



FlyCarsonCity.com

## CCAA BOARD MEMO

Agenda Item: H-2

BOARD MEMO 2023-02

Meeting Date: January 18, 2023

**Agenda Title:** FOR DISCUSSION AND POSSIBLE ACTION: REVIEW QUALIFICATIONS RECEIVED RESPONSIVE TO THE REQUEST FOR QUALIFICATIONS (RFQ) TO SERVE AS LEGAL COUNSEL TO THE CARSON CITY AIRPORT AUTHORITY POSTED ON THE AIRPORT WEBPAGE. PROVIDE DIRECTION TO STAFF HOW TO PROCEED. (C. Jenkins)

**Staff Summary:** At its public meeting on November 16, the Authority approved the RFQ and directed staff to publish the RFQ. Per NRS 332.115, legal services are exempt from competitive bidding. The Airport Authority can review the qualifications received and determine how to proceed.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 15 Minutes

---

### **Proposed Motion**

I move to direct staff to \_\_\_\_\_

### **CCAA'S Strategic Goal**

Maintain financial stability.

### **Previous Action and Executive Summary**

In October 2022, our current legal counsel gave notice of a 58% increased billable rate effective January 1, 2023. The new rate is still a 11% discount over their regular rate. By completing a RFQ we can determine whether there are feasible alternatives in line with our obligation to the airport users and residents of Carson

City and that we are taking action to ensure we have the most qualified legal counsel, and the rates are reasonable.

November 16, 2022 (Item H-4) – The Authority approved the RFQ and directed staff to publish the RFQ.

The RFQ was published on the Airport website, the American Association of Airport Executives RFQ site, and distributed to all current airport users with a deadline of January 12, 2023, for responses. The only response received was from our current legal counsel.

**Financial Information**

Is there a fiscal impact?

No  Yes

If yes, account name/number & amount: 3099 General Fund

General Fund/ Federal Share: Will be determined by the Authority decision.

Is it currently budgeted?

**Alternatives**

N/A

**Board Action Taken:**

Motion: \_\_\_\_\_ 1) \_\_\_\_\_  
2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



Carson City Airport • 2600 College Parkway, #6 • Carson City, NV 89706  
775.841.2255 • www.flycarsoncity.com

## **REQUEST FOR QUALIFICATIONS TO SERVE AS LEGAL COUNSEL TO THE CARSON CITY AIRPORT AUTHORITY**

The Carson City Airport Authority (CCAA) is formally requesting Statements of Interest and Qualifications for professional services of qualified firms to serve as Airport Legal Counsel. Airport Legal Counsel may be comprised of a single lawyer, a law firm, or a team of lawyers, but in each instance a Lead Counsel shall be designated to serve as the primary point of contact for the CCAA. The Lead Counsel and, if applicable, the law firm and/or team of lawyers shall be collectively referred to as “Respondent.” The CCAA seeks to retain these services for a three (3) year term.

Submission of Qualifications must be received by January 12, 2023, at 5:00 p.m. PST at the office of the CCAA. The Respondent must submit 10 copies of their Statements of Interest and Qualifications. The submissions will be reviewed at the CCAA public meeting on January 18, 2023 at the Robert Crowell Board Room, Community Center, 851 E. William St., Carson City, Nevada at 5:30 p.m. PST.

### **Minimum Education and Experience Requirements for Lead Counsel:**

- Juris Doctorate degree.
- Current member in good standing with the Nevada Bar, eligible to practice law in Nevada, with no disciplinary history in the past ten (10) years.
- Ten (10) years of professional experience practicing law.
- Five (5) years of experience representing a municipality, public board, agency, council, or commission.
- The Respondent must be an attorney in private practice with malpractice insurance in a form and amount satisfactory to the Airport’s Insurance.
- Demonstrate knowledge of Nevada Public Records and Ethics Regulations.
- Demonstrate knowledge of the statutory, regulatory, and governing provisions by which the CCAA operates.
- Experience working with the Federal Aviation Administration and knowledge of the Federal Aviation Regulations
- Consideration given to a pilot and/or counsel with experience representing airports

### **Skills and Abilities:**

- Demonstrate knowledge of the public procurement and grant processes, including but not limited to compliance with the FAA and Nevada grant assurances.
- Demonstrate knowledge of leasing, land development and construction.
- Demonstrate knowledge of employment law and employee benefits.
- Demonstrate knowledge of intergovernmental affairs.
- Extensive knowledge of the theories, principles, and practices of the legal profession.
- Ability to provide expert legal advice to the CCAA, its members and staff.
- Ability to interpret and clarify complex laws, statutes, ordinances, and rules.
- Ability to communicate clearly, concisely, verbally and in writing.

### **Scope of Services**

- Manage CCAA legal matters
- Assist with the preparation of the agenda for the CCAA meetings
- Attend CCAA meetings and Carson City Board of Supervisor meetings if necessary
- Tort liability and defense
- Real estate transactions including:
  - Ground leases
  - Building leases
  - Disposition & development agreements
  - Easements; including Avigation Easements
- Draft, review, and negotiate various commercial contracts and agreements
- Prepare initial draft or review documents
- Risk management
- Advise on requests for proposals and qualifications
- Ensure compliance with all laws and regulations that apply to CCAA
- Other duties and responsibilities as may be assigned

**KAEMPFER**

**CROWELL**

ATTORNEYS AT LAW

CARSON CITY OFFICE

**STEVEN E. TACKES**  
stackes@kcnvlaw.com  
775.884.8300

**LAS VEGAS OFFICE**  
1980 Festival Plaza Dr  
Suite 650  
Las Vegas, NV 89135  
Tel: 702.792.7000  
Fax: 702.796.7181

**RENO OFFICE**  
50 West Liberty Street  
Suite 700  
Reno, NV 89501  
Tel: 775.852.3900  
Fax: 775.327.2011

**CARSON CITY OFFICE**  
510 West Fourth Street  
Carson City, NV 89703  
Tel: 775.884.8300  
Fax: 775.882.0257

December 29, 2022

Corey Jenkins, Airport Manager  
Carson City Airport Authority  
2600 College Parkway #6  
Carson City, NV 89706

**Re: *Response to RFQ- legal counsel  
Statement of Interest and Qualifications***

Dear Mr. Jenkins:

Responsive to the RFQ for Lead Counsel:

I meet or exceed all of the minimum requirements set forth in the RFQ as follows:

1. *Degree.* I currently hold a Juris Doctorate degree; issued by the Arizona State University in 1980; and am admitted to practice in the states of Arizona (1980) and Nevada (1981).
2. *Good Standing.* I am in good standing in both states, with no disciplinary history in the past ten (10) years (and none earlier either).
3. *At least 10 yrs practicing law.* I have approximately 42 years of professional experience practicing law.
4. *At least 5 yrs representing public bodies.* I have approximately 42 years of experience representing municipalities, public boards, agencies, councils and commissions; including but not limited to, approx. 30 years representing the Carson City Airport Authority; approx. 5 years representing a state agency (Nevada PUC); founder and 30 years representing the Nevada Aviation Association, approximately 30 years representing various rural airports on an as needed basis. This work has been in addition to private practice work during that time period in the areas of technology law; telecommunications law; Internet transactions, structure and interconnection; estate planning; transactional law. I was lead regulatory counsel on the \$10 billion acquisition of NV Energy by Berkshire Hathaway, and led the governmental process approvals. I have had a leadership role within my law firm, Kaempfer Crowell, both for internal governance and select practice areas. Our firm is 40 attorney strong and provides a broad degree of legal services statewide with offices in Carson City, Reno and Las Vegas.
5. *Malpractice coverage in place.* I am an attorney in private practice with the law firm of Kaempfer Crowell. My firm has malpractice insurance in place in the total amount of

\$15million diversified over three companies-- Munich Re Specialty Insurance (a division of Munich, a global insurance company), Evanston Insurance Company and XL Specialty Insurance Company. My legal services are covered under said policies.

6. *Public Records and Ethics knowledge.* I have 42 years of practice involving the Nevada Public Records laws (NRS 239), Open Meeting laws (NRS 241), and Ethics in Government laws (NRS 281A), ranging from administrative regulation formation, hearing and adoption, to the complexities of ethics in government. I have defended the CCAA against several Open Meeting Law complaints, all with a successful conclusion for the CCAA.

7. *Laws governing the CCAA.* I have over the last 32 years demonstrated my knowledge of the statutory, regulatory, and governing provisions by which the CCAA operates. I was involved in the adoption of NRS 844 and successfully lobbied for the 2 amendments to that law. I have been involved in the adoption of Carson City Municipal Code Title 19 both by the City and the Authority. I have been an integral part of the formulation and drafting of amendments to that Code, as well as the driving rules and other operational policies adopted by the Authority.

8. *Experience with FAA and FARs.* I have considerable experience working with the Federal Aviation Administration and knowledge of the Federal Aviation Regulations. As part of the Airport Authority team (Authority members, counsel, manager and engineer), we have achieved a record number of AIP and other grants to improve the Carson City Airport. Some highlights are:

a. Acquisition of land west of Goni Rd to protect the safety areas on the west of the airport; via my negotiations with the property owner (Langson).

b. Acquisition of two parcels housing businesses on Goni Rd (Beehive Images) and Sheldon property to protect the safety area; via my negotiations with the property owners and an innovative way to obtain one of the parcels via lease transfer and subsequent FAA funding.

c. Obtaining FAA AIP funding for removal of the hill (1 million cu yards of rock) to allow us to plan the primary runway reconstruction.

d. Obtaining Non-AIP FAA funding for the reconstruction and realignment of the primary runway, the largest single project in the Airport's history and performed without need of Airport matching funds.

9. *Pilot and/or Aviation Attorney.* I am an instrument rated private pilot owning and operating an aircraft from the Carson City Airport. I have considerable experience, noted above, representing airports on legal issues and assisting with FAA funding.

### Skills and Abilities:

1. *Public procurement and grant processes.* I have considerable knowledge of the public procurement and grant processes, including but not limited to compliance with the FAA and Nevada grant assurances. I have verified as counsel (an FAA AIP requirement) over 30 AIP grants.
2. *Leasing, land development and construction.* I completed re-vamped and modernized the airport FBO leases to stay abreast of law changes, AIP assurance changes, and worked with the DA to refine the leases.
3. *Employment law and employee benefits.* I have assisted the CCAA over the years on a variety of employment issues, including moving the employees to PERS and PEBP to obtain better coverage and benefits. Our firm has employment law attorneys who have provided valuable advise over the years, including assistance on wrongful termination claims that we successfully defended for the CCAA.
4. *Intergovernmental affairs.* I have regularly worked with the various agencies (NDOT, Governor Office, Tax Dept, etc) to achieve CCAA goals.
5. *Theories, principles, and practices of the legal profession.* I have a broad legal background ranging from abandoned aircraft to zoning (A to Z). I hold an AV rating from Martindale Hubbell, the highest rating for integrity and skill for legal services.
6. *Ability to provide expert legal advice to the CCAA, its members and staff.* Demonstrated too many times to count to the current and prior members of the Authority and its Staff.
7. *Ability to interpret and clarify complex laws, statutes, ordinances, and rules.* Again, this ranges from A to Z and everything in between, having demonstrated that with work performed for the CCAA.
8. *Ability to communicate clearly, concisely, verbally and in writing.* Demonstrated on too many occasions to name.

I am fully able to provide the Scope of Services set forth in the RFQ, and to the extent that specialized experience or advice is needed in certain areas, my law firm has the depth and experience to advise the Staff and the Authority. This includes, but is not limited to, my 30+ years of experience with the following:

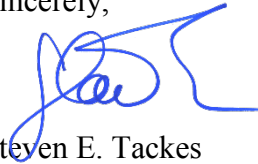
- Manage CCAA legal matters,
- Assist with the preparation of the agenda for the CCAA meetings,
- Attend CCAA meetings and Carson City Board of Supervisor meetings if necessary,
- Tort liability and defense, and
- Real estate transactions including:

- o Ground leases,
- o Building leases,
- o Disposition & development agreements, and
- o Easements; including Avigation Easements.
- Draft, review, and negotiate various commercial contracts and agreements,
- Prepare initial draft or review documents,
- Risk management,
- Advise on requests for proposals and qualifications,
- Ensure compliance with all laws and regulations that apply to CCAA, and
- Other duties and responsibilities as may be assigned.

Perhaps equally important to my qualifications and experience is my love of aviation and my sincere commitment to our Airport and its users; to continually improve our Airport; to embrace comradery and a community awareness of the value of the Airport; to work cooperatively with the City and the various State agencies; and to always consider new ideas and new concepts for making the Carson City Airport the best it can be.

Thank you for considering retaining me and my firm for the position of Airport Counsel.

Sincerely,



Steven E. Tackes

Submitted electronically.