



Sandor W. Shapery

January 28, 2010

**VIA EMAIL ONLY**

San Diego County Regional Airport Authority  
P.O. Box 82776  
San Diego, CA 92138-2776

Attn: Board Members and Advisory Committee Members

**Re: San Diego County Regional Airport Authority (SDCRAA)  
Advisory Committee Recommendations**

Dear SDCRAA Commission members and Advisory Committee members:

I am writing to share a concern I have and at the same time vent a little about the way the approval of the five-year Ground Transportation Master Plan (GTMP) has been addressed by the staff of the San Diego County Regional Airport Authority (SDCRAA) and the SDCRAA Board.

Many of the Airport Advisory Committee members have donated countless hours to study the issues and attend the Advisory Committee meetings to make informed recommendations to the SDCRAA Board. Some of us, including me, have volunteered substantial additional time to participate on one or more of the Ad Hoc committees to further understand the details of the various challenges and contribute to improving the process by sharing the unique experiences and knowledge we each bring to the table.

The legislative authority creating the San Diego County Regional Airport Authority and the Authority Advisory Committee are the result of a law passed by the State Legislature known as the San Diego County Regional Airport Authority Act and codified into law in the California Public Utilities Code as sections 17000 et seq. Of particular relevance to the issue discussed hereinbelow is section 170054 of the Act. Section 170054 provides that the

“Purpose: [is] To establish a policy for the governance of the Authority Advisory Committee in its role of assisting the Authority to plan and develop airport facilities for the County of San Diego.”

Section 170054 further states:

“The Authority *shall* (emphasis added) form an advisory committee *to assist it in performing its responsibilities relating to the planning and development of all airport facilities* (emphasis added) for the County of San Diego...”

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Of further significance is subparagraph 12 of the Act entitled "Committee Recommendations" which states:

"All recommendations from the Advisory Committee shall be presented to the SDCRAA Board for review and consideration. No action will be taken on the day recommendations are submitted to the Board..."

Finally subparagraph 14 entitled "Working Groups & Subcommittees" states:

"The Advisory Committee and the Board shall have the authority to form *ad hoc* working groups and standing subcommittees to accomplish specific tasks..."

If one asks what this all means, it is apparent that the Advisory Committee was required by the legislature to be formed by the Authority and is charged with advising the Authority on all planning and development matters relating to all airport facilities in the County. This is a law, a mandate, a requirement, not a recommendation or suggestion to be followed or disregarded by the Airport authority staff or even the Board itself. In fact the legislature thought these requirements were so important that they included section 170016(b) in the Act which specifically makes a violation of these above quoted code sections and the rules promulgated thereunder a misdemeanor.

These regulations have not been followed in the adoption of the five-year Ground Transportation Master Plan. Additionally such staff and Board actions call into question the legality of the implementation of the plan and the resolution approved thereunder.

Instead of presenting the proposed GTMP to the Advisory Committee for evaluation and recommendations to the Board as required by the above quoted laws, the staff completely sidestepped its responsibility and embarked upon a separate independent course including a public outreach program that involved a 21 slide PowerPoint presentation to other public groups such as the San Diego Tax Payers Association on November 19, 2009 and the Chamber of Commerce Transportation and Land Use Committee (of which I am a member) on December 8, 2009, without any prior knowledge of or previous consideration by the Airport Advisory Committee.

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Finally upon learning about the Airport staffs' activities involving the GTMP, the Advisory Committee Chair, Bella Heule convened a Special Meeting of the Advisory Committee on 2 days notice for December 11, 2009 for the purpose of seeing the presentation that staff had been showing to the public groups mentioned above. Unfortunately there were not enough attendees to constitute a quorum of the Advisory Committee. The minutes of that meeting are reproduced in pertinent part as follows:

“Dear Airport Advisory Committee (AC) Member:

“A Special Meeting of the AC was held on December 11, 2009 in the Airport Authority Board Room to inform our Committee on the Five-Year Ground Transportation Management Plan (GTMP)... We had 18 voting attendees, short of the 28 needed for a quorum.

Vernon Evans, Vice President, Finance/Treasurer, presented the GTMP, which is scheduled for vote by the Airport Board on January 7, 2010. Discussion of the GTMP followed the presentation, and consensus was reached that

1. we did not have enough time in this meeting to thoroughly review the proposal to make a recommendation;
2. we recommend the board delay its January 7 vote by one month minimum so that
3. an ad hoc sub-committee could review and make a recommendation to our full Committee at our January 21 meeting, and that our formal recommendation be made to the Board at the February meeting.

“At Tuesday's special meeting of the Airport Authority Executive Committee, I asked the board to consider a continuance of its 1/7/10 vote by at least a month in order for the AC to review the issue in more detail.

“The board will hear the GTMP presentation on January 7,...”

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The Airport Authority Board, instead of using the January 7 meeting as an opportunity to correct the inappropriate action of the staff in bypassing the legal mandates of the law, passed a resolution approving the GTMP. This Board action calls into question the propriety and legality of the resolution setting it up for a legal attack on its validity. The legality of the Boards' actions in this particular case is very important to the process as the GTMP has some provisions that have substantial negative economic impacts to a number of groups including the taxi drivers who have already organized and hired counsel to oppose the Boards' actions. Not only does the above described series of events affect the efficacy of the Board and the legality of its actions, it has other negative impacts on the process that has been mandated by law.

As pointed out above many of us have taken our appointment very seriously and volunteered a great deal of time. At this point, a number of the Advisory committee members, including me, feel that our input is not being considered, is not wanted, and will have little or no impact on the activities of the staff and Board. In other words speaking for myself (and perhaps other Advisory members may agree) that I (we) feel discounted, unappreciated for our time and efforts and totally disregarded.

I and all of the Advisory Committee members want to feel that we are making an important contribution. Please let us do that for the sake of a more thought out, well rounded approach to the challenges facing our San Diego County airports.

Sincerely,

A handwritten signature in blue ink that reads "Sandor W. Shapery". The signature is written in a cursive style with a large, sweeping initial 'S'.

Sandor W. Shapery

SWS:rp