

Initiative

AN INITIATIVE MEASURE AMENDING THE CITY CHARTER TO REQUIRE VOTER APPROVAL IN ORDER TO CLOSE ALL OR PART OF THE SANTA MONICA AIRPORT, CHANGE USE OF THE AIRPORT LAND, OR IMPOSE NEW RESTRICTIONS ON FUEL SALES OR USE OF AVIATION FACILITIES

This measure would add a new provision to the City Charter requiring voter approval of certain decisions about the Santa Monica Municipal Airport. Voter approval would be required before a City decision to close or partially close the airport could become effective. Voter approval would also be required before any City decision could become effective to change the use of land, which is now used for the airport or for related aviation services, to non-aviation uses. The measure defines "voter approval" as a majority of those voting in a general municipal election voting "yes" to approve the City decision.

Also, unless the voters approved closure of the airport, and until that decision became effective, the measure would require the City to continue operating the airport in a manner that supported its aviation purposes and would prohibit the City from imposing upon aviation services providers new restrictions that would inhibit the sale of fuel or the "full use" of aviation facilities.

Additionally, the measure includes a retroactivity provision. It states that any City decision about the airport that is made after the filing of the Notice of Intention to Circulate the initiative petition (but before the election), and that would require voter approval under the measure, would be ineffective unless approved by the voters.

Finally, the measure includes provisions that provide for enforcement and defense of the measure, severance of any invalidated provisions, and the possibility of another measure on the same subject and the same ballot.

VOTER APPROVAL REQUIRED BEFORE CITY CAN REDEVELOP AIRPORT LAND

The following shall be added to Article VI of the Santa Monica City Charter:

Section 1. Preamble

WHEREAS, Santa Monica Airport land is a low-density land use that benefits the entire City of Santa Monica; and

WHEREAS, the City of Santa Monica has engaged in costly and unsuccessful litigation and has sought to close the airport to redevelop the land for other purposes; and

WHEREAS, City staff reports indicate that redevelopment of the airport land will likely result in high-density development causing increased traffic congestion, noise and pollution; and

WHEREAS, recent approval by the City of large, high-density developments has shown a disregard for the concerns expressed by nearby residents and ignored the will of the people of Santa Monica to prevent excessive development; and

WHEREAS, the City has made threats to close local businesses based at the airport and nearby business park that provide jobs for people, facilities for local businesses and tax revenue for the community; and

WHEREAS, the City has taken actions to harm local aviation related businesses as part of an effort to destabilize the airport; and

WHEREAS, the City has taken actions to reduce the services and facilities available to the airport and its users in an apparent attempt to achieve closure or partial closure of the airport; and

WHEREAS, the City of Santa Monica has exposed taxpayers to costly litigation with the federal government and to potential payment of legal damages to airport businesses harmed by their actions; and

WHEREAS, the Santa Monica Airport has already instituted rules that restrict noise, operating hours and type of aircraft using the airport in order to be a better neighbor; and

WHEREAS, the City has failed to consider the wishes of the entire community by collaborating with a small group of special interests who seek airport closure;

NOW THEREFORE, the voters of the City of Santa Monica shall have a right to express their views before the City of Santa Monica takes any action to redevelop Airport land.

Section 2. The following shall be added to Article VI of the Santa Monica City Charter:

640. People's Right to Vote.

(a) Voter approval shall be required before any City decision becomes effective that changes the use of land currently used for the Santa Monica Municipal Airport and related aviation services to non-aviation purposes, or that closes or partially closes Santa Monica Municipal Airport. The term "voter approval" means a majority of the voters of the City voting "yes" on a ballot measure approving such a change at a general municipal election.

(b) Unless the voters have approved the closure of the airport pursuant to paragraph (a) of this section, and such decision has become effective, the City shall continue to operate the Santa Monica Municipal Airport in a manner that supports its aviation purposes, and shall not impose additional restrictions on providers of aviation support services to tenants and airport users that inhibit the sale of fuel or the full use of aviation facilities.

Section 3. Any City decision that would require voter approval under this Charter Amendment and that is made on or after the date of the filing with the City Clerk of the Notice of Intent to Circulate this Charter Amendment shall have no effect until such decision receives voter approval pursuant to Section 2 of this Charter Amendment.

Section 4. Any person with a beneficial interest in the operation of Santa Monica Municipal Airport shall have standing to enforce any provision of this Charter Amendment in a court of competent jurisdiction. In addition to any other persons, the proponents of this Charter Amendment shall have standing in California and Federal Courts to defend this measure from all challenges to its validity or enforceability.

Section 5. If any portion of this Charter Amendment is declared invalid by a court of law or other legal body with applicable authority, the invalidity shall not affect or prohibit the force and effect of any other provision or application of the Charter Amendment that is not deemed invalid. The voters of the City hereby declare that they would have circulated for qualification and/or adopted this Charter Amendment and each portion thereof regardless of the fact that any portion of the Charter Amendment may be subsequently deemed invalid.

Section 6. If another Charter Amendment is placed on the same ballot as this Charter Amendment and is related to the same subject matter, and if both Charter Amendments pass, the voters intend that both Charter Amendments shall be put into effect, except to the extent that specific provisions of the Charter Amendments are in conflict. In the event of a conflict, the Charter Amendment which obtained more votes will control as to the conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other Charter Amendment.