

To: Airport Authority
From: Steve Tackes, Airport Counsel
Date: 9-25-2018
Re: Airport Counsel Briefing for Meeting of Wednesday, September 26, 2018

1. FOR POSSIBLE ACTION: CARSON CITY AIRPORT AUTHORITY (CCAA) TO CONSIDER APPROVAL OF AIRPORT ARCHITECTURAL/ENGINEERING AND PLANNING SERVICES CONTRACTS.

Staff Summary: Staff and Chairman to present proposed contracts with ranked firm(s) to provide on-call Airport Architectural/Engineering and Planning Services. (L. Law and K. Moen).

Airport manager item. Per NRS 332.115 and NRS 338.1377, professional services are obtained via the Request for Qualifications process which the Authority utilized and ranked the firms at the last meeting. The RFQ tracked the FAA requirements AC 150/1500-14E, and the process to follow from here is “negotiation of the fee” and “contract”. Per the AC, “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.” AC 150/5100-14E, Sec 2.7.2 (6). Once the fees and contract are examined, the Authority needs to have an independent fee estimate performed to verify the fees are reasonable (Sec 2.12), and then negotiate final terms and approve them. (The AC is posted on our webpage with the April 2018 Authority agenda and materials.

Airport Counsel has no updated information on the negotiation of contracts with the ranked firms.

Proposed Motion (if moving forward):

2. FOR POSSIBLE ACTION: GREAT BASIN AVIATION TO PRESENT BUSINESS APPLICATION AND SUPPORTING DOCUMENTS IN ORDER TO BE APPROVED AS A CLASS II FIXED BASE OPERATOR (Flight School).

Staff Summary: Airport Manager to review FBO application of Great Basin Aviation to conduct flight instruction, scenic tours and aircraft rental at Carson City Airport. (K. Moen, S. Tackes).

The Airport has received an FBO application from Flying Start Aero Services LLC doing business as Great Basin Aviation proposing to operate a flight school at the Airport. (Dennis and Jennifer Prins, principals). They have arranged for suitable space from Mountain West on the north side of the Airport, and appear to have a positive track record and sufficient financial resources. Based on the review, it appears that they meet the criteria of Title 19. Those criteria are written in the negative, i.e., the application may be denied if it fails on any of the criteria. In this case it appears approval is appropriate absent any problems revealed at the meeting. The precise criteria are:

The Airport Authority may deny any application if, in its opinion, it finds any one (1) or more of the following:

1. The applicant for any reason does not meet the qualification, standards and requirements established by these rules and regulations; (no problem identified) or
2. The applicant's proposed operations or construction will create a safety hazard on the Airport; (no problem identified- safety first) or
3. The granting of the application will require the Airport Authority to spend Airport Authority funds, or to supply labor or materials in connection with the proposed operations to an extent which or at a time when the Airport Authority is unwilling to enter into such arrangement; or the operation will result in a financial loss to the Airport Authority; (no problem identified) or
4. There is no appropriate, adequate or available space or building on the Airport to accommodate the activity of the applicant at the time of the application; (Sufficient space from Mountain West) or
5. The proposed operation or airport development or construction does not comply with the master plan of the Airport; (no conflict) or
6. The development or use of the area requested by the applicant will result in depriving existing fixed base operators of portions of the area in which they are operating; or will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present fixed base operator on the Airport through problems in connection with aircraft traffic or service, or preventing free access to the fixed base operator's area; (no problem identified) or
7. Any party applying, or interested in the business has supplied the Airport Authority with any false information or has misrepresented any material fact in his application or in supporting documents; or has failed to make full disclosure on his application or in supporting documents; (no problem identified) or
8. Any party applying, or interested in the business has a record of violating these rules and regulations, or the rules and regulations of any other airport, the Federal Aviation Regulations or any other rules and regulations applicable to the Airport; (no problem identified) or
9. Any party applying, or interested in the business has defaulted in the performance of any lease or other agreement with the Airport Authority or Carson City; (no problem identified) or
10. Any party applying, or interested in the business has a credit report which contains derogatory information and does not appear to be a person of satisfactory business responsibility and reputation; (no problem identified) or
11. The applicant does not appear to have, or have access to, finances necessary to conduct the proposed operation for a minimum period of six (6) months; (sufficient funds indicated) or
12. Any party applying, or interested in the business has been convicted of any crime or violation of any ordinance of such a nature that it indicates to the Airport Authority that the applicant would not be a desirable operator at the Airport; (no problem identified)
13. The protection of the health, welfare, safety of the inhabitants of Carson City require such denial. (no problem identified)
14. Nothing contained herein shall be construed to prohibit the Airport Authority from granting or denying, for any reason it deems sufficient, an application to do business on the Airport for the purpose of selling, furnishing or of establishing non-aviation products and supplies of any service or business of a non-aeronautical nature, or the application by a person for an area on the Airport for the personal nonprofit use of such person. (no problem identified)
15. Failure to divulge requested information in section 3 of this chapter on an application may be cause for review and possible revocation of an applicant's prior approval. (no problem identified)

Proposed Motion: I move we approve the FBO application of Flying Start Aero Services LLC doing business as Great Basin Aviation.

3. FOR DISCUSSION AND POSSIBLE ACTION TO APPROVE LEAN ENGINEERING NIGHTTIME OPERATIONS FEASIBILITY STUDY.

Staff Summary: Ken Moen will review the scope of work for Nighttime Instrument Approach Runway 27 Operations Feasibility Study. (K Moen).

Airport manager item. The proposed five project tasks and fees are posted to the webpage and total approx. \$49,000. Per NRS 332.039, since the amount is more than \$25,000 but less than \$50,000, we need to also get a bid from at least one other vendor.

<https://www.leg.state.nv.us/NRS/NRS-332.html#NRS332Sec039>

Proposed Motion (if moving forward): I move we authorize Staff to obtain a second bid and if greater than the bid from Lean Engineering, then to proceed with task 1 of the Study.

4. FOR DISCUSSION AND POSSIBLE ACTION TO APPROVE SUBLEASE OF HANGAR 6 IN THE COMSTOCK HANGARS.

Staff Summary: Ken Moen will review FAA Hangar Leasing Policy and discuss the possibility of CCAA subleasing hangar to protect airfield maintenance equipment. (K Moen).

Airport manager item. The Airport Authority has done a lot of work on hangar use issues, and the storage of Airport maintenance equipment. The FAA Policy (effective July 1, 2017) states that legitimate uses involve storage of aircraft and aircraft maintenance equipment. These requirements were added to CCMC Title 19, along with a provision of “other uses approved by the Authority” consistent with FAA requirements. The FAA discussion when adopting the FAA Policy does not address Airport maintenance equipment. Rather, it does state that the hangars cannot be used for “the conduct of non-aeronautical business or municipal agency function” unless it is incidental to aircraft storage and does not impede the aircraft. Alternatively, the Airport may request approval from the FAA for a month-to-month non-aeronautical use.

<https://www.gpo.gov/fdsys/pkg/FR-2016-06-15/pdf/2016-14133.pdf> Here the equipment is aeronautical from the standpoint of the Airport maintenance but not from the standpoint of aircraft directly. As such, the Airport Manager has requested an opinion from the FAA Airports district office.

Proposed Motion (if moving forward): I move we approve the sublease of Hangar 6 in the Comstock Hangars conditioned on no objection from the FAA.

5. FOR DISCUSSION AND POSSIBLE ACTION TO APPROVE FORMATION OF A STRATEGIC PLANNING COMMITTEE.

Staff Summary: Ken Moen will lead the discussion of the formation of a Strategic Planning Committee. (K Moen).

Airport manager item. Per the Open Meeting Law, “If a subcommittee recommendation to a parent body is more than mere fact-finding because the subcommittee has to choose or accept options, or decide to accept certain facts while rejecting others, or if it has to make any type of choice in order to create a recommendation, then it has participated in the decision-making

process and is subject to the Open Meeting Law.” (Nevada Open Meeting Law manual Sec 2.04)
In that case, these means the meetings need to be publicly noticed and recorded, just as we do for Authority meetings.

Proposed Motion (if moving forward): I move we approve formation of a strategic planning committee to conduct fact-finding and report back to the Authority.

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

No information or data received for the lot line adjustment on Sierra Sky lease. No additional report at this time.