

Council Meeting of
November 14, 2023

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the Council:

SUBJECT: Finance and General Services – Conduct Public Hearing on Airport Landing Fees, Adopt ORDINANCE Amending Torrance Municipal Code (TMC) Pertaining to Airport Landing Fees, Adopt RESOLUTION Establishing Airport Landing Fee Rate, and Approve Ordinance Summary for Publication. Expenditure: None.

RECOMMENDATION

Recommendation of the Finance Director and General Services Director that City Council:

- 1) Conduct public hearing on airport landing fees; and
- 2) Adopt an ORDINANCE amending Torrance Municipal Code (TMC) Section 51.2.30 entitled "Definition of Revenue Operations" and Section 51.2.31 entitled "Fee for Revenue Operations," and repealing Section 51.2.32 entitled "Refusal for Clearance"; and
- 3) Adopt a RESOLUTION establishing an airport landing fee rate; and
- 4) Approve an Ordinance Summary for publication.

FUNDING

None required.

BACKGROUND/ANALYSIS

On July 25, 2023, City Council approved the implementation of landing fees at the Torrance Municipal Airport (Airport). To implement landing fees at the Airport, a public hearing is required for the adoption of an ordinance to amend the TMC and adoption of a resolution to officially set the landing fee rate.

During the July 25, 2023 meeting, City Council requested that certain restrictions and exemptions be placed on the applicability of landing fees as outlined below:

- Landing fees would apply to transient aircraft; and,
- Landing fees would apply to flight schools with three or more aircraft in their fleet; and,
- An exemption would be granted for military, public safety, medical, and Torrance-based rotary wing aircraft manufacturers.

Although staff prepared an ordinance consistent with this approach (Attachment A), staff is seeking City Council direction on the preferred language of the ordinance for adoption. In consultation with the City Attorney's Office, staff prepared an alternative ordinance for Council's consideration to apply consistently across all aircraft users. In the alternative ordinance (Attachment C), landing fees would apply to all aircraft except for military, public safety, and medical aircraft landings at the Airport.

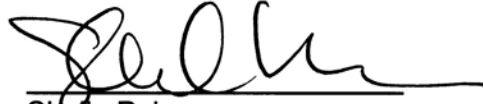
MATERIAL AVAILABLE

10B

Additionally, staff prepared a resolution (Attachment E) to formally establish the landing fee, which sets the rate at \$3.00 per 1,000 pounds, for all aircraft weights, with a minimum charge of \$6.00 per landing. Upon approval, staff will enter into a contract services agreement (RFP B2023-02) with Vector Airport Systems to manage the billing and administration services for the implementation of this new landing fee.

Accordingly, the Finance Director and General Services Director recommend that City Council conduct a public hearing on airport landing fees, adopt an ordinance amending the TMC pertaining to Airport Landing Fees, adopt a resolution establishing a landing fee rate, and approve the ordinance summary for publication (Attachment F).

Respectfully submitted,



Sheila Poisson
Finance Director



Shant Megerdichian
General Services Director

CONCUR:



Aram Chaparyan
City Manager

- Attachments:
- A) Ordinance (Council Restrictions/Exemptions)
 - B) Ordinance (Council Restrictions/Exemptions – Strikethrough Version)
 - C) Ordinance (Reduced Restrictions/Exemptions)
 - D) Ordinance (Reduced Restrictions/Exemptions – Strikethrough Version)
 - E) Resolution
 - F) Ordinance Summary for Publication
 - G) Proof of Publication

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING TORRANCE MUNICIPAL CODE SECTION 51.2.30 ENTITLED "DEFINITION OF REVENUE OPERATIONS", SECTION 51.2.31 ENTITLED "FEE FOR REVENUE OPERATIONS" AND REPEALING SECTION 51.2.32 ENTITLED "REFUSAL FOR CLEARANCE"

The City Council of the City of Torrance does hereby ordain as follows:

SECTION 1

That Section 51.2.30 and Section 51.2.31 of the Torrance Municipal Code is amended in its entirety and Section 51.2.32 is repealed to read as follows:

"51.2.30 DEFINITION OF LANDING FEES

- a) A landing fee shall be charged to any individual or entity landing an aircraft as a transient at Torrance Airport and also include any individual or entity operating a flight school based at Torrance Airport with three (3) or more aircraft in its fleet. Military, public safety, medical, and Torrance-based rotary wing aircraft manufacturers shall be exempt from landing fees.
- b) Aircraft shall include both fixed wing and rotary wing aircraft for purposes of assessing landing fees.
- c) The Airport Manager shall determine in each case whether or not a landing has taken place that qualifies for being charged a landing fee within the meaning of this Section.

51.2.31 IMPLEMENTATION OF LANDING FEES

Any landing at the Airport, as defined in Section 51.2.30, shall pay to the City for each such landing a fee. This fee amount shall be established by resolution of the City Council."

SECTION 2

Any provisions of the Torrance Municipal Code, or appendices, or any other ordinances of the City inconsistent with this ordinance to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 3

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the city of Torrance.

INTRODUCED and **APPROVED** this _____ day of November 2023.

ADOPTED and **PASSED** this ___ day of November 2023.

Mayor George K. Chen

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN
CITY ATTORNEY

ATTEST:

By: _____
Tatia Y. Strader, Assistant City Attorney

Rebecca Poirier, City Clerk

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a) A revenue-landing fee operation (either landing or take-off or both) shall mean be charged to any individual or entity landing an aircraft as a transient at Torrance Airport and also include any individual or entity operating a flight school based at Torrance Airport with three (3) or more aircraft in its fleet, for hire operation by a person operating an aircraft at the Airport who does not have a written agreement therefor with the City; and shall include a departure or an arrival regardless of the final destination or origin of the flight wherein the operator is performing a service for a fee. Military, public safety, medical, and Torrance-based rotary wing aircraft manufacturers shall be exempt from landing fees.

b) An operation for the purpose of ferrying, testing, training, or inspection and operations made by aircraft carrying employees, agents, or guests of the person owning the aircraft shall not be deemed a revenue operation within the meaning of this Section Aircraft shall include both fixed wing and rotary wing aircraft for purposes of assessing landing fees.

c) The Airport Manager shall determine in each case whether or not a landing has taken place that an operation is a revenue operation qualifies for being charged a landing fee within the meaning of this Section.

51.2.31 IMPLEMENTATION OF FEE FOR REVENUE OPERATIONS LANDING FEES

~~Any person conducting a revenue operation landing at the Airport, as defined in Section 51.2.30, shall pay to the City for each such landing or take-off a fee. This fee amount shall be established by resolution of the City Council." in accordance with the following schedule:~~

| GROSS WEIGHT | FEE |
|---------------------------|---------------------------|
| 0—3,400 | \$ 1.00 |
| 3,401—10,000 | 2.00 |
| 10,001—19,000 | 3.00 |
| 19,001—27,000 | 5.00 |
| 27,001—50,000 | 10.00 |
| 50,001—80,000 | 15.00 |
| 80,001—110,000 | 25.00 |
| 110,001—up | By negotiation |

~~Such fee shall be paid to the Airport Manager immediately upon landing or prior to departure, unless prior arrangements for credit have been made.~~

~~51.2.32 REFUSAL OF CLEARANCE~~

~~The Airport Manager may refuse clearance to any aircraft until all charges for storage, service rendered to it by the City, and fees for revenue operation have been paid."~~

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CITY ATTORNEY

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PATRICK Q. SULLIVAN
CITY ATTORNEY

ATTEST:

By: _____
Tatia Y. Strader, Assistant City Attorney

Rebecca Poirier, City Clerk

RESOLUTION NO. 2023 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA ESTABLISHING LANDING FEES AT THE TORRANCE MUNICIPAL AIRPORT

WHEREAS, user and regulatory fees are established by the City Council; and

WHEREAS, on July 25, 2023 City Council approved establishing airport landing fees at Torrance Municipal Airport; and

WHEREAS, these landing fees will apply to both fixed wing and rotary wing aircraft;

NOW, THEREFORE, the City Council of the City of Torrance does hereby resolve as follows:

1. The City Council hereby adopts the fees, as set forth in Exhibit A, which is attached and incorporated into this Resolution by this reference; and
2. The adopted fees shall be incorporated into the City’s existing Master Fee Schedule by this reference. Incorporating these fees into the fee schedule will allow for the fees to be considered with future comprehensive user and regulatory fees updates; and
3. The City Council makes the findings as set forth in Exhibit B, which is attached and incorporated into this Resolution by this reference.

INTRODUCED, APPROVED, and ADOPTED this 14th day of November, 2023.

Mayor George K. Chen

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

by _____
Tatia Y. Strader,
Assistant City Attorney

City Clerk Rebecca Poirier, MMC

EXHIBIT A

| Fees | Rate | Per |
|------------------------------|-------------|---|
| Torrance Airport Landing Fee | \$3.00 | 1,000 pounds, all weights; minimum charge of \$6.00 |

EXHIBIT B

**FINDINGS FOR
ESTABLISHING LANDING FEES
AT THE TORRANCE MUNICIPAL AIRPORT – ZAMPERINI FIELD**

1. The following findings are true and correct and made part of this Resolution.
2. The City of Torrance's adoption of landing fees at Torrance Municipal Airport – Zamperini Field is pursuant to its proper exercise of authority granted under Section 1305(a) of the Airline Deregulation Act of 1978.
3. The City of Torrance's adoption of landing fees is consistent and in compliance with the FAA's Policy Regarding Airport Rates and Charges.
4. The landing fees, as adopted, are necessary to offset the City's costs incurred in maintaining and operating the airport facilities. The fees are non-excessive in comparison with the airport facilities provided.
5. The landing fees set forth in Exhibit A are fair and reasonable because they are fixed according to a fair and practical standard based on the per-operation charge and a weight-based charge and comply with 49 U.S.C. 40116.
6. The landing fees are non-discriminatory because they are reasonable and fair and will be applied to each aircraft over 1,000 pounds.

ORDINANCE SUMMARY

On November 14, 2023, the City Council of the City of Torrance adopted Ordinance No. _____ amending Section 51.2.30 and Section 51.2.31 of Division 5, Chapter 1 of the Torrance Municipal Code as well as rescinding Section 51.2.32 of Division 5, Chapter 1 of the Torrance Municipal Code regarding landing fees at the Torrance Airport. This ordinance makes revisions necessary implement landing fees at the Torrance Municipal Airport.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Torrance City Council will hold a public hearing to consider adoption of airport landing fees on **TUESDAY, NOVEMBER 14, 2023** at 6:30 p.m., or as soon thereafter as Council business will permit, in the Council Chamber located at 3031 Torrance Boulevard, Torrance.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at (310) 618-5880. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

[28CFR35.102-35.104 ADA Title II]

MEMBERS OF THE PUBLIC MAY VIEW THE HEARING via CityCABLE Channel 3 (Spectrum) and Channel 31 (Frontier), streaming on TorranceCA.Gov, Facebook (@ City of Torrance CA Government) and YouTube Channel (TorranceCityCABLE).

MEMBERS OF THE PUBLIC MAY PARTICIPATE BEFORE THE HEARING by emailing CouncilMeetingPublicComment@TorranceCA.Gov and writing "Public Comment" in the subject line. In the body of the email include the item number and/or title of the item with your comments. All comments received by 5:30 p.m. on Monday, November 13, 2023 will be included as a "Supplemental" on the City's website prior to the meeting. Comments received after 5:30 p.m., but prior to the end of the meeting will be added to the record.

MEMBERS OF THE PUBLIC MAY provide Oral Communications Public Comment by calling the Council Meeting Public Comment Hotline at (310) 618-2404 and leaving a recorded voice message (up to 2-minutes). All voice messages received by 5:30 p.m. on Monday, November 13, 2023 will be transcribed and be included as a "Supplemental" on the City's website prior to the meeting. Voice messages received after 5:30 p.m., but prior to the adjournment of the meeting, will be added to the record.

For more information, please contact the Finance Department at (310) 618-5850.

Daily Breeze
Published: 11/4, 11/9/23

