

RESOLUTION NO. ____

A RESOLUTION OF THE COUNCIL OF THE CITY
OF SANTA BARBARA ADOPTING RULES AND
REGULATIONS PERTAINING TO RESTRICTED
AREAS IN THE SANTA BARBARA AIRPORT.

**A. AUTHORITY FOR ADOPTION OF RULES PERTAINING TO RESTRICTED
AREAS WITHIN THE SANTA BARBARA AIRPORT; DEFINITIONS.**

1. AUTHORITY. Chapter 18.10 of the Santa Barbara Municipal Code authorizes the City Council to adopt by resolution such rules and regulations as may be necessary to control access to and conduct within those areas of the Santa Barbara Airport designated as Restricted Areas.

2. DEFINITIONS. The definitions set forth in Santa Barbara Municipal Code Chapter 18.04 are incorporated herein by reference as though set forth in full.

B. RESTRICTED AREAS. Restricted Areas within the Santa Barbara Airport are areas that are posted to indicate that access is limited to persons authorized by the Airport Director or under Airport-Authorized Escort. Restricted Areas include, but are not limited to, Secure Areas, Air Operations Areas, Security Identification Display Areas and Sterile Areas.

1. PERMISSION TO ENTER RESTRICTED AREAS. The Airport Director may grant a person unlimited access to a Restricted Area or may grant a person limited access to a specific portion of a Restricted Area. A person who is granted access to all or a part of a Restricted Area shall comply with all of the following restrictions:

a. A person who is granted access to a limited portion of a Restricted Area shall not travel outside the boundary established by the Airport Director for that person.

b. A person shall not leave open, prop open or leave unsecured any door, gate or electronically controlled access point leading to or from a Restricted Area unless a person with Personnel Identification Media for that area continuously monitors the access point. A person's Personnel Identification Media must be utilized to activate the access point for additional time, if needed.

c. A person, unless conducting an Airport-Authorized Escort, shall not allow other persons to enter or gain access to a Restricted Area.

d. Personnel Identification Media, or an authorized key, must be utilized to gain access into a Restricted Area.

2. AIRPORT-AUTHORIZED ESCORTS IN RESTRICTED AREAS.

Airport-Authorized Escorts in Restricted Areas shall:

a. Continuously accompany and monitor the escorted person while within the Restricted Area to ensure that the escorted person is engaged in activities for which escorted access was granted.

b. Immediately report to law enforcement any unauthorized activity engaged in by an escorted person.

c. The Airport-Authorized Escort shall at all times while within a Restricted Area have a valid Personnel Identification Media that authorizes the Airport-Authorized Escort entry into the area where the person under escort is being escorted.

d. The Airport-Authorized Escort may only escort persons into a Restricted Area if the person under escort has employment, business or other reasons, as approved by the Airport Director, for entry into the Area.

3. ESCORT INTO SECURITY IDENTIFICATION DISPLAY AREAS. No Airport-Authorized Escort shall escort a person in a Security Identification Display Area if the person under escort has been issued Personnel Identification Media that is valid and that allows access by the escorted person into the Security Identification Display Area to which access is sought.

C. PERSONNEL IDENTIFICATION MEDIA

1. USE OF PERSONNEL IDENTIFICATION MEDIA. A person issued Personnel Identification Media by the Airport Director that grants access to a Restricted Area, whether escorted or unescorted, must comply with all requirements of the Santa Barbara Municipal Code and these Rules.

2. DISPLAY OF PERSONNEL IDENTIFICATION MEDIA. A person issued Personnel Identification Media by the Airport Director granting access to a Restricted Area shall continuously display such media when within a Restricted Area in a prominent and visible manner on the person's outermost garment and above his or her waist.

3. LENDING PERSONNEL IDENTIFICATION MEDIA TO OTHER PERSONS. No person shall permit another person to use or attempt to use his or her Personnel Identification Media within a Restricted Area or to gain entry into, or exit out of, a Restricted Area.

4. PRESENTATION OF PERSONNEL IDENTIFICATION MEDIA ON DEMAND FROM AUTHORIZED PERSONS. A person within a Restricted Area in possession of a Personnel Identification Media shall present it for inspection upon request of any peace officer or other Authorized Person.

D. SUSPECTED SECURITY VIOLATIONS AND VULNERABILITIES; REPORTING.

Authorized persons shall promptly report to the Airport Director or law enforcement agency any suspected Airport security violation or Airport Security Vulnerability that they have knowledge of or observe.

E. PROCEDURES FOR CONFISCATION, SUSPENSION AND REVOCATION OF PERSONNEL IDENTIFICATION MEDIA.

1. CONFISCATION.

a. The Airport Director may confiscate a person's Personnel Identification Media if the Airport Director has reason to believe that any of the following circumstances to exist:

i. Confiscation is necessary to protect the health, safety or welfare of the public.

ii. Personnel Identification Media has been or could be used to commit or facilitate the commission of a crime.

iii. An undisclosed disqualifying offense pursuant to Transportation Security Regulations, as amended from time to time, exists.

iv. Failure to present Personnel Identification Media upon request by law enforcement or other Authorized Persons.

v. The need for unescorted access no longer exists.

b. Following the confiscation of Personnel Identification Media, the Personnel Identification Media shall be suspended or revoked in accordance with the procedures set forth in E 2 or E 3, respectively, and the holder of the Media shall be notified in accordance therewith by the Airport Director.

c. Once the Personnel Identification Media is confiscated, it shall not be returned to the holder of the Personnel Identification Media unless any of the following occur: (i) the Airport Director reconsiders the grounds for confiscation and rescinds the notice to suspend or revoke and restores the Personnel Identification Media to the holder, (ii) the confiscated Personnel Identification Media is suspended as provided in Subsection E 2 herein and the term of the suspension expires, or (iii) the confiscated Personnel Identification Media is suspended as provided in E 2 or revoked as provided in E 3 and the holder of the Personnel Identification Media files a timely appeal and the appeal is upheld by the Airport Commission.

2. SUSPENSION.

a. The Airport Director may suspend a person's Personnel Identification Media, or the privilege granted to a person by the Airport Director to use the Personnel Identification Media, if the Airport Director has reason to believe that any of the following circumstances to exist:

i. The person knowingly made any false, misleading or fraudulent statement of a material fact in an application for issuance of the Personnel Identification Media or in any report or record required to be filed pursuant to the Municipal Code.

ii. The person issued the Personnel Identification Media violated a provision of the Municipal Code or these Rules.

iii. If the person issued the Personnel Identification Media has been issued three or more Notices of Violation in accordance with the Airport Security Enforcement Policy which have been sustained by the Airport Director in the preceding 12 months.

iv. The Personnel Identification Media has either been confiscated by the Airport Director or, based upon the grounds for confiscation set forth in Subsection D 1, could have been confiscated, pursuant to the provisions of Subsection D 1.

b. Upon determining that the grounds for suspension of the Personnel Identification Media exist, the Airport Director shall mail or personally deliver a written notice of intent to suspend to the holder of the Personnel Identification Media within 24 hours of the determination to suspend, excluding weekends and holidays, and shall include the following information:

i. The grounds for suspension of the Personnel Identification Media or the privilege to use the media.

ii. The name, address and telephone number of the agency providing the notice.

iii. A statement that the holder of the suspended Personnel Identification Media or the privilege to use the media may appeal the Airport Director's determination to suspend the Personnel Identification Media or the privilege to use the media in accordance with the appeal procedures provided in Subsection 4 herein.

c. The suspension shall become effective five (5) calendar days after the date of the notice of intent to suspend is given as provided above. Within such five-day period, the holder of the Personnel Identification Media may submit a written request for reconsideration of the intent to suspend to the Airport Director. The written request for reconsideration may provide the grounds for reconsideration in writing or it may request a meeting with the Airport Director or the Director's designee. The Airport Director shall consider any such evidence, whether written or oral, and shall either rescind the notice of intent to suspend or impose the suspension on or before the effective date of the suspension. A request for Airport Director reconsideration of the suspension must be filed and denied prior to filing an appeal of the suspension pursuant to Section 4.

d. The length of time of the suspension shall be determined by the Airport Director in his or her sole discretion.

3. REVOCATION.

a. The Airport Director may revoke a person's Personnel Identification Media, or the privilege granted to a person by the Airport Director to use the Personnel Identification Media, if the Airport Director has reason to believe any of the following circumstances to exist:

i. The Personnel Identification Media has either been confiscated by the Airport Director or, based upon the grounds for confiscation set forth in Subsection E 1, could have been confiscated in accordance therewith.

ii. If the person issued the Personnel Identification Media has been issued four or more Notices of Violation in accordance with the Airport Security

Enforcement Policy which have been sustained by the Airport Director in the preceding 12 months.

b. Upon determining that the grounds for revocation of the Personnel Identification Media exist, the Airport Director shall mail or personally deliver a written notice of intent to revoke to the holder of the Personnel Identification Media within 24 hours of the determination to revoke, excluding weekends and holidays, and shall include the following information:

i. The grounds for revocation of the Personnel Identification Media or the privilege to use the media.

ii. The name, address and telephone number of the agency providing the notice.

iii. A statement that the holder of the revoked Personnel Identification Media or the privilege to use the media may appeal the Airport Director's determination to revoke the Personnel Identification Media or the privilege to use the media in accordance with the appeal procedures provided in Subsection 4 herein.

c. The revocation shall become effective immediately after the notice of intent to revoke is given as provided above. Within five calendar days of the date of the notice of intent to revoke, the holder of the Personnel Identification Media may submit a written request for reconsideration of the intent to revoke to the Airport Director. The written request for reconsideration may provide the grounds for reconsideration in writing or it may request a meeting with the Airport Director or the Director's designee. The Airport Director shall consider any such evidence, whether written or oral, and shall either rescind the notice of intent to revoke or impose the

revocation. A request for Airport Director reconsideration of the revocation must be filed and denied prior to filing an appeal of the revocation pursuant to Section 4.

d. The holder of the revoked Personnel Identification Media shall be eligible to reapply to the Airport Director for issuance of Personnel Identification Media one year after the date of the revocation of the Personnel Identification Media.

4. APPEAL. A decision by the Airport Director to suspend or revoke Personnel Identification Media pursuant to this Resolution shall be appealable to the Airport Commission. Any such appeal must be filed in writing with the Airport Director within five (5) calendar days of the date that the Airport Director rules on a request for reconsideration submitted in accordance with E 2 or E 3, respectively. Unless the Personnel Identification Media has been confiscated, or the Airport Director determines that immediate suspension or revocation of the Personnel Identification Media, or the privilege to use the media, is necessary for the immediate preservation of the public health, safety or welfare, the suspension or revocation shall be stayed while the appeal is pending.. The appeal shall be filed in writing and shall specify all of the grounds for the appeal. The Airport Commission shall provide the appellant with an opportunity to present evidence on his/her behalf. Formal rules of evidence or procedure need not be followed. The decision of the Airport Commission on the appeal shall be final. If the appeal is denied, the suspension or revocation shall become effective immediately.

F. COMPLIANCE. A person granted access into the Restricted Areas must comply with all provisions of the Santa Barbara Municipal Code, these Rules and Regulations, as may be amended from time to time, and all current and future security directives issued under federal law. A person failing to comply with the Municipal Code

or these Rules and Regulations shall be subject to prosecution for violation of the Municipal Code as provided therein. Such person may also be subject to prosecution under federal and state law.