



Mar Vista Community Council



MAR VISTA COMMUNITY COUNCIL

Santa Monica Airport Ad-Hoc Committee

Thursday, August 8, 2016

12139 National Blvd. LA, CA 90064

MINUTES

Co-Chairs:

Holly Tilson, rhubarb999@aol.com - Martin Rubin, martinrubin@earthlink.net

- I. Call to Order @7:30 PM by Martin Rubin
- II. Introductions and Public Comments (2 minutes)
5 present - Martin Rubin, Holly Tilson, Joan Winters, Virginia Ernst, and Betty Juarez
- III. Approval of April 21, 2016 meeting minutes - passed with no corrections or objections
- IV. Reports
 - a. Report by Co-Chair Martin Rubin
 - b. Report from groups other than MVCC. (None)
- V. Old Business (None)
- VI. New Business
 - a. Motion to rename Santa Monica Airport Committee passed unanimously (see page 2)
Motion to pass by Virginia Ernst; second by Joan Winters
 - b. Motion to support community letter to Santa Monica City Council passed unanimously
Motion to pass by Holly Tilson; second by Virginia Ernst (see pages 3&4)
 - c. Open discussion
 - d. Request items for next meeting's agenda
- VII. Public Announcements (None)
- VIII. Adjournment - 8:00 PM

Motion to change the name of the MVCC Santa Monica Airport Committee

(Motion written by Co-Chair Martin Rubin)

Whereas: Prior to October, 2015 complaints were received by MVCC Chair Bill Koontz regarding greatly increased noise impacts from LAX traffic. The complaints were forwarded to MVCC Santa Monica Airport committee Co-Chair Martin Rubin;

And whereas: the October, and November 2015 Santa Monica Airport Committee meetings included discussion regarding the topic of SoCal Metroplex noise impacts to Mar Vista;

And whereas: the topic of SoCal Metroplex noise impacts to Mar Vista will continue to be an issue of concern to the Mar Vista community;

Be it resolved: that LAX issues along with Santa Monica Airport (SMO) issues be reflected in the name of this committee;

And be it further resolved: that the names this committee recommends to the MVCC Board of Directors be either: the MVCC Airport Committee, or the MVCC Airport Committee - SMO and LAX.

Motion to support the following letter:

Santa Monica City Council
1685 Main Street, Room 209
Santa Monica, California 90401
E-mail: council@smgov.net
councilmtgitems@smgov.net

RE: The Community's Request Regarding Interim Actions Prior to Closure of Santa Monica Airport

Dear Santa Monica Mayor and City Council Members:

We thank you for your efforts to close Santa Monica Airport when legally cleared. While the closure process proceeds, gaining "local control" of the Airport is one of the 5 Strategic Priorities of the City of Santa Monica. Today, multiple fixed base operators (FBOs) provide aeronautical services and have significant control of operations at the Airport. These FBO operations include services, such as aircraft fueling and maintenance, as well as many extra services, such as limousine service, aircraft washing, baggage handling, catering, concierge services, rental cars, and hotel arrangements.

However, beginning July 2015, these FBO tenants have had no right to continued leases at the Airport. Although their leases are expired, the FBOs remain and continue to perpetuate the harmful impacts of the Airport on the community. Yet, there are no agreements, laws, or regulations that prohibit the City from evicting these specific FBOs. In fact, the 1984 Settlement Agreement that obligated the City to "provide sufficient space for the location and operation of 3 full service fixed base operators" expired on July 1, 2015. Furthermore, the FAA Director's Determination dated November 22, 2000 which was then affirmed by the FAA Final Decision dated February 2, 2003 confirmed (a) that FBO leases were not 30-year leases, but were actually 29-year leases timed to expire on July 1, 2015, (b) that it would be unreasonable for the City to be required to enter into FBO lease agreements beyond July 1, 2015, and (c) that beyond July 1, 2015, the Airport is "a local land use matter".

The City, as the owner and proprietor of the Airport, should legally and immediately remove the FBOs and assert the City's "proprietary exclusive right" to be the only exclusive service provider at the Airport. As the sole service provider, the City would achieve *de facto* "local control" of these Airport services and be able to directly manage them in line with the interests of the local community.

The Proprietary Exclusive Right

The FAA Airport Compliance Manual, which provides guidance on an airport sponsor's commitments when they accept federal grants, explains the Proprietary Exclusive Right as follows:

"The owner of a public-use airport (public or private owner) may elect to provide any or all of the aeronautical services needed by the public at the airport. In fact, the statutory prohibition against exclusive rights does not apply to these owners. However, while they may exercise the exclusive right to provide aeronautical services, they may not grant or convey this exclusive right to another party. The airport sponsor that elects to engage in a proprietary exclusive must use its own employees and resources to carry out its venture. An independent

commercial enterprise that has been designated as an agent of the airport sponsor may not exercise nor be granted such an exclusive right.”

“Aircraft fueling is a prime example of an aeronautical service an airport sponsor may choose to provide itself. While the airport sponsor may exercise its proprietary exclusive to provide fueling services, aircraft owners may still assert the right to obtain their own fuel and bring it onto the airport to service their own aircraft, but only with their own employees and equipment and in conformance with reasonable airport rules, regulations, and minimum standards.”

Even if we assume the 1994 grant commitments extend to 2023 (which is actively being disputed), the “proprietary exclusive right” is still in complete compliance with all obligations of the City.

We strongly but respectfully request you take the following actions:

1. Give Notice to Vacate to all FBOs at the Airport, including Atlantic Aviation and American Flyers, before September 1, 2016.
2. Authorize the City to assert its “proprietary exclusive right” and provide minimal levels of service while continuing to evaluate and periodically adjust service levels until Airport closure is legally cleared.
3. Rent or buy equipment and employ staff that may be required to operate fuel services and to park aircraft.

These steps are the most risk-free, quick, and direct path to help the City achieve its Strategic Priority of local control at the Airport. Meanwhile, the remaining legal issues with the FAA related to the 1994 Grant and the 1948 Instrument of Transfer should continue to be aggressively pursued in a timely manner.

Santa Monica is an extremely capable city that maintains and operates many services efficiently and effectively, including fire, police, Big Blue Bus, waste collection, recycling, cemetery, CityTV, and parks and recreation, among others. With the addition of FBO services we can also safely operate and maintain the Airport with the local control necessary to reduce the Airport’s impact on our surrounding communities.