee shall meet a minimum of four times per year and shall, at a minimum, do all the following:

(1) Regularly review the authority's accounting, audit, and performance monitoring processes.

(2) At the time of contract renewal, recommend to the executive committee and the full board of directors its nomination for an external auditor and the compensation of that auditor, and consider at least every three years, whether there should be a rotation of the audit firm or the lead audit partner to ensure continuing auditor independence.

(3) Advise the executive committee and the board of directors regarding the selection of the auditor.

(4) Be responsible for oversight and monitoring of internal and external audit functions, and monitoring performance of, and internal compliance with, authority policies and procedures.

(5) Be responsible for overseeing the annual audit by the external auditors and any internal audits.

(6) Make recommendations to the full board regarding paragraphs (1) to (5), inclusive.

(g) An affirmative vote by at least five members of the Audit Committee shall be required for approval of the annual internal and external audits, including performance monitoring, the auditor's annual audit plan for each fiscal year submitted to the board for approval, and actions recommending or approving debt financing for the authority.

SEC. 18. Section 170020 of the Public Utilities Code is repealed.

SEC. 19. Section 170022 of the Public Utilities Code is repealed.

SEC. 20. Section 170024 of the Public Utilities Code is repealed.

SEC. 21. Section 170024 is added to the Public Utilities Code, to read:

170024. (a) Upon request of the board of directors of the authority, and with the consent of any labor organization acting as the exclusive representative of employees of the authority whose rights are governed by a collective bargaining agreement, the board may enter into a contract to enroll those employees as members of the California Public Employees' Retirement System (CalPERS) or another retirement system.

(b) A contract to enroll employees in CalPERS shall be subject to the provisions of Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code and, where permitted by the law governing that system, shall receive full reciprocity with public employees' retirement systems in which they previously participated.

(c) Employees transferred from any existing retirement system or pension plan to CalPERS or any other retirement system by operation of this section shall receive benefits immediately after enrollment in, or transfer to, the system that are equal to the benefits the employees would have been entitled to immediately before enrollment in, or transfer to, the system.

(d) Notwithstanding any other provision of law, as a result of implementation of the San Diego County Regional Airport Authority Reform

Act of 2007, no employee that is not a member of the authority's executive committee shall incur loss of employment or reduction in wages, health and welfare benefits, seniority, retirement benefits or contributions made to retirement plans, or other terms and conditions of employment. The board of directors of the authority shall recognize all labor organizations and labor agreements in effect on January 1, 2008, that do not concern employees serving on the authority's executive committee.

SEC. 22. Section 170026 of the Public Utilities Code is amended to read:

170026. (a) The board of directors shall appoint the following executive employees of the authority:

- (1) Chief executive officer.
- (2) General counsel.
- (3) Auditor.

(b) The chief executive officer shall be responsible for all of the following:

(1) The implementation of the policies established by the board of directors for the operation of the authority.

(2) The appointment, supervision, discipline, and dismissal of the authority's other employees, including the deputy chief executive officer, consistent with the employee relations system established by the board of directors.

(3) The supervision of the authority's facilities and services.

(4) The supervision of the authority's finances.

SEC. 23. Section 170028 of the Public Utilities Code is repealed.

SEC. 24. Section 170032 of the Public Utilities Code is amended to read:

170032. (a) The authority may sue and be sued in all actions and proceedings, in all courts and tribunals of competent jurisdiction.

(b) All claims for money or damages against the authority 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.

SEC. 25. Section 170041 of the Public Utilities Code is repealed.

SEC. 26. Section 170042 of the Public Utilities Code is repealed.

SEC. 27. Section 170046 of the Public Utilities Code is repealed.

SEC. 28. Section 170048 of the Public Utilities Code is amended to read:

170048. (a) The authority has exclusive responsibility to study, plan, and implement any improvements, expansion, or enhancements at San Diego International Airport.

(b) The authority may commission planning, engineering, economic, and other studies to provide information to the board for making decisions about the location, design, management, and other features of future airports.

(c) The San Diego Association of Governments, or its successor, shall cooperate with the authority to include all airport system plans and facilities selected by the authority in the regional transportation plan consistent with state and federal law.

(d) The authority, the San Diego Association of Governments, local agencies, and the Department of Transportation shall cooperate to develop effective surface transportation access to new and existing airports.

(e) The authority shall adopt a comprehensive plan on the future development of San Diego’s regional international airport. In developing its plan, the authority shall review all options of alternative sites, including, but not limited to, expansion of the existing airport site and other development options available to address future airport needs.

SEC. 29. (a) It is the intent of the Legislature to dissolve the board of directors of the San Diego County Regional Airport Authority, appointed pursuant to Section 17016 of the Public Utilities Code, as that section existed on December 31, 2007, and to replace that board of directors with a new board of directors appointed pursuant to subdivisions (a) and (e) of Section 170010 of the Public Utilities Code, as added by this act.

(b) The initial appointments required by subdivisions (a) and (e) of Section 170010 of the Public Utilities Code shall be made on or before January 31, 2009.

SEC. 30. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.