

To: Airport Authority  
From: Steve Tackes, Airport Counsel  
Date: 2-15-2018  
Re: Airport Counsel Briefing for Meeting of Feb 21, 2018

1. FOR POSSIBLE ACTION: REVIEW AND EVALUATION OF RESUMES SUBMITTED IN RESPONSE TO JOB ANNOUNCEMENT AND INVITATION FOR RESUMES; RANK APPLICANTS; ADDITIONAL STEPS; AUTHORIZE AUTHORITY MEMBER AND COUNSEL TO MAKE JOB OFFER TO APPLICANT(S) IN RANKED ORDER; APPROVAL OF BASE CONTRACT FOR MODIFICATION AND USE WITH RANKED APPLICANT (L. Harvey, S Tackes)

*Staff summary: The Authority posted the Job Announcement on Jan 4, 2018 with a Feb 5, 2018 deadline. The Airport Staff received 21 resumes from persons interested in the Airport Manager position. A grading tool to match the resumes against the advertised job criteria was provided to the Authority members as an aid; video interviews from the candidates best meeting the criteria, or otherwise identified by any Authority member, were requested. All information collected by the Authority committee and Staff are provided to the Authority members. The requested action is to rank the applicants, take additional steps and/or authorize an Authority member and Counsel to make a job offer based on the job announcement, Authority ranking and employment/contract agreement. The Authority will also consider approval of a contract format that can be modified to fit the ultimate hire and allows for either independent contractor treatment or employee treatment based on negotiation with the ranked applicant.*

This item follows from the Action taken at the December 20, 2017 meeting during which the Authority approved the job criteria description and authorized Staff to issue the job announcement requesting applicants.

As noted the Authority received 21 resumes. Using a rating tool, the Staff and several members of the Authority identified the most qualified candidates based on their resumes. The top 4 identified by the group were invited to do video interviews which we should have soon. In addition, all resumes were sent by Staff to all of the Authority members so that all Authority members would have an opportunity to add to those included in the video interviews. No additional candidates were identified to Staff. Once the video interviews are available, Staff will get them (or access to them) to all Authority members. If the Authority members feel they have enough information to rank the top applicants, the meeting has been noticed for that action. Conversely, if the Authority members want additional information (or interviews or background checks or anything) the Authority can identify those steps to Staff per the Agenda notice. If the latter occurs, then a special meeting may be held to rank the applicants and take the additional action, namely to authorize the Staff and an Authority member to negotiate with the ranked candidate.

In addition, attached is a draft format for the Agreement. It is intended as a base document to be used in negotiations. The negotiations may determine whether the Airport Manager will be an employee or an independent contractor. Other provisions may be negotiated as well. It is anticipated that once a negotiation has occurred the Agreement will be brought back to the Authority at a notice meeting so that it can be discussed and approved.

Copies of all resumes, the rating tool and other supporting information to be considered by the Authority has been posted to the website.

Proposed Motion: I move we (pick one or more)

- a. Rank the candidates as follows... and direct Staff along with Member Harvey to negotiate with the highest ranked candidate and if unsuccessful then with the next one(s) in ranking.  
OR
- b. Direct Staff to take the following additional actions prior to Authority ranking...
- c. Approve the draft contract as a base document with the expectation that the terms may be negotiated.
- d. Other?

2. FOR POSSIBLE ACTION: DISCUSSION TO APPROVE A SCHEDULE FOR GATE CARD RENEWALS AND POSSIBLE CHANGES TO FEES ASSOCIATED WITH GATE CARDS AND ANY OTHER RELATED ISSUES (D. Zahtilla)

*Staff Summary: This is a recommendation to make all annual gate card renewals due on a specific date of each year with a deadline for renewal and to discuss and possibly make changes to the fees associated with gate cards.*

This is the Airport Engineer's item and follows an earlier attempt to achieve uniformity for the gate card renewal process so as to reduce time consumption and complexity of fee calculation and collection by having all gate cards renew on the same date. The language for the Agenda was enlarged per the request at last month's meeting to also discuss changes to the gate card fees. A short history of the fees has been prepared by Dirk and was posted to our webpage. Currently, gate card fees are used solely for the repair and maintenance of the gates, including accumulation for FAA matching funds for the gate replacements scheduled on the ACIP (Airport Capital Improvement Plan) on file with the FAA.

Proposed Motion: I move we approve the Staff request to have all gate cards renew on \_\_\_\_ ( eg. July 1, or some other set date.).

3. FOR POSSIBLE ACTION: MANAGER REQUESTS GUIDANCE ON THE ISSUES OF INDIVIDUALS PERFORMING WORK FOR HIRE AS A/Ps WITHOUT APPROVED FBO STATUS AND INDIVIDUALS WHO USE HANGARS AS RESIDENCES. (D. Zahtilla)

*Staff Summary: These issues have arisen by way of verbal complaints from FBOs and tenants of the Airport.*

This is the Airport Manager's item.

A/Ps. Title 19 requires that persons conducting business on the Airport must have an FBO license from the Authority (Class 1, 2, 3, 4 or 5).

19.02.020.350 - FIXED BASE OPERATORS.

1. No person shall use the Airport as a fixed base until such person has applied for and received approval from the Airport Authority as a fixed base operator and has met the qualifications, standards and requirements of these rules and regulations. Fixed base operators shall be classified as Class 1, Class 2, Class 3, Class 4 or Class 5 fixed base operators.

A. Class 1 fixed base operators are those who operate from areas on the airport that are leased directly from the Airport Authority and approved by Carson City.

B. Class 2 fixed base operators will operate from authorized areas on the Airport through a sublease with a Class 1 fixed base operator or by agreement with the Airport Authority.

C. Class 3 fixed base operators are those who lease aircraft storage space to themselves or the public and do not have a lease with the Airport Authority.

D. Class 4 fixed base operators are those who lease areas of land within the confines of the Carson City Airport for commercial and/or industrial business purposes.

E. Class 5 fixed base operators are those who use areas of land not otherwise included under Class 1—4.

Class 1, Class 2, Class 3, Class 4 and Class 5 fixed based operators are subject to all applicable requirements of Title 19 including, but not limited to, filing for the license, showing financial capability and showing that they have appropriate facilities located in a permissible area to perform aviation services.

The Interim Airport Manager has received complaints of unlicensed FBO operators (Airframe and Power Plant mechanics), and seeks guidance on how to deal with that.

*Residence in hangar.* All Airport leases, the FAA rules, Title 19 and the Airport zoning expressly prohibit use of hangars as residences. Eg. CCMC 19.02.020.350(4) and 19.02.020.370(4) both expressly state that residential use is not allowed on the Airport. The limited exception/distinction is “crew quarters” which can be used where flight safety is involved, e.g. for late night arrivals or early morning departures. A hangar cannot be used as the primary residence for any person. The Interim Airport Manager has received complaints of a person or persons using a hangar as his residence. Again, the Interim Airport Manager seeks guidance on how to deal with that.

**Proposed Motion:** I move we direct Staff to .... (identify actions recommended).

4. FOR POSSIBLE ACTION: DISCUSSION AND APPROVAL OF DIRECTION TO CONSULTANT AND ENGINEER REGARDING FAA AIP 31 MASTER PLAN. (B. Fitzgerald; S. Tackes)

Staff Summary: *This is a continuing item for the Authority to address progress and any directions appropriate to the Master Plan (FAA AIP 31).*

The Airport Engineer, along with Coffman and Associates, have begun the process of developing a new Master Plan for the Airport. This item is included so that the Authority can discuss progress on the Master Plan and provide feedback and direction.

**Proposed Motion:** (depends if there is input to give that is from the full Authority)

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

Report on aircraft accidents, incidents and procedures.

#### ACCIDENTS

In Part 830, the NTSB defines an accident as:

--an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and when all such passengers have disembarked,

--in which any person suffers death or serious injury,  
--in which the aircraft receives substantial damage. 49 CFR 830 <https://ntsb.gov>

Substantial damage means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft. This type of damage would normally require major repair or replacement of the affected component.

There are certain items that are not considered “substantial damage” by the NTSB. These include:

- Engine failure or damage limited to an engine if only one engine fails or is damaged
- Bent fairings or cowling
- Dented aircraft skin or small punctured holes in the skin or fabric
- Ground damage to rotor or propeller blades
- Damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips

### INCIDENTS

The NTSB defines an incident as an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations. 49 CFR 830 <https://ntsb.gov>

While many incidents do not need to be reported to the NTSB, there are serious incidents that must be reported.

Operators should review the full list of reportable incidents, but the following are a few common examples:

- Damage to property, other than the aircraft, estimated to exceed \$25,000 for repair (including materials and labor) or fair market value in the event of total loss, whichever is less
- In-flight fire
- Flight control system malfunction or failure
- Complete loss of information, excluding flickering, from more than 50% of an aircraft’s electronic cockpit displays, such as EFIS

### Providing Notification to NTSB

When a reportable incident occurs, the pilot should immediately report it to the NTSB Response Operations Center at (844) 373-9922. In many cases, the pilot will be directed to complete Form 6120.1, the Pilot/Operator Aircraft Accident Report, which can be found on the NTSB web site in PDF format. The completed form must be submitted to the NTSB via email, mail or fax.

When to move the aircraft:

49 CFR 830.10 – Preservation of aircraft wreckage, mail, cargo, and records, requires that operators preserve aircraft wreckage, recorders, documents, etc. following an aircraft accident until such time as the Board or its authorized representative takes custody of such items. **The wreckage may be disturbed to remove persons injured or trapped; to protect the wreckage from further damage; or to protect the public from injury.** After being notified of an accident, the NTSB may or may not take custody of wreckage, and at the discretion of the investigator-in-charge, may immediately release some or all of the wreckage for transport/recovery from the accident site. If you have any questions about whether or not it is appropriate to move wreckage, contact the NTSB investigator assigned to the case or the NTSB ROC.

Additional References-- <https://www.nts.gov/Pages/Report.aspx> see FAQs  
<https://www.gpo.gov/fdsys/pkg/CFR-2009-title49-vol7/pdf/CFR-2009-title49-vol7-sec830-5.pdf>  
Updated 2010 <https://www.law.cornell.edu/cfr/text/49/830.2>