

To: Airport Authority  
From: Steve Tackes, Airport Counsel  
Date: 4-17-2018  
Re: Airport Counsel Briefing for Meeting of Wednesday, April 18, 2018

1. FOR POSSIBLE ACTION: DISCUSS AND MODIFY, IF APPROPRIATE, THE TENTATIVE BUDGET FOR FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019 WHICH HAS BEEN SUBMITTED TO STATE OF NEVADA DEPARTMENT OF TAXATION BY KOHN & CO (B. Kohn).

*Staff summary: This is a request for discussion and review to comment on tentative budget.*

NRS 354.470 et seq is the section of law that requires the Airport Authority (and all other governmental entities) to have a budget for the upcoming fiscal year (July 1 to June 30) in place and filed with the State Dept of Taxation. <https://www.leg.state.nv.us/NRS/NRS-354.html#NRS354Sec470>

In short, the Authority must file a tentative budget by April 15 of each year, and adopt the tentative budget (with any desired modifications) as a final budget by June 1 of each year. The Authority must set a date for adoption of the final budget which cannot be sooner than the third Monday in May and not later than the last day in May. The Authority must publish notice of its intent to adopt the final budget in the newspaper not more than 14 nor less than 7 days before the date set for the Authority meeting.

The tentative budget prepared by the Airport Staff and the Treasurer was timely filed with the State Dept of Taxation. This item is before the Authority so that the Authority can examine the tentative budget and make any modifications felt appropriate, or direct Staff to investigate any changes that may be necessary prior to adoption of the final budget which will occur in May.

Authority Member and Treasurer Larry Harvey and Airport Manager Ken Moen can address specifics in the budget.

**Proposed Motion: I move we approve the discussed modifications to the Tentative Budget for Fiscal year July 1, 2018 through June 30, 2019.**

2. FOR POSSIBLE ACTION: DISCUSSION AND APPROVAL OF CHANGING MAY 16, 2018 MEETING DATE TO MAY 23, 2018 IN ORDER TO APPROVE FISCAL YEAR JULY 1, 2018 THROUGH JUNE 30, 2019 OPERATING BUDGET (K. Moen).

*Staff Summary: This is a request for discussion and review to change monthly meeting date in order to comply with notice and posting requirements for adopting annual budget.*

As noted in the prior item, a meeting must be held to approve the tentative budget (in final form) as the final budget. Our regular 3<sup>rd</sup> Wednesday meeting falls on May 16, but the statute states our approval meeting must occur after the 3<sup>rd</sup> Monday which is May 21, 2018. Thus the Authority must

set a Special meeting to comply with NRS 354.596. It may make sense to simply set the regular monthly meeting to fit this schedule instead of having a separate meeting for the budget item.

**Proposed Motion:** I move we approve setting the Authority meeting in May to be on May \_\_, 2018.

3. FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE APPROVAL OF SIERRA SKYWAY, INC. BUILDING PLANS AND ADDENDUUM TO LEASE AGREEMENT IN ORDER TO ACCOMMODATE CONSTRUCTION OF UTILITY RISER OUTSIDE LEASEHOLD (K. Moen).

*Staff Summary:* This is a request for discussion and possible approval of a change in Sierra Skyway, Inc. leasehold in order to accommodate utility riser and approve building plans for new hangars.

This is the Airport Manager's item.

**Proposed Motion:** I move we approve the Airport Manager recommendation regarding accommodation of the utility riser as presented.

4. FOR POSSIBLE ACTION: DISCUSSION TO APPROVE CARSON CITY AIRPORT GATE CARD POLICY (K.Moen).

*Staff Summary:* This item is a recommendation to adopt a formal Gate Card Policy.

This is the Airport Manager's item.

**Proposed Motion:** I move we approve the Gate Card Policy recommended by the Airport Manager.

5. FOR POSSIBLE ACION: DISCUSSION AND APPROVAL OF TRAVEL OF BOARD CHAIR AND MANAGER TO ATTEND FAA WESTERN-PACIFIC REGION, 9TH AIRPORTS CONFERENCE JUNE 12-14, 2018 IN TORRANCE, CA (L. Law, K. Moen).

*Staff Summary:* This is a request to approve travel expenses to attend conference make presentation KCXP compliance audit as requested by FAA ADO.

This is the Airport Manager's item.

**Proposed Motion:** I move we approve the travel expenses for the FAA conference..

6. 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 will give an update and identify, if any, action items regarding the ongoing Master Plan project.

Proposed Motion: (depends on Airport Engineer report and whether the Master Plan consultants need any input/direction).

7. FOR POSSIBLE ACTION: DISCUSSION AND APPROVAL OF REQUEST FOR QUALIFICATIONS (RFQ) FOR AVIATION PLANNING SERVICES FOR 2018 TO 2023 AND CORRESPONDING RFQ FOR ARCHITECTURAL/ENGINEERING SERVICES 2018 TO 2023; FOR (K. Moen; S. Tackes)

Staff Summary: *The current 5-year contract for engineering and planning services expires in September 2018. This item will consider issuance of an RFQ for interested entities to present their qualifications and interest so that the Airport Authority can make a selection at a future meeting and then proceed with price negotiation pursuant to the requirements of FAA Advisory Circular 150/5100 14E.*

The Authority's current contract with Atkins to provide planning and engineering services ends September 16 of this year. (5 year contract) Per FAA Advisory Circular (AC) 150/1500-14 E, such contracts must be adopted via an open process. The FAA AC states that the inquiry must separate planning from engineering services, but that the Authority may award the contract to one firm to provide both services. The Airport Manager and I have prepared RFQs (Requests for Qualifications) which are posted to the webpage and comply with the FAA AC and NRS 332.115/338.1377. Per those statutes, contracts for professional services are not simply RFPs asking for a price. Instead the process is that the Authority advertises that it desires statements of qualifications from firms, sets a date for those submissions, and then ranks the firms. After ranking the firms, the Authority then negotiates the fees for the top ranked firm(s), and if unsuccessful, moves to the 2<sup>nd</sup> top ranked firm.

The action for this meeting is to approve the RFQs so that we can publish them and notify likely-qualified firms.

Note: after the negotiation stage we are also required to provide an independent fee estimate to provide assurance to the FAA (and ourselves) that the negotiated fees are reasonable.

In terms of one firm for Planning and another firm for Engineering, there are some considerations to be made. The FAA addresses this in the AC:

“5. If more than one party is selected, the expected projects to be performed by each party must be defined, together with the statement of work and the required services, at the time of the initial procurement action. The sponsor must provide notification to each firm of the projects they were awarded. Sponsors must avoid the practice of selecting multiple firms and assigning project responsibility at a later date.

6. The negotiation of the fee is limited to the services expected to be performed under the first grant or project after the initial procurement action. The contract must be limited to the services covered by the negotiated fee. The negotiation of the fee for subsequent services, i.e., services included in the procurement action but not in the initial contract, must occur at the time those services are needed. A fee estimate must be performed for each of these negotiations. (See paragraph 2.12 for information on fee estimate.) If a fee cannot be agreed upon between the sponsor and the selected firm, then negotiations are terminated with that firm. If the sponsor identified and ranked multiple firms for the project at the time of the initial procurement action, then the sponsor may enter into negotiations with

the firm ranked next. If no additional firms were identified and ranked or agreement is not reached with any selected firms, then the sponsor must initiate a new procurement action.”

Airport Staff has identified the projects within each RFQ. You should note that there is considerable overlap. As a result, if the Authority goes with separate firms for planning versus engineering (not being decided at this time), the Authority will need to carefully parse out the specific work being identified to each firm prior to final approval of contracts.

**Proposed Motion:** I move we approve the RFQs and direct Airport Staff to publish them and seek qualified firms for responses.

#### 8. FOR POSSIBLE ACTION: DISCUSSION AND APPROVAL TO SUBMIT BILL DRAFT RESOLUTION CHANGES TO AIRPORT AUTHORITY ACT FOR CARSON CITY CHAPTER 844, STATUTES OF NEVADA 1989 TO STATE REPRESENTATIVE AL KRAMER FOR AMENDMENT.

*Staff Summary: Legal Counsel and Board Chair have discussed amending enabling legislation to rectify flaw in the legislation regarding the appointment of Board Members (see Sec.4. and Sec. 29 Board: Number, appointment, qualifications and terms of members) and to clarify Sec. 24, #7 language regarding Disciplinary action, suspension or discharge of employees.*

Per the several discussions by the Authority as to changes desired to NRS 844, Airport Staff has prepared a draft of legislative changes. The Assemblyman for Carson City has tentatively agreed to request a Bill Draft Request on our behalf. To the extent you have ideas for improvements, this is the time to identify those.

**Proposed Motion:** I move we approve the legislative changes to NRS 844 and direct Airport Staff to work with Assemblyman Kramer to submit the bill to the Legislative Counsel Bureau..

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

No additional report at this time.