



November 11, 2021

CALL AND NOTICE OF THE REGULAR MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
OF THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY

NOTICE is hereby given that the regular meeting of the Legal, Government and Environmental Affairs Committee will be held Monday, November 15, 2021, at 9:30 a.m., or immediately following the Commission meeting, in the Burbank Room of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

Pursuant to Government Code Section 54953(e), members of the Committee may participate in this meeting via teleconference. In the interest of maintaining appropriate social distancing, a physical location is not being provided for the public to attend or comment. Members of the public may observe the meeting telephonically and may offer comment in real time through the following number:

(818) 862-3332

Terri Williams, Board Secretary
Burbank-Glendale-Pasadena Airport Authority

AGENDA

Monday, November 15, 2021

1. Roll Call
2. Staff Announcement: AB 23
3. Approval of Agenda
4. Public Comment
5. Approval of Minutes
 - a. October 18, 2021 *[See page 1]*
6. Items for Approval
 - a. Annual Exempt Surplus Land Declaration *[See page 3]*

Staff seeks a Legal, Government and Environmental Affairs Committee recommendation to the Commission for the adoption of the attached Resolution No. 491 to make the annual exempt surplus land declaration required by state law.
7. Items for Discussion
 - a. Procurement Communications Policy

No staff report attached. At the request of a Commissioner, this item is being brought to the Committee for its consideration and direction to staff whether to draft a formal policy regarding communications between interested parties and Authority representatives on business opportunities prior to and during the procurement process.
8. Items for Information *[See page 7]*
 - a. Committee Pending Items
9. Closed Session
 - a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(California Government Code Section 54956.9(d)(1))
Name of Case: City of Los Angeles v. FAA et al. (Case No. 21-71170)
10. Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY**

MONDAY, OCTOBER 18, 2021

A regular meeting of the Legal, Government and Environmental Affairs Committee was called to order on this date in the Burbank Room, 2627 N. Hollywood Way, Burbank, California, at 10:45 a.m., by Commissioner Agajanian.

1. ROLL CALL

Present:	Commissioners Agajanian, Williams and Gabel-Luddy
Absent:	None
Also Present:	Staff: Scott Kimball, Deputy Executive Director, Business and Properties, SMS, Procurement and Operations; Pamela Marcello, Senior Director, Government and Public Affairs
	Authority Counsel: Terence R. Boga of Richards, Watson & Gershon

2. Staff Announcement: AB 23

The Assistant Board Secretary announced that, as a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

3. Approval of Agenda

The agenda was approved as presented.

4. Public Comment

There were no public speakers.

5. Approval of Minutes

a. October 4, 2021

b. October 13, 2021

Commissioner Williams moved approval of the minutes of the October 4, 2021 meeting and October 13, 2021, special meeting seconded by Commissioner Gabel-Luddy. There being no objection, the motion was approved (3-0).

6. Items for Information

a. Government Affairs Update

Staff updated the Committee on federal, state, and local government affairs pending issues.

b. Sustainable Aviation Fuel (SAF) Update

Staff updated the Committee on the implementation and use of SAF at the Hollywood Burbank Airport, and other potential steps being contemplated by other operators.

c. Committee Pending Items

Staff informed the Committee of future pending items that will come to the Committee for review.

7. Closed Session

This item was cancelled.

a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation (California Government Code Section 54956.9(d)(2)):
1 potential case. Facts and Circumstances: FAA Southern California Metroplex Project

b. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(California Government Code Section 54956.9(d)(1))

Name of Case: City of Los Angeles v. FAA et al. (Case No. 21-71170)

8. Adjournment

There being no further business, the meeting was adjourned at 11:15 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
NOVEMBER 15, 2021**

ANNUAL EXEMPT SURPLUS LAND DECLARATION

Presented by John Hatanaka
Senior Deputy Executive Director

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission for the adoption of the attached Resolution No. 491 to make the annual exempt surplus land declaration required by state law.

BACKGROUND

California’s Surplus Land Act (“Act”) seeks to address statewide needs for affordable housing, open space, school facility, and transit village infill sites. The Act applies to all local agencies, including joint powers agencies like the Authority. Pursuant to the Act, prior to disposing of land, a local agency must declare the land to be “surplus land” or “exempt surplus land.” Such declarations may be made on an annual basis, and a single declaration may cover multiple parcels. When disposing of surplus land, a local agency first must send an availability notice to designated entities and must engage in good faith negotiations with any of those entities that are interested in the property.

The California Department of Housing and Community Development (“HCD”) has issued guidelines to implement the Act. Under the HCD guidelines, a lease is deemed to be a disposal of property unless either (i) no development or demolition will occur on the leased land; or (ii) the lease has a term of less than five years including any extensions, amendments, or options.

The Act does not apply to the disposition of property that qualifies as “exempt surplus land.” In relevant part, the term “exempt surplus land” includes land subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site.

The Authority occasionally executes leases that involve development or demolition. Additionally, when extensions, amendments, or options are factored in, the Authority executes many airport property leases exceeding five years. The airport property involved in such leases qualifies as “exempt surplus land” under the Act because of the grant assurances imposed on the Authority by the Federal Aviation Administration (“FAA”) in connection with the Airport Improvement Program funding from the federal government. Specifically, the FAA’s Airport Compliance Manual declares that residential housing on airport property is forbidden by Grant Assurances 5 (preserving rights and powers), 19 (operation and maintenance), and 21 (compatible land use). There is no feasible method to satisfactorily mitigate or avoid such prohibition.

To memorialize the determination that the Act is inapplicable to the Authority's leases of airport property, staff has prepared the attached Resolution No. 491 for the Commission's consideration. If adopted, staff will submit the resolution to HCD for review and filing.

STAFF RECOMMENDATION

Staff seeks the Committee's recommendation to the Commission for adoption of the attached Resolution No. 491 to declare that all airport property leased by the Authority on which development or demolition will occur, or for which the term will be at least five years, is exempt surplus land under the Act.

Attachment: Draft Resolution No. 491

RESOLUTION NO. 491

A RESOLUTION OF THE BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY COMMISSION MAKING AN ANNUAL EXEMPT SURPLUS PROPERTY DECLARATION

The Burbank-Glendale-Pasadena Airport Authority Commission resolves as follows:

Section 1. Findings.

A. The Burbank-Glendale-Pasadena Airport Authority (“Authority”) owns and operates the Bob Hope Airport (commonly known as Hollywood Burbank Airport), an approximately 555-acre facility serving scheduled air carriers, general aviation, and military air operations.

B. The Surplus Land Act (“Act”), Government Code Section 54220 et seq., requires local agencies to declare their lands to be either “surplus land” or “exempt surplus land” prior to disposal. The statute allows local agencies to make such declarations on an annual basis, and allows a single declaration to cover multiple parcels.

C. The Act does not apply to a local agency’s disposition of exempt surplus land. As used in the Act, the term exempt surplus land includes land subject to valid legal restrictions that are not imposed by the local agency and that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site.

D. Under California Department of Housing and Community Development (“HCD”) guidelines implementing the Act, a lease is deemed to be a disposal of property unless either (i) no development or demolition will occur on the leased land; or (ii) the lease has a term of less than five years including any extensions, amendments, or options.

E. When extensions, amendments, or options are factored in, the Authority executes many airport property leases exceeding five years.

F. The Authority regularly receives grant funding from the federal government through the Airport Improvement Program (“AIP”) administered by the Federal Aviation Administration (“FAA”).

G. The FAA’s Airport Compliance Manual declares that residential housing on airport property is forbidden by AIP Grant Assurances 5, 19, and 21 imposed on airport sponsors. There is no feasible method to satisfactorily mitigate or avoid such prohibition. Grant Assurance 5 precludes an airport sponsor from taking any action that may deprive it of its rights and powers to direct and control airport development. Grant Assurance 19 precludes an airport sponsor from causing or permitting any activity or action that would interfere with an airport’s intended use for airport purposes. Grant Assurance 21 requires an airport sponsor to restrict the land use of airport and airport-adjacent property to airport compatible purposes and activities.

Section 2. Declaration. All airport property leased by the Authority on which development or demolition will occur, or for which the term will be at least five years, is exempt surplus land under the Act pursuant to Government Code Section 54221(f)(1)(G). Residential housing on airport property is forbidden by AIP Grant Assurances 5, 19, and 21, which are valid legal restrictions imposed on the Authority by the FAA, and there is no feasible method to satisfactorily mitigate or avoid such prohibition.

Section 3. Submittal. The Executive Director shall submit a copy of this Resolution to HCD in accordance with the agency's Surplus Land Act Guidelines.

Section 4. CEQA. The Commission determines that the adoption of this Resolution is exempt from environmental review under the California Environmental Quality Act pursuant to Title 14, Section 15061(b)(3) on the grounds that it can be seen with certainty that this Resolution will not have a significant effect on the environment.

Section 5. Duration. The annual exempt surplus land declaration made by this Resolution shall be effective until December 12, 2022.

Adopted this 13th day of December, 2021.

Paula Devine, President
Burbank-Glendale-Pasadena Airport Authority

Attest:

Frank R. Miller, Assistant Secretary

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
NOVEMBER 15, 2021**

COMMITTEE PENDING ITEMS

Future

1. Adoption of proposed Automatic License Plate Recognition System (ALPRS) policy
2. Request for Access to Install and Sample Monitoring Well - Lockheed Martin Corp
3. Restricted Land Covenant - Adjacent Parcel; RWQCB