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Ted S.



JERRY SANDERS
MAYOR

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March 2, 2007

Alan D. Bersin, Board Chairman
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138

Re: Montgomery Field – Sunroad Litigation

Dear Alan:

The City of San Diego is involved in litigation regarding a building constructed by Sunroad Enterprises near Montgomery Field. The building is already constructed to its maximum height, although interior improvements are not complete.

As Mayor, my primary concern is with the safe operation of all city facilities, including our airports. For a number of reasons, my office has unfortunately been unable to get a clear analysis of whether or not the building is a safety risk to aviation, and, if so, whether there may be changes to operations or notices that would eliminate that risk. While the lawyers say the lawsuit will result in the building being lowered, the outcome of any lawsuit is never certain, and will take many months to determine. Furthermore, the taxpayers of San Diego face an unknown level of potential liability if the building owner is required to lower the structure.

I would appreciate and am requesting that the Airport Authority assist us in analyzing the situation and in working with the FAA and other interested stakeholders in an attempt to resolve this issue. Given the Authority's staff experience in aviation and FAA matters, your help would be invaluable in providing my office with clear and dispassionate guidance and advice.

Please let me know if the Authority will help with this important effort.

Sincerely,

JERRY SANDERS
Mayor

cc: Thella F. Bowens, President/CEO
San Diego County Regional Airport Authority

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Note:

a) Mayor's media remarks of June 7, 2007 regarding the loan executive program between the San Diego County Airport Authority and the City of San Diego state that Sexton "was not brought on board to manage the Sunroad building issue." At this time, the Mayor never informed the public that a meeting had taken place with City staff and Ted Sexton and the FAA in Texas on May 22, 2007 regarding flight pattern modifications and Sunroad Centrum I building modifications.

b) City Attorney's Charter Section 40 of June 8, 2007 requests for all documents related to Ted Sexton.

c) On the afternoon of June 11, 2007, documents related to Sexton are turned over to the City Attorney and reveal that Sexton had been working on the Sunroad Centrum I Building and met with the FAA in Texas.

d) On June 11, 2007, the Mayor issues a letter to City Council revealing Sexton's work on the Sunroad Centrum I Building and that Sexton had met with the FAA. The Mayor's letter reveals to the public that the FAA "told the City's representatives that it would not support any intrusion into the airspace above 160 feet."