

Legislation Text

File #: AC 20-014, **Version:** 1

ALUC-20-.(Airport Land Use Commission Policy and Procedure Discussion)

Discuss policy questions regarding general principles and procedures of how the Commission operates including the role and duties of individual Commissioners

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

RECOMMENDATION:

Staff recommends that the Commission conduct a discussion on general principles and procedures of how the Commission operates including the role and duties of individual Commissioners

INTRODUCTION

Over the past several years, staff and the Chair have fielded questions and concerns from individual Commissioners regarding the roles, duties and responsibilities of Commissioners. These conversations have been broad in scope.

At the February 6, 2020 Regular Meeting of the Commission, it was agreed that the Chair would calendar a discussion of this item for consideration by the Commission at an upcoming meeting. The Chair, in consultation with the staff, has scheduled this discussion to provide an opportunity to review legal factors and Commissioner protocols. The discussion will assist the staff in determining whether further actions are necessary.

DISCUSSION

In order to gain some perspective on these issues, it is worthwhile to contemplate aspects of the Legislature's intent in creating the airport land use commissions across the state. One of the considerations was that a commission would have several members with some form of direct aviation experience. This provision was thought to ensure that, when acting as a single body, the decision-making would benefit from multiple perspectives and varieties of aviation experience.

With this in mind, staff has identified three broad areas of Commission interaction which should be discussed, to wit:

1. Operation of the Commission as One Body,
2. Roles and Responsibilities of Individual Commissioners
3. Relationship of the Commission and Commissioners to Stakeholders including contacts outside of public Commission Meetings

1. Operation of the Commission as One Body

When conducting its business, the Commission acts as a single body. The Commission has adopted Bylaws

(See Attachment A) which provide structure and rules for how meetings are to be conducted and address other aspects of administration, including a basic outline of the duties of the Chair and the Secretary as provided below:

A. Role of the Chair

The Bylaws essential provide that the Chair presides over the meetings and carries out all duties required to perform that activity. In addition, the Chair consults with staff on items on the agenda. The Chair is also responsible to appoint members to committees.

B. Role of The Secretary

The Bylaws designate the Director of Resource Management as the Secretary of the ALUC. The Secretary provides professional and technical advice to the Commission and carries out the administrative functions

The Bylaws do not provide a lot of detail on how to handle day-to-day operations of the Commission, but rather rely on the Chair and Secretary to work together to conduct the business of the Commission.

2. Roles and Responsibilities of Individual Commissioners

The Bylaws do not address the conduct of individual Commissioners in any detail. Generally speaking, individual Commissioners are not empowered to speak on behalf of the entire Commission (a possible exception would be if the commission as a whole granted that authorization on a special issue) and have a duty to conduct themselves in accordance with the provisions of the Brown Act. Staff has presented aspects of the Brown Act to the discussion in the past and could do more work in this area if the Commission desires.

3. Relationship of the Commission and Commissioners to Stakeholders

Representing the Commission

The Airport Land Use Commission acts as a single body in carrying out its responsibilities under the authority granted to it by the State. Individual Commissioners do not speak for the ALUC and the Bylaws do not address the relationship of individual commissioners to the Commission or outside stakeholders or agencies. For example, there is no discussion of who represents the Commission before other agencies. Under the current set of Bylaws, it has generally been the practice that the Chair is empowered to represent the full Commission at venues outside of regular committee meetings.

Occasionally, outside stakeholders and/or agencies have an interest in hearing about the ALUC and its role. Historically, the Secretary has performed the function of speaking for the Commission at outside meetings and events. The Secretary may, at his or her discretion, designate other staff members to do so.

The Commission may want to address policies and procedures for how this can be accommodated ensuring that technically and legally correct information is portrayed to outside meetings by the Commission as a whole.

Subcommittees

The Chair may also constitute subcommittees to perform work on behalf of the Commission. The subcommittees should not place themselves in the role of speaking for the ALUC on matters outside of their subcommittee assignments to outside interests.

Coordinating Information Gathering

When individual Commissioners are out in the community they frequently gather important information

relevant to one or more matters of interest to the Commission. In order to make sure that all information which is being gathered by individual Commissioners is available to other Commissioners, a clearinghouse needs to be established for the purpose of receiving and sharing the information. Commissioners should summarize information being gathered and forward it to the Chair and the Secretary, so it can be captured and utilized.