



SPECIAL JOINT CITY COUNCIL MEETING AGENDA REPORT



MEETING DATE: SEPTEMBER 30, 2008

SUBJECT: CONSIDERATION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF NEWPORT BEACH AND THE CITY OF COSTA MESA AGREEING TO A FORMAL PARTNERSHIP REGARDING JOHN WAYNE AIRPORT EFFORTS

DATE: SEPTEMBER 30, 2008

PRESENTATION BY: Newport Beach City Manager Homer Bludau
Costa Mesa City Manager Allan L. Roeder

RECOMMENDATION:

Approve the MOU entering into the partnership.

BACKGROUND:

The Orange County Airport, now John Wayne Airport, has a long history within the region. What started out as an airport serving rudimentary aircraft in the infancy of the air transportation industry has become the second largest airport in the Los Angeles region and currently serves approximately 10 million passengers annually.

The transformation from what was chiefly an airport serving private aircraft to an airport which accommodates large and noisy commercial aircraft was highly traumatic for the residents of both Costa Mesa and Newport Beach. In many respects, the airport remains a major source of complaints regarding quality of life in our two communities.

The City of Newport Beach, along with the Airport Working Group (AWG) and Stop Polluting our Newport (SPON), were parties to an agreement with Orange County in 1985 that settled a legal battle centered around Environmental Impact Statement (EIR) issues raised by the transition from private aircraft to commercial aircraft. That settlement agreement was historic in nature, as it placed limitations on the number of air passengers, the number of large and noisy commercial aircraft that can use the airport and the size of the passenger serving terminal. It further established strict noise limitations for all aircraft using the southerly take-off pattern over our two cities. The 20-year agreement was renegotiated in 2003 by the parties to the original agreement with modest increases in both passengers and large, noisy aircraft being authorized. The County's curfew for commercial operations, which limits times for take-offs and landings has been another crucial piece to keeping the airport respectful and compatible with our two communities. The Federal Airport Noise and Capacity Act (ANCA) prohibited such limitations from being placed on airports served by commercial jet aircraft as a matter of interstate commerce. Since the 1985 Settlement Agreement predated ANCA, the 2003

Settlement Agreement was approved by the Federal Aviation Administration (FAA), due to the fact the agreement did not freeze airport capacity, but in fact, increased it.

Discussion

John Wayne Airport is a major US airport and along with the benefits it provides in terms of convenience, it also generates daily noise, traffic congestion and pollution that have significant impacts on our two communities. The impacts – both great and small – affect just about every aspect of our local environment in some fashion. John Wayne Airport needs to be placed in the context of Orange County being the fifth most populated county in the nation, with continued growth expected to place pressures on the airport to expand in size, operations and negative impacts.

As aircraft technology advances, as pollution test equipment becomes more sophisticated, as the FAA attempts to restructure air routes on a nationwide basis and as our residents demand communities that are respected by John Wayne Airport operational decisions, airport and aviation issues will always be with us. Our communities need to be consistent and vigilant in addressing those impacts that could be detrimental to our respective communities, for we have everything in common in that regard. While not everyone will agree, we believe that the County of Orange has gone to great lengths to operate an airport that works to minimize airport impacts, and as a consequence should be seen as a partner for future work in that regard.

Costa Mesa and Newport Beach have had many and varied cooperative efforts in regards to the airport over many years. Both cities are part of what is called “the Corridor Cities”, composed of Newport Beach, Costa Mesa, Anaheim, Orange, Santa Ana and Tustin. These six cities are under the air corridor that arriving and out-bound flights utilize, and have much in common in terms of noise and pollution issues. All six City Councils in 2006 adopted “position statements” of guiding principles regarding our common goal of limiting JWA in size and scope. It clearly is in the best interest of the residents of these communities and others in Orange County to collaborate in this effort. In the present day setting of increased regionalization, individual jurisdictions will find it increasingly difficult to address such issues alone.

The Go Local grant application that our two cities partnered in was the result of common interests regarding JWA. The study reflected JWA passenger profiles, likes and dislikes regarding air travel and in reaching trip origin sites. It provides a good picture of what issues are important to local air travelers in finding other airports that passengers can eventually be diverted to in order to ensure JWA does not expand in size and operations. This study partnership provides the ideal basis to take our two cities’ cooperative efforts to the next level. The level being proposed is to enter into an MOU and establish mechanisms to ensure good communication and mutual cooperation in dealing with, and responding to, JWA issues that could impact our two communities.

ANALYSIS:

As noted in the preceding, the cities of Costa Mesa and Newport Beach have cooperated on aviation issues on an ad hoc basis for sometime. What is proposed for consideration is the formalization of this relationship by way of a Memorandum of Understanding (MOU). The MOU provides a framework upon which the two cities can build in terms of information sharing; establishing and maintaining regular dialogue

between the two communities on aviation matters; sharing of costs and responsibilities for needed studies, consulting services and other expenses as well as outreach to the Corridor Cities and other aviation impacted communities in Orange County. As an MOU, what this represents is a “statement of good faith and cooperation” as opposed to an agreement that spells out in great detail the legally binding obligations of both parties.

The MOU is attached hereto as Exhibit A. The following is a brief summary of the key elements of the MOU:

- Sets forth the common interests of both communities in limiting the current and future impacts of John Wayne Airport (JWA)
- Formalizes the working relationship on aviation issues
- Provides a seat for Costa Mesa at Newport Beach’s monthly Citizens Aviation Committee meetings
- Encourages a joint meeting of both City Councils, residents, technical staff and consultants at least annually to assess progress and identify strategies to be undertaken in the future
- Expands on the existing, informal working relationship between respective staff as it pertains to information sharing, coordination of responses to regional, State and Federal regulatory actions, working with the management of JWA and related actions by meeting at least monthly.
- Supports formalization of the Corridor Cities relationship by extending the terms & provisions of this MOU to those cities
- Calls for the establishment of a mechanism for joint financing of cooperative efforts between the two cities
- Consolidates all of the goals for limiting the impact of JWA operations in one document
- Provides for termination of the MOU by either party without cause with 30 day written notice

In sum, the MOU is a statement of a voluntary commitment to work together on the aviation issues so vital to both communities. The value of the MOU is not in it’s wording but in the strength of the commitment behind it.

CONCLUSION:

The subject of a proposed MOU or similar agreement has been discussed informally between and among elected and appointed officials for sometime. The basis for the MOU before you was prepared by Tom Edwards, Esq., who was involved in negotiating the 1985 Settlement Agreement and is currently a consultant to Newport Beach on JWA issues. It has been reviewed and concurred on by the City Managers and City Attorneys for both Newport Beach and Costa Mesa.

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Exhibit A: [MOU Between Newport Beach & Costa Mesa - John Wayne Airport](#)