



## **AIRPORT COMMISSION**

### **ACTION SUMMARY MINUTES OF REGULAR ADJOURNED MEETING**

**Wednesday, September 21, 2022 – 5:30 P.M.**

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#### **1. CALL TO ORDER:**

Chairman Dada called the Airport commission Meeting to order at 5:32 P.M. and he invited Commissioner Burke to lead the Pledge of Allegiance. The meeting was held via videoconference.

#### **2. POSTING OF THE AGENDA:** Posted on September 15, 2022.

#### **3. ROLL CALL:**

##### **Commissioners Present:**

Patricia Breslin (Palm Springs)	Gabriel Martin (Coachella)*
Paul Budilo (Indian Wells)	Scott G. Miller (Palm Springs)
Todd Burke (Palm Springs)	John Payne (Palm Springs)
Kevin Corcoran (Palm Springs) – Vice Chair *	Jan Pye (Desert Hot Springs)*
Aftab Dada (Palm Springs) - Chair	Jhan Schmitz (Indio) *
David Feltman (Palm Springs)*	M. Guillermo Suero (Palm Springs)
Ken Hedrick (Palm Springs)	Thomas Weil (Rancho Mirage)
Kathleen Hughes (La Quinta)	Kevin Wiseman (Palm Desert) *

**Commissioners Absent:** Gerald Adams (Palm Springs)

\* Vice Chairman Corcoran and Commissioners Feltman, Martin, Pye, Schmitz, and Wiseman joined the meeting after roll call was taken.

##### **Staff Present:**

Teresa Gallavan, Interim City Manager  
Harry Barrett, Jr., Airport Executive Director  
Daniel Meier, Deputy Director of Aviation, Marketing and Air Service  
Victoria Carpenter, Airport Administration Manager  
Christina Brown, Executive Administrative Assistant  
Jeffrey Ballinger, City Attorney

#### **4. ACCEPTANCE OF THE AGENDA:**

**ACTION:** Accept the Agenda as presented. **Moved by Commissioner Burke, seconded Commissioner Suero and unanimously approved noting the absence**

**of Vice Chairman Corcoran and Commissioners Adams, Feltman, Martin, Pye, Schmitz, and Wiseman.**

5. **PUBLIC COMMENTS:** None

6. **APPROVAL OF THE MINUTES:**

**ACTION:** Approve the minutes of the Airport commission Meeting of July 20, 2022. **Moved by Commissioner Hedrick, seconded Commissioner Miller and unanimously approved noting the absence of Vice Chairman Corcoran and Commissioners Adams, Feltman, Martin, Pye, Schmitz, and Wiseman.**

7. **INTRODUCTIONS AND PRESENTATIONS:**

Interim City Manager Gallavan said that it was a pleasure to be attending the Airport commission meeting and to meet the commissioners. Ms. Gallavan reported that the city manager recruitment was underway, and she said that she was looking forward to working with the commission through the transition and the changes that were coming up with the city council.

8. **CITY MANAGER REPORT:** None

9. **DISCUSSION AND ACTION ITEMS:**

**9.A** Training re: Brown Act and Commissioner Roles and Responsibilities

City Attorney Ballinger introduced himself, and he thanked the commissioners for allowing him to speak at the meeting. Mr. Ballinger provided a presentation on the Role of the Airport commission and The Brown Act, and he encouraged the commissioners to ask questions throughout the presentation.

Mr. Ballinger noted that the training being provided is important for the assurance that the commission is complying with the law, using the best practices, promoting positive public perception, and avoiding legal problems. He said that the airport commission ordinance is available online on the city's website, as well as the city's entire municipal code. Mr. Ballinger referred to the fundamental roles of the airport commission, and he said that it is important to take note of the introductory clause of PSMC 2.16.060 that states that "The international airport commission shall be advisory to the Palm Springs city council and shall have the duty and power to advise the city council on the following matters..." Mr. Ballinger explained that the commission is to give advice to the city council so that the city council can establish policy for the city of Palm Springs which is consistent with other commissions within Palm Springs and what he has seen in commissions and other communities that he serves.

Mr. Ballinger provided an overview of the 15 different areas of subject matters that the airport commission helps the city council make decisions on, and he provided a website link to an article published by the Institute of Local Government that articulated what advisory committees and commissions do in city government which is to be the eyes and ears of the community and to expand the city council's ability to hear different perspectives in a formal integrated way with city government.

Mr. Ballinger reiterated that the commission is advisory, and the city council is ultimately the policy decision maker, and he noted that staff is to provide their professional advice to the city council, as well as to the commission. He said that he is aware that it can become frustrating for commissions to not be the ultimate decision maker, and Mr. Ballinger said that it is still important for the commission to serve as the eyes and ears of the community so that the city council can make more fully informed decisions. He noted that the issue of the role of the commission is not technically a legal issue, it is more about governance in terms of making sure that all players that are within a municipal organization stay in their own lane to provide good governance.

Commissioner Miller asked if the commission was a legislative body under state law which Mr. Ballinger confirmed, and he said that he would cover that information when he discusses the Brown Act. Mr. Ballinger said that state law is separate in part from the city's municipal code and that the commission is a legislative body under the Brown Act, and the commission needs to comply with the Brown Act. Commissioner Miller asked for confirmation that the commission has no legislative powers and no legislative responsibilities or authorities in either the city charter, ordinance, or resolution that the city council has adopted. Mr. Ballinger confirmed Commissioner Miller's statement was accurate in terms of ultimate decision-making authority, if that is what he meant by legislative, and he said that the commission does play a role in assisting the legislative process in terms of providing advice to the city council who ultimately might adopt legislation or other programs.

Commissioner Miller asked if it was Mr. Ballinger's understanding that there isn't an ordinance, or anything approved by the city council that says that the commission is supposed to send recommendations to the city council on all of the aspects of the 15 matters listed in the municipal code and that there is an obligation for the commission to do so, and he asked if it was possible for an airport matter to be taken directly to the city council without the commission's recommendation. Mr. Ballinger said that most matters could probably fit into one of the 15 matters that are listed in the municipal code, and he noted that it was the city council that created the airport commission and that there is a theory under the law with legislative bodies, all the way from the state legislature down to the city council level that what the legislative body giveth, they can take away. Commissioner Miller said that he believed that staff had provided him a copy of the city charter and that the airport commission was created through the city charter which would have been adopted by the voters of Palm Springs. Mr. Ballinger said that there is an ordinance in the municipal code that creates the airport commission, and he said that the city charter authorized the city council to

create commissions. He reviewed the commissions that were listed in the city charter which did not include the creation of the airport commission, and he asked Commissioner Miller to email him the documentation that he was referring to.

Mr. Ballinger explained that it is staff that places items on the agenda at the direction of the city manager and staff and that they are following the priorities set by the city council. Commissioner Miller asked if there was a process for commissions to follow for agenda items. Mr. Ballinger asked the airport staff if bylaws had been adopted for the airport commission. Airport Executive Director Barrett said that bylaws had not been adopted for the airport commission, and he said that generally, the commission can submit agenda items to him for consideration. Mr. Ballinger noted that the former city manager had been working on trying to create some consistency among the different commissions in terms of the bylaws and procedures, and he said that it was likely that the process was likely to continue going forward.

Commissioner Payne asked where the city was in terms of the process that the former city manager had initiated to bring consistency to the commissions. Interim City Manager Gallavan explained that there has been a staffing transition, specifically the city has a new city clerk, she said that she could not provide an exact timeline, and she said that the creation of a new handbook would be a renewed project that would be a priority for the city. Ms. Gallavan said that the city is working on making sure that the commission's priorities are aligned with the city council's priorities, and she said that it is important for Mr. Barrett to consult with the city council to make sure that the commission is bringing forward items that the city council wants the commission to work on.

Commissioner Payne asked how the commissioners could participate in the creation of the bylaws, and he also asked how the commission could find out what is being proposed for the bylaws, and how the commission could influence the proposed bylaws, if there were something that the commission would like to see in the bylaws. Ms. Gallavan said that there would be continued communication moving forward as to where the city council is in the process, and the processes that the city council is proposing in the draft of the updated plan, and she asked Commissioner Payne if there was a particular question he had about the bylaws. Commissioner Payne requested that through Chairman Dada and Vice Chairman Corcoran, the city council make the commission aware of what is being considered and give the commission the opportunity to tweak, change or add things as appropriate, with the understanding that the city desires to have consistency across the commissions.

Mr. Ballinger said that he believed that the former city manager's intent was to have staff help with the development of a bylaws template that would be applicable to all commissions and to allow all commissions to weigh-in on the template, especially if the commission has issues that are unique to the commission which would be the case for the airport. Commissioner Miller noted that unlike most of the other commissions, the airport commission works with an enterprise type of situation that is a multimillion-dollar enterprise, the airport is an operations center, the airport is

entwined with federal and state dollars, and he said that there needs to be consideration for the airport commission having more necessity for detail in the airport commission's bylaws.

Mr. Ballinger explained that the Brown Act applies to local agencies, legislative bodies, and meetings, he reviewed the overall concept of the Brown Act, and he said that the idea of the Brown Act is to allow the public to participate and to be aware of how decisions are being made by the leaders of their local public agencies and that it does that by fundamentally requiring that the meetings be open to the public, and the public is notified prior to the meeting of what would be discussed at the meeting.

Mr. Ballinger said that a meeting is defined as any congregation of a majority of the commission at the same time and location, including a teleconference location that is to hear, discuss, deliberate, or take action on something that is within the commission's subject matter jurisdiction. He stressed that any of these items constitute a meeting and that it doesn't have to be all of the items to constitute a meeting. Mr. Ballinger explained that although a majority of commissioners discussing a sporting event does not constitute a meeting, the commissioners should be aware of the public's perception of a majority of the commission having a discussion, even if the discussion isn't within the commission's subject matter jurisdiction.

Commissioner Payne noted that there were two vacancies on the Airport commission, and he asked if 10 or more commissioners constitutes a majority. Mr. Ballinger said that he believed that it could be argued that nine commissioners is a majority because nine commissioners could effectuate a change on the commission, and he recommended that the commission err on the side of caution and assume that if there are nine commissioners that would be in the same place at the same time, including a teleconference meeting, the Airport commission should assume that it is a meeting under the Brown Act. Commissioner Payne asked for confirmation that eight commissioners discussing an airport matter would not trigger the Brown Act. Mr. Ballinger said that it would not trigger the Brown Act, and he explained that there are situations that could occur after the meeting, such as one of the eight commissioners discussing the meeting with a ninth commissioner that would constitute a Brown Act violation.

Commissioner Miller asked if the commissioners that have expired terms should be counted as a part of the majority of the commission. Mr. Ballinger said that he believed that as long as the commissioners with expired terms are serving on the commission, they would be counted as a part of the majority. Commissioner Miller inquired about the expired terms being overlooked. Mr. Ballinger said that the city's ordinance allows for the commissioners to serve until their successor is appointed, and the commissioner would be serving as a hold over commissioner. Commissioner Miller asked if the city council could choose to extend a commissioner's term. Mr. Ballinger said that in theory, the city council could do so, he said that there are term limits for the commissions, and he said that if the city council were to extend a commissioner's

term past the limits, an issue could be raised to address the matter. Mr. Ballinger noted that the issue of expired terms is separate from the Brown Act.

Mr. Ballinger explained that a legislative body is the governing body of a local agency. A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision making or advisory, created by a charter, ordinance, resolution, or formal action of a legislative body. He also explained that a standing committee is treated differently than an ad-hoc committee. Mr. Ballinger said that a standing committee is a committee that has less than a majority of the commission that has continued subject matter jurisdiction, and it is subject to the Brown Act. He said that an Ad Hoc Committee is advisory only, it is less than a majority of the commission, it only has commissioners serving on it, it exists for a short period of time, it would dissolve upon completion of task, and it is not subject to the Brown Act. Commissioner Payne asked if less than a year would be considered a short period of time. Mr. Ballinger said that the Brown Act does not define what the time period is for a short period of time, and he said that he uses one year as his rule of thumb and that theoretically the time period could be longer to address a bigger issue.

Commissioner Miller said that other than the standing Noise Committee, the airport commission has several other committees that he believed could be considered as ad hoc committees. Mr. Ballinger explained that the annual rotation of commissioners assigned to the committees does not end the committee for that year, and he said that if a committee has continuing subject matter jurisdiction, the committee would be a standing committee, even if the committee only meets once a year. Commissioner Miller asked if it was Mr. Ballinger's opinion that the committees of the airport commission are standing committees, even though there hasn't been any action by the airport commission to make them standing committees. Mr. Ballinger said that he believed that the airport commission committees are standing committees, and in regard to what the commission has called the committee, it is not as important as whether the committee meets the definition of an ad hoc committee or a standing committee.

Commissioner Payne asked how the commission could meet for a non-public meeting, other than in a closed session meeting. Mr. Ballinger said that if there is a majority of commissioners discussing a matter that falls within the airport commission's subject matter jurisdiction, the meeting must be open to the public, he explained that a closed session meeting still has to be publicly noticed on an agenda, and he said that he would be reviewing the closed session topics.

Mr. Ballinger reviewed the following rules governing meetings in regard to posting the agenda and following the agenda subject matter at the meeting, he said that agendas for regular meetings must be posted 72 hours prior to the meeting and 24 hours for special meetings, and the public has the right to comment. Mr. Ballinger noted that there are emergency meetings that require less than 24-hour notice, and he said that staff should try to provide notice to the press as soon as possible. Mr. Ballinger also noted that the public is afforded two different types of right to comment. The first is the

right to comment on those things that are listed on the agenda, and the second is the right to comment on things that are not listed on the agenda and that are within the subject matter jurisdiction.

Commissioner Payne asked what kind of rules govern dialogue with the public. Mr. Ballinger explained that the Brown Act does not govern dialogue with the public, and that Robert's Rules of Order or Rosenberg's Rules of Order are more parliamentary guides, and he said that it is up to each legislative body to determine which rules of parliamentary procedure is governed. Mr. Ballinger noted that he believed that city's ordinance states that Robert's Rules of Order generally governs parliamentary procedure.

Chairman Dada noted that with Robert's Rules of Order, the public comment procedure is for the commission to refrain from providing an immediate response and for staff to follow up with a response after the meeting. Mr. Ballinger clarified that in the general public comment period of the meeting, the Brown Act prohibits the commission from engaging in a discussion about an item that is not on the agenda, and he said that the best practice would be to thank the commenter and to let them know that the Brown Act does not allow the commission to discuss an item that isn't on the agenda and that the item would be referred to staff. He said that for an item that has been agendaized, there can be a discussion with the public during the public comment period for that item only.

Mr. Ballinger explained that the use of direct communication, intermediaries, or technology to develop a collective concurrence is the definition of a serial meeting, and it is a violation of the Brown Act if the serial meeting is not properly noticed. Mr. Ballinger provided examples of the different scenarios that can create a serial meeting.

Commissioner Miller asked for confirmation that it isn't a Brown Act violation for the commissioners to have each other's email addresses which Mr. Ballinger confirmed that it isn't a Brown Act violation. Commissioner Miller asked for confirmation that it isn't a Brown Act violation for a commissioner to send agenda item information in a one-way communication to the other commissioners which Mr. Ballinger confirmed that it isn't a Brown Act violation. Mr. Ballinger said that it is best practice to blind copy the commissioners, to not take a position or make a commitment on the substance of the information, he recommended that in the email body to write FYI or that you are providing information for an agenda item that you received, and he said that the commissioner sending the information should not weigh-in on the information, and they should not be inviting the other commissioners to provide their feedback. Commissioner Miller asked if the commissioners could communicate about items that aren't on the agenda. Mr. Ballinger said that commissioners could communicate about items that are within the commission's subject matter jurisdiction.

Mr. Ballinger said that the Brown Act does recognize that there are sometimes institutional or maybe privacy interests that are at stake and in the that case, it would be appropriate for the legislative body to have a closed session meeting that is outside

of the view of the public. He said that there are three primary items that call for a closed session meeting: 1) Significant exposure to litigation; 2) Initiation of litigation; and 3) Real property negotiations. Mr. Ballinger reiterated that the closed session items must be listed on the agenda that is publicly noticed, he noted that closed session meetings are primarily held by the city council and that it is very rare for a commission to hold a closed session meeting. Mr. Ballinger said that the ability of a commission to hold a closed session meeting is dictated by the scope of powers or the roles and responsibilities of the commission.

Commissioner Payne said that he believed that there was potential litigation for the airport, and he inquired about the process to have a closed session meeting. Mr. Ballinger said that the process would be to discuss the matter with Airport Executive Director Barrett, Executive Administrative Assistant Brown, or to contact him to identify what the purpose of the discussion is, and to see whether it falls within a closed session item, keeping in mind the scope of the commission's roles and responsibilities. Mr. Ballinger clarified that the commission does not initiate litigation.

Commissioner Miller said that the commission is to advise the city council, and he asked if the commission feels that they should advise the city council to initiate litigation, or to buy or sell property, what would be the process. Interim City Manager Gallavan said that in the process of master planning, the commission would have the opportunity to identify property to address the need for expansion which is a way to advise the city council. Mr. Ballinger said that the process would be to talk to Mr. Barrett or to him, and to include Ms. Brown to have the conversation of what the purpose discussion is to see if it fits into a closed session item.

Commissioner Miller asked for clarification on who should be included in the initial discussion to determine if a closed session meeting is needed. Mr. Ballinger said that the initial discussion could be with the commissioner(s) that are inquiring about holding a closed session meeting and the commission chairperson, and he said that the initial discussion could not include a majority of the commission. Commissioner Miller said that he was trying to determine what the process is because he doesn't know if the majority of the commission would want to have a closed session meeting, he said that he didn't believe that one, two or three commissioners should represent the commission, and he inquired about what the commission should do if it were unhappy with a city staff members performance.

Mr. Ballinger said that he agreed that one, two or three commissioners do not represent the entire commission, and he said that the process would be for he and staff to have an initial discussion with the commissioners that have raised the issue so that it can be determined if it is appropriate or warranted under the Brown Act or the commissioner's roles and responsibilities for the commission to hold a closed session meeting. He said that if it is determined that it is appropriate for the commission to hold a closed session meeting, it would be fair to bring the matter to the commission to determine if the commission is in support of holding the closed session meeting, and he said that the Brown Act does allow for a closed session

discussion to discuss whether meeting to discuss if closed session categories apply to having a closed session meeting. Mr. Ballinger recommended starting off with a small group before taking the matter to the commission.

Mr. Ballinger said that in regard to Commissioner Miller's inquiry about what the commission should do if it were unhappy with a city staff member's performance, he explained that other than maybe the city manager or general manager, a city council does not have hiring, firing or disciplinary authority over city staff. He said that he believed that most municipal attorneys would agree that the employee closed sessions don't allow for the city council to weigh-in on employee matters because they do not have authority over the employee. Mr. Ballinger said that he believed that the same policy would apply for commissions, and he said that in his opinion, he didn't believe that a city staff member's performance would qualify as a closed session topic for the airport commission.

Commissioner Pye said that she believed that the information that Mr. Ballinger was providing to the commission was correct, especially with exposure in regard to litigation. Commissioner Pye said that the commission needs to be careful when asking questions about what the commission should do and what explanations that the commission should be inquiring about with the city attorney because it could be opening the commission up to exposure to litigation. She said that she agreed with Mr. Ballinger's recommendation to the commissioners to speak to him or the airport executive director first to determine if the commission in its advisory capacity has the right to put an item on an agenda for closed session, and she said that anything outside of that process is subjecting the city council to exposure to litigation.

Mr. Ballinger explained that AB 992 allows the commissioners to answer questions, provide information to the public, and solicit information from the public regarding a matter that is within the subject matter jurisdiction of the Commission on social media, and it prohibits commissioners from interacting in any way with another commissioner of the same legislative body's social media comments or posts. Mr. Ballinger noted that the airport commissioners can weigh-in on comments or posts from other legislative body members.

Mr. Ballinger said that the fundamental purpose of the agenda is to allow the public to know what is being discussed by the airport commission, and he said that the general rule is that the commission cannot discuss or take action on items that are not listed on the agenda with the exception of a late breaking item that the commission needs to take action on before the next airport commission meeting, and he noted that the item has to have come to the commissions attention after the agenda was posted, and the discussion must be approved by a supermajority passing vote.

In regard to public comment on non-agenda items, Mr. Ballinger said that the commission should briefly respond to public statements or questions and/or briefly provide reference to staff or other resources for factual information, and he said that

for general public comment the commission is not required to respond to the comments, the commission is only required to listen to the comments.

Mr. Ballinger said that AB 361 allowed for meetings to be held remotely until 2024 with less restrictions, and he said that AB 2449 that was recently signed by the governor would extend some of the ability to hold remote meetings and it would start limiting remote meetings in terms of the number of meetings that a commissioner can attend remotely, and it would require that the commissioners keep their cameras on during the meeting. He said that AB 2449 would go into effect on January 1<sup>st</sup>, and he said that his office would be providing more information on the bill. Commissioner Miller inquired about what happens if a commissioner has a bad internet connection and needs to turn their camera off. Mr. Ballinger said that the idea of AB 2449 is for meetings to eventually be more in-person and that teleconferencing by legislative body members would become the exception to the rule as opposed to the rule. He said that if a commissioner has bad internet service, the commissioner can either go to the meeting in-person, find a place that has a good internet connection, or they can choose to not attend the meeting.

Commissioner Payne asked Ms. Gallavan if the commission could currently meet in-person and virtually. Mr. Ballinger said that he believed that the city council had directed all boards and commissions to meet remotely. Ms. Gallavan confirmed that boards and commissions are to meet remotely, and she said that she believed that there would be a discussion in the future about meeting in-person.

Commissioner Payne asked if the commission has the leeway to move the meeting time around with a majority approval. Mr. Ballinger said that he believed that the city council had weighed-in on this matter and that the city council had directed the city commission meetings be held at 5:30 p.m. or later. Commissioner Payne said that he believed that Mayor Middleton wanted feedback from the commissions because it wasn't clear that holding the commission meetings after work hours was allowing for more public involvement. Ms. Gallavan said that she could share the commission's feed back with the city council so that it could be considered in their future discussions about boards and commissions.

Commissioner Payne asked Mr. Ballinger to provide clarification on whether the commission could currently hold an in-person and virtual meeting, or if the commission had to wait for AB 2449 to go into effect. Mr. Ballinger said that the city council's direction has been that the commissions are to meet remotely, and he said that beginning in January, AB 2449 would start weening legislative bodies from the remote meeting process which would make the remote process the exception rather than the rule. Commissioner Miller asked for clarification on AB 2449. Mr. Ballinger said that the presumption would be at some point that there would be in-person meetings, there would be limitations on the number of meetings that a commissioner can attend remotely, and he said that the commissioners would need to demonstrate why they would need to meet remotely which could be because they have a family medical emergency, they are caring for someone, or they are unwell.

Mr. Ballinger reviewed the ramifications of violating the Brown Act, and he said that a court may enjoin action, invalidate action, or mandate correction. He said that court costs and attorney fees are recoverable and that commissioners who wouldfully violate the Brown Act may be guilty of a misdemeanor.

Chairman Dada thanked Mr. Ballinger for providing an informative presentation and for answering the commissioner's questions. Chairman Dada asked if the current city ordinance for the airport commission specifies a mandatory number of monthly meetings that the commission is required to hold. Mr. Ballinger said that he did not believe that the city ordinance mandates the number of monthly meetings that the commission is required to hold, and he said that he believed that there was language in the ordinance that allows the commission to establish their meetings, he said he would confirm the information, and he said that the Brown Act requires that legislative bodies have at least one meeting per year. Chairman Dada referred to the amount of time that it takes the airport staff to prepare for the airport commission meetings, and he suggested that in the future, the commission could discuss reducing the number of monthly airport commission meetings. Mr. Ballinger confirmed that the ordinance does not require a set meeting schedule, other than the meeting schedule that the majority of the commission establishes.

### **9.B Baggage Handling System Update**

Airport Executive Director Barrett reported that the airport staff was closely monitoring the airline schedules and passenger loads and load factors so that staff can assess what may impact the system going into the oncoming season. He said that staff was continuing to work with the key interested parties on operational challenges, and the key interested parties were reporting routinely to the airport staff so that staff could address the issues in real time. Mr. Barrett said that staff was anticipating that in early October, the airport would see a significant increase on the demand of the baggage handling system (BHS), and as the increase begins, the airport staff would start to roll in the necessary augmentation to support the BHS to assure that bags are getting through the system as required.

Mr. Barrett said that staff was in ongoing discussions with the staff at TSA headquarters, and he said that the airport staff would be meeting with TSA within the next week to discuss further mitigations for the challenges with the BHS, and he said that the airport staff was also in discussions with the regional FAA leadership. Mr. Barrett said that the airline baggage system specialist was working closely with the airport staff on introducing efficiencies as staff observes trends into the system for disruption.

Mr. Barrett said that in terms of looking forward, the answer is stop gap mitigation to keep the system going until the airport can have a firm plan in place that can be implemented over the long-term, and he said that he believed that the airport staff would be making some of those decisions over the coming weeks in consultation with the commission, FAA, TSA, airlines, city manager, and the city council. Mr. Barrett

said that the goal is to get the right plan in place, and in order to do that, the airport staff would need time to observe how the BHS is functioning, and he said that there is some data that is available from last season and that staff would also need to know how the BHS has been impacted by the changes that were made over the summer, and the impacts that the augmentations would have on the BHS.

Commissioner Miller asked if the commission should create an ad hoc committee to work with the airport staff on the BHS issue. Mr. Barrett explained that the airport staff was already actively working on the short-term mitigation and that it would be better for the commission to assist staff with the master plan process to provide input on the long-term mitigation.

Commissioner Payne said that to do things right, the airport staff would need to know what went wrong, he said that he supported Commissioner Miller's suggestion to create an ad hoc committee, and he suggested that the commission could discuss the matter at the strategic planning session meeting. Mr. Barrett said that information on the BHS was continuing to be uncovered, he said that the city attorney's office was handling the investigation and that while the city attorney and the airport staff were working together, the investigation was primarily being handled by the city attorney so that the airport staff can focus on future actions and making sure that airport is still running efficiently. Chairman Dada noted that the BHS was purchased prior to Mr. Barrett and other staff's employment at the airport, and he reiterated that the airport staff was doing everything they could do to maintain customer satisfaction. Chairman Dada suggested that the commission wait to see where the investigation leads, and if the commission is still unsatisfied, the commission can become involved, if the majority of the commission wishes to do so.

Commissioner Miller questioned how the commission should convey to the city council what the commission thinks should happen. Chairman Dada noted that the commissioners are all at liberty to speak to the city council. Commissioner Payne said that he would be contacting the city attorney, Mr. Barrett, and Ms. Brown to request a meeting to discuss the possibility of having a closed session, and he said that he believed that it is a fiduciary responsibility as a good commissioner. Mr. Barrett encouraged the commission to let the process work, and he said that the city attorney's office was collecting information from the designers, historical data, and other documentation and that it would take time to sort through the information to make the necessary decisions that would need to be discussed in the future.

### **9.C Operations, Properties and Facilities Committee Update**

Operations, Properties and Facilities Committee Chairman Schmitz reported that the committee discussed parking, the BHS, and the consolidated car rental facility (CONRAC), and he said that in regard to the CONRAC, the airport staff had advised the committee that the CONRAC would be addressed in the master plan process. He said that the committee recognized that the CONRAC is critical for clearing out and modernizing the arrival and baggage section of the airport. Committee Chairman

Schmitz said that the airport staff had reviewed the status of parking, and he said that the committee was satisfied with the state of play for airport parking. He said that in regard to the BHS, the discussion points and questions that had come up in the committee meeting were also addressed in Airport Executive Director Barrett's previous update, and Committee Chairman Schmitz asked if Commissioner Payne had any additional comments to make on the committee update.

Commissioner Payne said that he recalled that Mr. Barrett had also provided a report on the airport landside. Mr. Barrett said that the airport staff have been implementing some tactical solutions to address the airport landside, he explained that in October or November of last year, the airport had essentially run out of public parking on the airport which was partially caused by Covid Clinic being located in an airport parking lot, and it was the airports first fall season with Southwest Airlines in the market. Mr. Barrett said that Covid Clinic had been relocated, he said that the airport staff was preparing the overflow lot as a short-term solution, and staff was also drafting a request for proposals (RFP) to prepare both the parking lot on the south end of the airport and the parking lot across from El Cielo to be designed into permanent parking lots. He said the idea is to essentially operate an economy parking lot that would also be the overflow parking lot with shuttle services, and a premium parking lot that would be located in front of the terminal. Mr. Barrett also noted that the project would include additional ADA parking and EV charging stations in both parking lots.

Commissioner Miller noted that the airport has some critical staffing needs that need to be filled to make the airport more operationally efficient, and he suggested that if there were any commissioners that have influence with any of the city councilmembers that they should try to help the airport get positions filled. Chairman Dada said that he agreed with Commissioner Miller. Commissioner Payne asked if the airport staff's salaries were funded by the airport fund. Mr. Barrett confirmed that airport staff's salaries were funded by the airport fund, and he said that funding wasn't an issue, the issue is with backfilling the existing vacant positions and filling the newly added positions. Mr. Barrett explained that citywide, there was a high number of full-time employee positions requested for the FY23 budget, and he said that human resources was working on filling the high priority positions first and that they were doing their best to work through the priority list.

## **10. EXECUTIVE DIRECTOR REPORT:**

### **10.A Marketing Update**

Deputy Director of Aviation, Marketing and Air Service Meier provided the marketing update, and he reviewed the next steps for the development of the airport brand. Mr. Meier said that the brand development schedule would be revised once the public and community stakeholder meetings have been completed, and then staff and the consultant would evaluate what additional work needs to be done. He noted that the RFP had been released in May 2022, the RFP was open for 30-days, the airport received eight proposals, and there were no local proposals submitted.

Mr. Meir provided the air service update for July and August 2022, and he said that the passenger numbers for July were up 3.2% over July 2021 which was a new record, and the passenger numbers for August were up 10.2% over August 2021 which was also a new record.

Mr. Meier reported that Swoop Airlines would not be returning for their seasonal service, and he said that Aha Airlines had filed for bankruptcy, and they had ceased all operations which caused PSP to lose service to Reno. Mr. Meier also reported that American Airlines had changed their holiday seasonal service to Austin, Texas to a full tour season route, and Allegiant Airlines announced that service to Eugene, Provo and Indiana would not be returning, and he announced that PSP has the new airline Avelo that would be providing service to Eugene and Bend/Rendmond, Oregon, and Sonoma/Santa Rosa with services beginning on November 11th.

Mr. Meier reviewed the scheduled departing seats for end of year 2022, he compared 2022 versus 2021 for September, October, November, and December, and he said that he believed that 2023 would be a strong year for PSP. Mr. Meier also reviewed the scheduled departing seats for the beginning year 2023, he compared 2022 versus 2023 for January, February, March, and April.

Mr. Meier reviewed additional initiatives that staff was working on to increase the passenger experience such as adding shade structures, providing TSA PreCheck enrollment through CLEAR, and new commercial quality holiday decorations that would be installed, removed, stored, and maintained by a professional holiday company. Commissioner Payne inquired about the revenue being received from CLEAR. Mr. Meier suggested that Airport Administration Manager Carpenter could speak to the revenue in the financial summary update. Commissioner Miller inquired about advertising for the TSA PreCheck enrollment. Mr. Meier said that there would be a press release and advertising through social media. Commissioner Miller asked if Hanukkah would be included in the holiday decorations or if it would be general decorations. Mr. Meier said that there would be a menorah.

Mr. Meier reported that for community engagement, the airport would be participating in the Greater Palm Springs Pride parade and the Festival of Lights parade, and he said that he was working with the airports ad agency to do research on additional area events that the airport could be involved in. He also reported that the airport would be hosting a 20th anniversary event for the Navigators.

Commissioner Feltman voiced his concern in regard to the 4% decrease forecasted for April 2023 scheduled departing seats, and he asked if Mr. Meier had any insight on the matter or if the commission should be talking to the convention visitor's bureau because of their partnership on the airline side. Mr. Meier said that the 4% decrease would be primarily due to Swoop and Aha Airlines pulling out of the market, and he said that all of the primary routes were intact, he said that the airline scheduled departing seats for April 2023 were tentative at this time, and he would have a better picture of the numbers in January 2023.

Chairman Dada encouraged the commissioners to attend at least one of the two public input meetings for the airport brand development, and he asked Mr. Meier to confirm that it would be the same presentation for both meetings. Mr. Meier confirmed that it would be the same presentation for both meetings, and he said that there would be a meeting on September 28<sup>th</sup> and the second meeting would be held on October 6<sup>th</sup>. Commissioner Payne asked if the meetings were virtual which Mr. Meier confirmed that the meetings would be held on Zoom, and he said that there was a notice for the meetings on the city's calendar and a Facebook event was also created.

Commissioner Miller asked if Ms. Brown could email the meeting links to the commission. Ms. Brown said that she had emailed the meeting links to the commission, and she said that she would be resending the meeting links to the commission because the time for the October 6<sup>th</sup> meeting had been changed to 5:30 p.m. Ms. Brown also noted that the purpose of the public meetings was for the commission to listen to the public's input. Commissioner Miller asked Ms. Brown if she was saying that the commission could not comment in the meeting. Ms. Brown said that she wasn't saying that the commission could not comment in the meeting and that she was advising the commission that receiving the public's input was the main purpose for the meetings. Mr. Meier said that the meetings are for the public to provide their feedback, and the intent of the meetings was to hear from the public. He reiterated that all of the information would be brought back to the marketing committee and the commission which at that time the commissioners would have an opportunity to provide their comments to guide staff.

#### **10.B** Financial Summary Update

Airport Administration Manager Carpenter reviewed the changes that had been made to the financial report, and she noted that the financial summary would no longer include a comparison to 2019 because of the records that had been broken in 2022, and she said that the comparison would now be to 2022, with a reference to 2021. Ms. Carpenter provided a highlight of the financial summary for August 2022, and she said that in regard to Commissioner Payne's inquiry about the revenue received from CLEAR, the airport has received \$60,000 in revenue from CLEAR in approximately six months. Ms. Carpenter explained that the revenue was based off of the terminal rent which is the footprint that CLEAR is paying a fee for as well as the revenue share of .75 cents per CLEAR transaction. Commissioner Miller asked if the revenue was meeting or exceeding the revenue that was estimated. Ms. Carpenter said that she believed that it was exceeding the revenue. Commissioner Miller asked if the revenue goes into an operation or capital account. Ms. Carpenter said that the revenue goes into the operations and maintenance account.

### **10.C Projects and Airport Capital Improvement Program Update**

Airport Executive Director Barrett reported that in regard to improvements to the terminal facility and broad improvements to the airport campus-wide, the airport staff has been working on the implementation of common use, and he said that there has been a delay with the project because of a long lead time for the equipment that is needed for the IT component of the project. He said that there has also been a delay with the materials that are needed for the construction component of the project. Mr. Barrett said that the airport staff has been working with Amadeus to modify the project schedule, he said that the plan was to implement common use in the RJ concourse which needs no construction, IT would be swapping out equipment and making sure that there are network provisions to the gates, the common use would be deployed to the ticket counters which staff believes would help balance the BHS to a degree, and he was hopeful that it would be completed by November. Mr. Barrett said that the construction in the Bono concourse would follow possibly in May in order to coordinate with the airline schedules and to avoid disruption during the peak season. Commissioner Payne asked if all of the gates at the RJ concourse would be common use. Mr. Barrett confirmed that all of the gates at the RJ concourse would be common use.

Mr. Barrett reported that airport staff was working with procurement on preparing the restroom renovation RFP, and he said that the substantial construction on the restrooms would most likely take place in April or May to also avoid airport disruption. He said that the master plan RFP had recently closed, there were four respondents, the proposals were in the rating process, and he was anticipating that the consultant would be selected by the end of the week.

Mr. Barrett reported that the airport staff has been in discussions with Customs and Border Protection (CBP) to determine the potential for expanding international service, creating a Federal Inspection Services facility (FIS), and adding customs personnel at PSP. He said that CBP advised the airport staff on how to proceed, and they provided an example of the business plan that would need to be presented to CBP. Mr. Barrett said that the airport staff was incorporating the information into the airport's plans for an FIS feasibility study that would focus on specific future development, and he noted that Visit Greater Palm Springs was concurrently working with PSP on a feasibility study that would focus on benchmarking what worked and what didn't work for past projects. He said that the idea was to combine the two studies and to hopefully come up with a consultant that could do both phases, and if it all worked out, the study could be completed in less than a year.

Commissioner Payne stated that the airport has to build a business case for CBP to justify the FIS. Mr. Barrett said that Commissioner Payne was correct, and he said that CBP wants Palm Springs to demonstrate that there would be a positive economic impact. Commissioner Payne asked if there was a model that could be referenced from another similar airport. Mr. Barrett said that Visit Greater Palm Springs was

looking into that, and he said that CBP suggested several local airports that PSP could reference their CBP process.

Commissioner Wiseman asked if a generic timeline could be provided for the FIS. Mr. Barrett said that in order to expand international service and to have CBP's support, PSP would need commitments from airlines, and the capital funding would need to be addressed which would take several years. Commissioner Miller noted that the terminal, parking and other issues would need to be factored in as well. Mr. Barrett said that the feasibility studies and the master plan would help shape things more clearly. Commissioner Suero noted that he had flown internationally through San Diego, and he said that they have a small footprint, and they were very efficient.

#### **10.D Strategic Planning Session Update**

Airport Executive Director Barrett said that the strategic planning session would be taking place on Tuesday and that he had been working with Chairman Dada and Vice Chairman Corcoran to prepare for the meeting, he said that the agenda was close to being completed, and Executive Administrative Assistant Brown was working on the logistics of the meeting.

Ms. Brown said that staff had been meeting to go over their presentations to make sure that the presentations are polished for the meeting, she noted that the order of the agenda had changed slightly and that the finalized agenda would be sent out soon, and she asked the commissioners to contact her if they had any questions. Vice Chairman Corcoran inquired about the survey responses. Ms. Brown said that she believed that 13 survey responses had been turned in to staff, she said that there had been a slight glitch with the survey closing at 5:00 p.m. on the day of the deadline, and she said that she had reached out to the commissioners that did not have access to the survey to notify them that the survey had been reopened and that it would remain open until 5:00 p.m. on the following day.

Vice Chairman Corcoran said that he and Chairman Dada would be working with staff on Monday to review the final presentations to make sure that the level of detail that many of the commissioners have suggested was being included, and he noted that the order of the agenda had changed to allow the interim city manager to present to the commission sooner on the role of the commissioners. Vice Chairman Corcoran said that he wanted to comment on where this all was going, and he said that one of the key outcomes and deliverables out of the meeting was to see if the commission could have a clear sense and understanding of what the investment opportunities were and the implications that those different investments have on the airport operations, and could the commission provide some sense of priority which he said that there would be a series of exercises that would be used during the meeting facilitation of the process to allow the commission to understand what all these investments are and to prioritize them. Vice Chairman Corcoran said that the hope was that at the end of the meeting, the commission as a collective group would have

a better sense of the things that the commission believes would require or take greater priority than others and all this would be fed into the long-term planning process.

**11. COMMISSIONERS REQUESTS AND REPORTS:** None

**12. REPORT OF CITY COUNCIL ACTIONS:**

- 12.A Past City Council Actions
- 12.B Future City Council Actions

**13. RECEIVE AND FILE:**

- 13.A Airline Activity Report July & August 2022
- 13.B Airline Activity Report Fiscal Year Comparison
- 13.C Airlines Schedules September & October 2022

**14. COMMITTEES:**

- 14.A Future Committee Meetings

**15. ADJOURNMENT:**

**ACTION:** Adjourn the meeting. **Moved by Vice Chairman Corcoran, seconded by Commissioner Hedricks and unanimously approved noting the absence of Commissioner Adams.**

The Airport commission adjourned at 8:21 P.M. to a Special Meeting on September 27, 2022, at 12:30 P.M.



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Christina Brown  
Executive Administrative Assistant

APPROVED BY AIRPORT COMMISSION: 10/19/2022