



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: November 12, 2024

RE: Title 16 Amendment related to the Airport

Item Schedule:

Briefing 1: April 4, 2023
Briefing 2: October 15, 2024
Public Hearing 1: April 18, 2023
Public Hearing 2: Nov 12, 2024
Potential Action: Nov 12, 2024

NEW INFORMATION

The Council held a follow-up briefing on October 12. The Council conducted a series of straw polls, providing policy direction to staff.

1. Parking Fine Increase

- The Council supported the increased fines.
- The Council also asked if the fines are cost justified:
 - Under state law, only fees are required to be cost justified. Fines are not since they are intended to discourage prohibited behavior instead of recovering specific costs. State law does limit the amount of fines to the maximum allowed for a Class B misdemeanor, which is currently \$1000.
- Could the fine amount be posted on the sign?
 - The Airport will make that change following adoption of the proposed ordinance.

2. Reporting

- Amend the ordinance so that the Council is given advance notice of changes to the Rules/Regs/minimum standards.
 - Lines 278-281 - The Director will provide an annual written report to the City Council on any changes to the Rules and Regulations and Minimum Standards applicable to the Airport System and the purpose of such changes in conjunction with and before adoption of those changes.

3. Budgetary Language

- Support language strengthening the budgetary role of the City Council.
 - Lines 297-300 - All Department operations, whether governed by this title or applicable federal laws and regulations, shall conform to the budgets adopted by the City Council and budget amendments when needed and shall be consistent with this code and the Uniform Fiscal Procedures Act for Utah Cities.



4. Impact Fees

- The Attorney's said they would send the Council a legal opinion considering this question. Staff worked with the attorney's office and recommends scheduling small group meetings to get an update on Impact Fees, the Facilities Plan updates, and how Administrative projects managed by City Departments are handled. This legislative intent is included in the motion sheet.

5. Service Delivery

- No changes this time, but would support future reporting/briefings how ADA standards are being met at the airport

6. Citywide policies

- No changes needed at this time – could consider for updates to Title 2.
- Council supports strengthening language confirming the Council has established policy guidance on many issues that apply to the airport (and other departments).

The public hearing is set for November 12.

The following information was provided for the April 4, 2023, work session briefing.

The proposed ordinance amendments are designed to outline Airport operations to be consistent with Federal Aviation Administration (FAA) regulations, especially among legislative, administrative and federal decision-making roles involved in the Airport. In April of 2023, the Council initially discussed this item and requested re-evaluation of items moved into the Airport's Rules and Regulations document, and how to address items within legislative authority and oversight. Following the briefing, staff worked with the Airport and Attorney's Offices on updates to the ordinance to address that policy direction.

Since this was last discussed, the Airport received feedback from members of the general aviation community. Additionally, while updating the ordinance, Airport staff found some discrepancies between the general city and airport parking fine. Proposed changes have been included in this draft to address those issues.

The proposed parking fine change will require a new public hearing, which is on tonight's consent agenda to set the date of November 12th. The Council held a hearing on April 18, 2023, during its initial review of the proposal; no one spoke during that first hearing.

Policy Questions

- 1) Legislative Authority & Oversight** – based on requests from the Council, staff has reviewed the transmittal to ensure that the Council's role is clearly established without minimizing the Airport's ability to efficiently operate and make decisions. See page 2 for a list of proposed edits that address the Council's oversight role on topics such as conflicts with Federal regulations, budgeting, service delivery, and overall City Policy priorities. Some items may be sufficiently addressed and other may need additional edits – staff would appreciate the Council's review and direction on those items.
 - a) Does the Council find the changes made to ensure legislative oversight have adequately addressed council concerns?**
 - b) The Council may review the list beginning on page 2 to provide any direction to staff and the Attorney's office for further edits.**

- 2) Airport staff found conflicting parking penalties between the airport and general city parking regulation sections. Staff recommended implementing the fines from Chapter 16, which are higher than what is currently charged.
 - a) **Does the Council support charging higher parking fines? Since this is technically an increase in the fines, does the Council support holding another public hearing?** *See chart in Key Issues/Parking section below.*
- 3) The Airport is a City enterprise fund, meaning it is financially self-sustaining with revenue generated from airline and other fees.
 - a) **The Council may wish to ask for clarification from the Administration, if the Airport is subject to any impact fees that are established in that area of the City? If not, would it be appropriate for the airport to be subject to any impact fees established?**

Key Changes

The transmittal letter notes the key changes include:

- a. Removal of language regulated by the FAA, or that is operationally focused and managed through the Department of Airport's Rules and Regulations
 - b. Creation of a standalone Commercial Aeronautical Minimum Standards documents
 - c. Removal of the majority of ordinances regulating ground transportation businesses to consolidate those regulations into one Chapter 5.71
 - d. General updates
 - e. Parking Penalty changes
- Section A - Removal of Redundancies
 - Sections controlled by the FAA are removed from city code
 - Many sections removed from City code and placed in the Rules and Regulations and Minimum Standards document. (*see discussion in "Legislative Authority" below*)
 - Section B – Creation of Commercial Aeronautical Minimum Standards
 - Some sections removed from City code and Minimum Standards document is created.
 - Section C - Consolidation of Ground Transportation Ordinances into Chapter 5.71
 - Language in title 16 that applies to ground transportation regulations are consolidated into Chapter 5.71 – Ground Transportation.
 - Section D – General Updates
 - Since Title 16 has not been updated for years, many text cleanups are proposed, such as; correction of airport names in the airport system, removal of outdated property boundaries and removal of airline, cargo, and airline service provider fees language.
 - Section E - Parking Penalty Changes
 - Staff found conflicting parking penalties between *Chapter 12.56 Stopping, Standing And Parking*, and *Chapter 16.64 violation, penalty and enforcement*,
 - The transmittal recommends removing Chapter 12.56 and keep the Airport parking regulations in Chapter 16.
 - Additionally, they recommend implementing the penalty from Chapter 16, which are higher than what is currently charged. They anticipate this will be a stronger deterrence for illegal parking.

	Current Penalty (Chapter 12)	Proposed Penalty (Chapter 16)
Parking in unauthorized areas	\$45	\$200
Parking in violation of posted signs	\$38	\$100

Legislative Authority and Role Clarified

At the April 2023 work session briefing, the Council ask for changes that would maintain the Council's legislative oversight of the Department of Airports without conflicting with FAA regulations. This section highlights the proposed changes that would implement that policy direction.

- Summary – the Council's direction was to review any amendment that removes the Council's role as the oversight body on issues, especially related to budget and policy. This included:
 - Federal regulations that may change and conflict with City Code
 - Budget Authority
 - Service Delivery
 - City Policy Priorities
- FAA Regulation Changes & Conflicts
 - Airport director's ability to expediently resolve conflicts:
 - Updating Rules and City Code - The purpose of proposed section *16.10.030 Authority to Adopt Rules and Regulations and Minimum Standards*, is to clarify the role and authority of the Airport Director to make changes to this section of City Code. According to the transmittal letter, currently, when changes are made pursuant to federal regulations, updates need to be made to Title 16.
 - To resolve this, the draft ordinance removes items that are found in Federal regulations, from City code, and places them the *Rules and Regulations and Minimum Standards* where they can be updated without Council action.
 - The ordinance delegates this ability to the Airport Director as outlined in 16.10.030: Authority to Adopt Rules and Regulations and Minimum Standards.
 - Reporting to the Council: language (16.10.080) that the Airport director will review any conflict with the City Attorney. **The Council could request a memo to report on these items so that the Council can be aware of the conflicting topics, outcome, and, if desired, request a briefing.**
- Budget items
 - Final adopted budget
 - Confirm that department-wide salaries are adjusted consistent with the City's annual adopted budget, and individual adjustments may be handled as needed considering the Airport's unique comparison market.
 - Fee setting – there is nothing proposed that would change the Council's role in approving all fees through the Consolidated Fee Schedule.
 - Other fees, such as administrative fees, impact fees, payment in lieu of taxes (PILOT) - nothing changes how these are handled, but the **Council could schedule a separate briefing to review these fee categories.**

- Financial Audits
- Proposed: Section 16.10.030 includes language that specifically provides that the Director’s authority is subject to the City Council’s budget authority.
 - **The Council could include additional language that would further clarify that all Airport operations, whether in rules or FAA regulations, are executed within the properly adopted budget and consistent with the citywide policy decision and require additional Council review and approval if changes are needed.**
 - **The Council may also wish to ask staff to identify whether there is any clarification that would be appropriate in Title 2 of City Code, as part of the Council staff’s separate project.**
- Service Delivery – in the past, there have been conversations about services provided at the Airport, such as ADA assistance.
 - **The Council could request further clarification on whether the Council’s role in those discussions is adequately established in the proposed ordinance, and/or whether the Council’s ability to establish broad policy direction on such topics belongs in another section of City Code.**
 - **The Council could also ask that customer service survey results be shared on an ongoing basis.**
- Citywide Policy priorities – **the Council may want to review this Title or Title 2 for opportunities to clarify the broad policy setting role they hold, including any clarification about how decisions are made in light of environmental issues, transit, and lobbying efforts on legislative or other topics.**

The following information was provided for the April 4, 2023, work session briefing.

ISSUE AT A GLANCE

The Administration proposes updates to the Salt Lake City Code Chapter 16, which regulates the Airport.

The proposed update includes changes in the following categories:

- a) removal of sections separately addressed by Federal regulations,
- b) merging ground transportation regulations into Chapter 5.71 of City Code,
- c) utilizing a separate document to cover minimum standards for “commercial aeronautics”, and
- d) general updates.

The changes take a number specific regulations listed in the existing ordinance and relocate them to an Administrative Rules & Regulations document, which is referenced in the existing and amended ordinance. Moving or consolidating these items to a separate document is described as consistent with industry best practices, and makes updates and consistency easier.

The proposed ordinance amendment is being reviewed by the Council, because the amendments will shift some regulations and authority out of a Council-adopted ordinance and rely solely on an Administrative rules document. Many of the proposed amendments seem reasonable for consolidation purposes, “housekeeping” type of improvements, and to remove items that are more operational in nature and should not be referenced in the Code. However, the Council may prefer to review the list of changes more closely (from categories c and d especially), because there may be a smaller list of items that are proposed for removal from the Code that should remain in the ordinance and with a step of Legislative oversight.

KEY ITEMS

The existing chapter is proposed for total repeal, and replacement with the amendment. For this reason, every part of the ordinance is being removed and rewritten.

In categories ‘c’ and ‘d’ of the proposal, some regulation items in ordinance would either be eliminated or shifted to the administrative document. Many of these are already delegations in the existing Code to the Airport Director (so that delegation would shift, or the specific carve out would be eliminated altogether). Some examples:

- process for event permitting (freedom of expression permits) – the existing ordinance includes a reference to the administrative Rules & Regulations document, and the proposed ordinance amendment would remove the reference.
- the existing Code includes specific references to solicitation of charitable contributions for religious, political or other activity. The proposed update would include removing this specific regulation from the ordinance and replacing it with a blanket delegation that instead refers to the existing and updated list in the Department’s Rules & Regulations document.
- removing “minimum standards” and technical and regulatory language from the Code. The regulations are covered in other sources such as federal aviation requirements. The minimum standards involve commercial requirements for operators using the Airport for commercial activity. These standards are outlined at length in the last two sections of the administrative transmittal.
- removes entirely the minimum standards language from the ordinance, and places it in these administrative documents shown in the transmittal. These standards have to do with commercial aviation operators, airlines and others doing business at the Airport.
- the ordinance currently delegates to the Director the power for “policing and protection” of the public to guarantee safety at the Airport. The update proposal instead references the administrative rules which say the Department or an authorized law enforcement agency can remove people from the Airport if they are not complying with rules. (This may be an example of an item that should retain a Legislative role and remain in the ordinance.)

Provisions related to ground transportation permits and fees are proposed to be removed because 1) they occur in the City’s section of Code that regulates business fees and licensing or 2) the rules appear also in the administrative document. Where the rules are in the administrative document the update would eliminate them from the existing Airport Code and rely instead on the document. The ordinance expressly allows the Director to set these and other fees.

POLICY QUESTIONS

- 1) Based on the four categories of changes, the Council may wish to provide direction further conversation and review.
 - a) For items that have included either a reference or full process in City Code, and are proposed for removal – is the Council supportive of the amendments or would a more thorough review be preferred? Would the Council like to discuss the value of leaving any set of these regulations in ordinance rather than fully delegating them to the department?
 - b) For proposed changes related to consolidating ground transportation regulations into another section of Code, does the Council have any questions or concerns?

- c) For proposed changes to remove Airport operations that are governed by federal regulations, does the Council have any questions or concerns?
- 2) The existing ordinance outlines the Director's role in setting some fees, however the Council does review and adopt the Consolidated Fee Schedule where these fees are located. This practice would be maintained in the proposed ordinance amendments. For any proposed amendments related to fee-setting authority (either within ground transportation or otherwise), would the Council like to review those?
- 3) Existing Code includes a section, like a preamble, to the Airport chapter. That introductory policy statement is pasted below for your reference, but is proposed to be eliminated in the amended ordinance. Would the Council like to discuss maintaining this previous policy language or something similar in the proposed ordinance?

"The city council finds that:

A. Aircraft transportation of all kinds is rapidly accelerating and expanding in all its fields and requires and will require increasingly larger areas for landing facilities, terminal facilities, warehouse facilities, hangar and other facilities to accommodate such transportation;

B. Salt Lake City International Airport and Airport II are situated in the center of the great intermountain west, and as such will attract and serve an ever expanding aircraft transportation system and efforts are being made to increase the number of airlines using said airports;

C. In order to meet the needs of the aircraft industry using such airports, it is necessary that immediate steps be taken to enlarge the airports and their facilities;

D. It is necessary that the city make plans for the enlargement of the airports to provide the necessary accommodations and to protect the air space needed therefor;

E. It is further necessary to adopt a master plan which will define and fix the exterior boundaries of the area necessary for the orderly and convenient expansion of such airport facilities in order to keep abreast of the needs and requirements of the air transportation industry which the airports should and will serve. (Ord. 88-86 § 12, 1986: prior code § 2-17-1)"

ADDITIONAL & BACKGROUND INFORMATION

Airport Director role: The proposed update lists the amended powers of the Airport Director, including the following:

- adopt rules and regulations, as well as standards for any commercial activity (aeronautical and non-aeronautical)
- "regulate the development, construction, use, occupancy, management, security, control, operation, care, repair and maintenance of all the land, structures and facilities within the airport system"
- "establish reasonable time, place and manner guidelines for the exercise of First Amendment rights"
- "regulate the operation of passenger and vehicle traffic, ground transportation"
- "establish and set rates, fees and charges as shall be necessary to meet the needs for operating the airport system"
- any other purpose approved by the Mayor.

Fees: The ordinance currently outlines formulas for many air carrier fees that are instead now posted in the Consolidated Fee Schedule (CFS). The Rules and Regulations document also refers to the Airport section of the consolidated fee schedule. The change would consolidate the setting of the fee to the rules document and the CFS.

Waivers: The proposed update also maintains language from the existing chapter that allows the Airport Director to waive certain requirements and regulations with permission from the Mayor and notice to the Council, under a range of circumstances listed in the amendment.

Other items:

The existing and amended ordinance spell out that by using the Airport, users are bound by the rules and regulation laid out in that separate document.

The ordinance currently prohibits disclosure of confidential information related to Airport facility access. The update would instead refer to the Administrative Rules & Regulations document, which has a section on security and access control with more detail than the ordinance.

ATTACHMENTS

- 1.** Administrative Transmittal
- 2.** Administrative Rules & Regulations Document