

**AIRPORT LAND USE COMMISSION**  
**MINUTES FOR SPECIAL MEETING OF JULY 16, 2009**

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**I. CALL MEETING TO ORDER**

Chairman Whitehurst called the meeting to order at 2:05 p.m. in Room 301 on the third floor of the Merced County Administration Building, located at 2222 'M' Street, Merced, California.

**II. ROLL CALL OF COMMISSIONERS**

**Commissioners Present:** Tony Whitehurst, Chairman  
Scott Malta  
Ron Elliott  
Rick Eason

**Commissioners Absent:** Frederick Honore, Vice Chairman  
Gail McCullough  
Al Romero

**Staff Present:** Bill Nicholson, ALUC Staff  
Kim Anderson, ALUC Recording Secretary

**Legal Staff:** Marianne Greene, ALUC Legal Counsel

**III. APPROVAL OF MINUTES**

**MOTION:** M/S Eason/Malta, and carried by a vote of 4-0, the Commission approves the minutes of February 19, 2009.

**IV. CITIZEN COMMUNICATIONS**

None

**V. PUBLIC HEARING ITEMS**

None

**VI. GENERAL BUSINESS**

- A. Acceptance of CalTrans Grant Allocation for the Update of the Merced County Airport Land Use Compatibility Plan and Related Environmental Document, and Approval of the Work Plan.**

Bill Nicholson, ALUC Staff, said the Airport Land Use Commission has 120 days to get back to the State with the Work Plan to allow them to prepare for the bidding process to find a consultant to update the Airport Land Use Compatibility Plan. The Work Plan needs to be approved by the Commission for the State to formally approve it. Staff is hoping to complete the Plan is available by early 2011.

Commissioner Malta says the State will be updating the Airport Land Use Planning Handbook, but can they change it mid course?

**Mr. Nicholson says we may want to use the current Handbook in updating the ALUC Plan. The Consultant should be responsible in coordinating with CalTrans as they go along in the updating process and be aware of any changes. We need to pick an expert that has experience with Airport Land Use Plans.**

**Chairman Whitehurst asked Mr. Nicholson if he feels comfortable with the timeframe allowed. Mr. Nicholson says if a Negative Declaration is done to comply with CEQA, then he feels it would be achievable.**

**Commissioner Elliott asked if the grant financially covers the (Environmental Impact Report) EIR or Negative Declaration. Mr. Nicholson said they have been silent on that but we need to be sure that the \$250,000 covers it. An EIR could cost more than that. We will see what the Consultants propose.**

**Commissioner Elliott asked what the billing process is for the Airports share of the Grant match. Mr. Nicholson said that after we submit our Work Plan to CalTrans, we need to sign a Grant Agreement, and by the time we sign it, we need to have all the monies from each Airport. CalTrans has to approve what Consultants were selected. Once completed, the Division will prepare a Grant Agreement that needs to be signed by the Chairman. Invoicing will be done after the Grant Agreement is submitted.**

**Chairman Whitehurst says the Commitments from each Airport are the most important right now. He asked that acceptable language be written up showing the Cities matching contributions to funds coming from CalTrans. Mr. Nicholson said we need to see what the Grant Agreement looks like.**

**Commissioner Rick Eason asked ALUC Counsel Marianne Greene if he has authority to vote on this project since his term has expired.**

**ALUC Counsel Marianne Greene says in her past experience if the provision governing your term allows you to continue to serve until you have a replacement, then you can.**

**Mr. Nicholson added that the Cities reappointed a City member for the ALUC in 2006. Commissioner Eason was confused with his term being 5 months long according to the document attached to the agenda memo. Mr. Nicholson indicated that Commissioner Eason may have taken over another member's unexpired term. The roster is updated by the Board of Supervisors office and the ALUC has their own version and needs to be updated. Mr. Nicholson explained the terms of the Commissioners and who appoints them and when appointments take place.**

**ALUC Counsel, Marianne Greene, said according to the guidelines Section 21671.5 - Term of Office - Removal of Members - Vacancies - A. Except for the terms of office of the members of the first commission, the term of office for each member shall be 4 years and until the appointment and qualification of his or her successor. Ms. Greene understood that it is the word "and" that allows the Commissioners to remain on the Commission until they are replaced. Bill Nicholson agreed to update the list and get clarification.**

**MOTION: M/S Elliott/Malta, and carried by a vote of 4 - 0, the Commission approves the proposed Work Plan for updating the Merced County Airport Land Use Compatibility Plan and Related Environmental Documents.**

**B. Release of Request for Proposals to Prepare the Merced County Airport Land Use Compatibility Plan Update.**

Commissioner Elliott asked when the Request for Proposals come back, will the Airport Land Use Committee be the ones to review and interview or will there be a separate Committee that does that?

Bill Nicholson said that is up to the discretion of the Commission.

Chairman Whitehurst envisioned that Staff would do the initial screening and narrow down the Consultants to a small group to decide from. Commissioner Eason and Commissioner Elliott agreed.

Mr. Nicholson said we need to identify the entire RFP process so everyone knows how the ALUC Staff will screen the applications. Ultimately the Commission can interview the top two or three and choose the final Consultant from there. The Commissioners agreed to let Staff screen the original proposals, then interview the top five, and based on this process forward the top two or three for interview the full ALUC Commission.

**MOTION: M/S Eason/Malta, and carried by a vote of 4-0, the Commission approves the Release of Request for Proposals to Prepare the Merced County Airport Land Use Compatibility Plan Update.**

**C. Appointment of the Airport Land Use Commission Public Member.**

Bill Nicholson explained the Airport Land Use Commission Membership Roster. He indicated one member is appointed by the ALUC, and two members are appointed by the Board of Supervisors, two are selected by the City Selection Committee, and the last two are appointed by the five Airport Managers. Commissioners Malta and Elliott were just reappointed to 2012. Chairman Whitehurst's term doesn't expire until 2010. Commissioner McCullough's seat is up for appointment, and she expressed that she still is interested in serving.

Commissioner Eason asked if they can reappoint someone else to fill Commissioner McCullough's position. Mr. Nicholson said that is up to the Commission to decide. There is no set process regarding the nominating of positions that are appointed by the Airport Land Use Commission members.

ALUC Counsel Marianne Greene, said the Airport Land Use Commissioners can set up their own procedures for future use in selecting new public Commissioners and their terms.

Commissioner Elliott suggested waiting until we have all Commissioners present to make the final vote for a new ALUC member. He said they could possibly vote by email on a new member.

ALUC Counsel Marianne Greene said they shouldn't vote by email because of the Brown Act. She said having a majority of the Commissioners present would be good, and that would require at least 4 votes to nominate a new ALUC member. Ms. Greene recommended developing and approving a process to resolve on how to appoint a public member for the Commission.

Chairman Whitehurst feels that Commissioner McCullough deserves a nomination for public member.

Commissioner Eason indicated that George Williams is interested in becoming a member of the Airport Land Use Commission.

Ms. Greene said another option to involve people who are not appointed to this Commission is to have sub-Committees of the Commission where members of the public are allowed to be members of that sub-Committee.

Mr. Nicholson says "Subsection B" of Section 21671.5 states that each member shall appoint a single proxy to represent members on the Commission and to vote when members are not in attendance.

Commissioner Elliott would like to wait until the next ALUC Meeting to vote for a public member.

**MOTION:** M/S Elliott/Whitehurst, and carried by a vote of 4-0, the commission agrees to keep an open nomination for public member appointment at the September 17, 2009 ALUC Meeting.

Chairman Whitehurst would like to have his vote to keep Commissioner Gail McCullough. Commissioner Eason would like to nominate George Williams.

Ms. Greene suggested more description be included in the Airport Land Use Commission agenda regarding the appointment of the public member.

Commissioner Eason asked Ms. Greene if the public member needs to be a Merced County resident and does the City appointed position need to be a resident of that City. Ms. Greene said she will get those answers and forward them to Commissioner Eason.

Ms. Green also suggested in the next three months, each member should declare a proxy member.

**V. COMMISSIONERS COMMENTS**

Scott Malta said the Castle Master Plan should be ready for review and adoption by the Board of Supervisors for approval, but the Airport Land Use needs to review the Plan first.

**VIII. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:35 p.m.