

AIRPORT COUNSEL BRIEFING

From: Steven E. Tackes, Esq., Airport Counsel

To: Carson City Airport Authority members, staff

Re: August 16, 2107 CCAA MEETING

1. FOR POSSIBLE ACTION: DISCUSSION AND CONFIRMATION OF HIRING OF INTERIM AIRPORT MANAGER (L. Law)

Staff Summary: The Airport Authority will consider confirmation of the steps taken by the Chairman for short term coverage of the Airport management duties pending engagement with a new Airport Manager and/or other Staff.

This is the Chairman's item. Historically, when there is a vacancy of Airport Manager, the Chair takes actions that he/she thinks appropriate to avoid interruption of service at the Airport and a means for covering the phones and day-to-day needs.

Proposed Action: I move we approve (—describe action taken on interim solution).

2. FOR POSSIBLE ACTION: DISCUSSION AND APPROVAL OF PLAN FOR FILLING THE AIRPORT MANAGER VACANCY; REALIGNMENT OF DUTIES AND POSITIONS; CONSIDERATION OF PART TIME POSITIONS; PUBLISHING OR POSTING OF JOB AVAILABILITY (L. Law)

Staff Summary: This is a continuing item for the Authority to address how it will proceed with filling the Airport Manager position on a long term basis, and may consider job responsibilities for Airport Staff and when to proceed with a request for candidates for Airport Staff.

This is the Chairman's issue.

Per NRS 844, the hiring of an airport manager and any other employees is done by the Authority as a whole. Similarly, the determination of job positions and duties is also to be done by the Authority. Specifically, the provisions in NRS 844 on hiring, using or contracting personnel is the following:

Sec. 9. Board: General powers. The Board may:

...4. Use, in the performance of its functions, the officers, employees, facilities and equipment of Carson City, with the consent of Carson City and subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

5. Provide emergency services for the Authority.

6. Contract with any person, including any person who transports passengers or cargo by air, to provide goods and services as necessary or desirable to the operation of the airport. Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.

7. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

Section 24 of NRS 844 also permits the Authority to adopt procedures for hiring, promoting and discharging employees. I read this as permissive, i.e. it says the "Board may...". However, if the Board does adopt procedures, they must include the enumerated items. Many are common sense items that would be done anyway.

Sec. 24. Board: Adoption of procedures for hiring, promoting and discharging employees. The Board may adopt procedures, to be administered by the Board, for hiring, promoting and discharging its employees, which must include but are not limited to the following:

1. Employment on the basis of open, publicly announced, competition.
2. Promotions and remuneration on the basis of merit, efficiency, competitive examinations and seniority.
3. Classifications of the positions.
4. The maintenance of lists of eligible candidates for a position.
5. Employment of candidates from the lists in the highest qualified rating.
6. Probationary periods not to exceed 6 months.
7. Disciplinary action, suspension or discharge of employees for cause only with the right of notice and review.
8. Schedules of compensation and increases in pay prepared by the Board.
9. Maintenance of personnel records on all employees.
10. Regulations for hours of work, attendance, holidays, leaves of absence and transfers.
11. Procedures for layoffs, discharge, suspension, discipline and reinstatement.
12. The exemption from the procedures of persons employed for scientific, technical or expert service of a temporary or exceptional character, persons employed on projects paid from the proceeds of bonds issued by the Authority and persons employed for a period of less than 3 months in any 12-month period.
13. Review by the Board, at the request of the employee in question and after notice and public hearing, of any disciplinary action, suspension or discharge of any employee, which may be affirmed, modified or reversed by the Board. Findings of fact by the Board are not subject to review by any court except for illegality or want of jurisdiction.

The Authority began that process at the last meeting. This is a continuing item.

Proposed Action: I move we approve (–describe action to be taken on Airport manager position and/or other staff position, and the process approved to solicit candidates).

3. 3. FOR POSSIBLE ACTION: APPROVAL OF PROCEDURE TO BE USED BY AIRPORT ENGINEER TO ASSEMBLE A PLANNING ADVISORY COMMITTEE TO GIVE INPUT ON THE DEVELOPMENT OF THE MASTER PLAN; OTHER INSTRUCTIONS ON IMPLEMENTATION OF MASTER PLAN GRANT, AIP 31 (B. Fitzgerald)

Staff Summary: The development of a new Airport Master Plan has been funded via FAA AIP Grant 31 to provide a framework needed to guide future airport development that will cost-effectively satisfy aviation demand while considering potential environmental and socioeconomic impacts. Among the initial tasks are to assemble a committee made up of representative of the FAA, NDOT, other local, regional or federal agencies, airport users and tenants, and representatives of the local community. This is a non-voting body who can provide input to the consultant developing the Master Plan, and must not exceed 15 members.

Airport Engineer item. We included this item to authorize the Airport Engineer to proceed with getting the FAA AIP project (Master Plan) underway.

Proposed Action: I move we approve and authorize the Airport Engineer to take the steps outlined to get the Master Plan project underway.

I. LEGAL COUNSEL’S REPORT (Non-Action Item).

1. We are getting responses to the new Title 19 provisions on hangar use and are organizing them for use. Thanks to the tenants who have responded so far.