



March 17, 2022

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, March 21, 2022, 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

REGULAR MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Burbank Room
Monday, March 21, 2022
9:30 a.m., or Immediately Following
the Conclusion of the
Commission Meeting

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.



The public comment period is the opportunity for members of the public to address the Committee on agenda items and on airport-related non-agenda matters that are within the Committee's subject matter jurisdiction. At the discretion of the presiding officer, public comment on an agenda item may be presented when that item is reached.

When in-person attendance or participation at meetings of the Commission is allowed, members of the public are requested to observe the following rules of decorum:

- *Turn off cellular telephones and pagers.*
- *Refrain from disorderly or boisterous conduct, including loud, threatening, profane, or abusive language, clapping, whistling, stamping, or other acts that disrupt or otherwise render unfeasible the orderly conduct of the meeting.*
- *If you desire to address the Committee during the public comment period, fill out a speaker request card and present it to the Board Secretary.*
- *Confine remarks to agenda items or to airport-related non-agenda matters that are within the Committee's subject matter jurisdiction.*
- *Limit comments to five minutes or to such other period of time as may be specified by the presiding officer.*



The following activities are prohibited:

- *Allocation of speaker time to another person.*
- *Video presentations requiring use of Authority equipment.*



Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Authority to the Committee less than 72 hours prior to that meeting are available for public inspection at Hollywood Burbank Airport (2627 N. Hollywood Way, Burbank) in the administrative office during normal business hours.



In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Board Secretary at (818) 840-8840 at least 48 hours prior to the meeting.

A G E N D A

Monday, March 21, 2022

1. Roll Call
2. Staff Announcement: AB 23
3. Approval of Agenda
4. Public Comment
5. Approval of Minutes
 - a. February 22, 2022 *[See page 1]*
6. Items for Approval
 - a. Annual Noise CPI Adjustment *[See page 3]*

Staff seeks the Committee's recommendation to the Commission to authorize an increase to the noise fines associated with certain restricted operations as detailed in Airport Noise Rules 8 and 9 in accordance with the annual adjustment of noise violation fines required by Resolution No. 382.
7. Items for Information
 - a. Committee Pending Items *[See page 5]*
8. 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)
9. Adjournment

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

TUESDAY, FEBRUARY 22, 2022

A special 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 11:02 a.m., by Commissioner Agajanian.

1. ROLL CALL

Present: Commissioners Agajanian (via teleconference),
Williams and Gabel-Luddy

Absent: None

Also Present: Staff: Frank Miller, Executive Director;
Patrick Lammerding, Deputy Executive Director,
Planning and Development

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

Commissioner Gabel-Luddy moved approval of the agenda, seconded by Commissioner Williams.

There being no objection, a voice vote was taken to accommodate the Commissioner participating via teleconference. The motion was approved (3-0).

4. Public Comment

There were no public comments.

5. Approval of Minutes

a. February 7, 2022

Commissioner Gabel-Luddy moved approval of the minutes of the February 7, 2022 meeting, seconded by Commissioner Williams. There being no objection, a voice vote was taken to accommodate the Commissioner participating via teleconference. The motion was approved (3-0).

6. Items for Approval

a. TBI Airport Management Cost Reimbursement

TBI Airport Management Inc. General Counsel presented a request to the Committee for a recommendation to the Commission seeking reimbursement under the terms of the Fourth Amendment and Restated Agreement for Airport Management Services related to a wage and payroll litigation settlement.

Motion

Commissioner Williams moved approval of Staff's recommendation seconded by Commissioner Gabel-Luddy.

Motion Approved

There being no objection, a voice vote was taken to accommodate the Commissioner participating via teleconference. The motion was approved (3-0).

7. Items for Information

a. Committee Pending Items

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

8. Closed Session

The meeting recessed to closed session at 11:12 a.m. to consider the items listed on the closed session, and to confer with legal counsel.

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)

The meeting reconvened to open session at 11:42 a.m. with all three Commissioners present. No reportable action was taken on the presented item.

9. Adjournment

There being no further business, the meeting was adjourned at 11:42 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
MARCH 21, 2022**

**ANNUAL REVIEW AND ADJUSTMENT OF
NOISE VIOLATION FINES**

Presented by Maggie Martinez
Director of Transportation and Environmental Programs

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission to authorize an increase to the noise fines associated with certain restricted operations as detailed in Airport Noise Rules 8 and 9 as described below, in accordance with the annual adjustment of noise violation fines required by Resolution No. 382.

BACKGROUND

Resolution No. 382 was adopted by the Commission on March 20, 2003. It requires noise violation fines contained in Airport Noise Rules 8 and 9 to be adjusted annually for inflation based on percentage changes in the Consumer Price Index (“CPI”). The January index is used to calculate the annual adjustment and the new rates become effective each April 1st.

Rule 8 prohibits the following activities between 10 p.m. and 7 a.m.

- Intersection takeoffs
- “Touch and go” landings
- Maintenance run-ups
- Flight training operations
- Practice approaches

The current first-time fine is \$1,617 and the fine for subsequent violations is \$2,348.

Rule 9 prohibits the operation of certain “noisy” aircraft (determined pursuant to FAA classifications) between 10 p.m. and 7 a.m. The current fine for each violation is \$4,702.

The 2012 FAA Modernization and Reform Act required owners/operators of aircraft that weigh less than 75,000 pounds that do not meet FAA Stage 3 noise levels to modify or retire their aircraft by December 31, 2015. This statute has been fully implemented; however, existing Airport Noise Rules include weight limits provided by Gulfstream that are necessary, in addition to Stage 3 hush kits, for their Models G-IIIB and G-III aircraft to be in compliance. Currently there are no Gulfstream III aircraft based out Hollywood Burbank Airport. However, Rule 9 also applies to all itinerant aircraft operations with this model aircraft.

In 2021, Staff investigated 9 nighttime operations from general aviation operators for suspected violations. After further investigation, they were all determined to be in compliance with the Airport Noise Rules as none had exceeded the gross weight limit of 55,500 for a G-III aircraft operating during the nighttime hours.

JANUARY CPI INDEX LEVEL

The January 2022 CPI for All Urban Consumers in the Los Angeles, Long Beach and Anaheim area is 301.21 according to the U.S. Bureau of Labor Standards. This level represents an approximate increase of 7.5% when compared to the January 2021 index reading of 280.18. Applying this CPI value to the current fines results in the following revised fines levels for Rule 8 and Rule 9 violations:

- Rule 8: \$1,738 (first violation)
- Rule 8: \$2,524 (subsequent violations)
- Rule 9: \$5,055 (each violation)

STAFF RECOMMENDATION

Staff seeks a Committee recommendation to the Commission that the monetary fines for violations of Airport Noise Rules 8 and 9 be adjusted as detailed in this staff report.

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
MARCH 21, 2022**

COMMITTEE PENDING ITEMS

Future

1. Award of PSA Amendment - Trifiletti Consulting
2. AQMD – AQIP Compliance Report; Airport Authority Fleet Management
3. Restricted Land Covenant - Adjacent Parcel; RWQCB