

**MINUTES OF A REGULAR MEETING
OF THE**

DocuSigned by: **FRIEDMAN MEMORIAL AIRPORT AUTHORITY**
Angenie McCleary
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June 4, 2024
5:30 P.M.

IN ATTENDANCE:

BOARD MEMBERS:

Board Chair – Martha Burke, Vice Chair – Muffy Davis, Secretary – Angenie McCleary, Board Members – Jacob Greenberg, John Strauss, Sam Linnet, Lindsay Mollineaux, Treasurer – Ron Fairfax

FRIEDMAN MEMORIAL AIRPORT STAFF:

Airport Director – Chris Pomeroy, Deputy Director, Operations & Maintenance – Tim Burke, Deputy Director, Finance & Administration – Brian Blackburn, Security Manager – Steve Guthrie, Administrative Coordinator II – Janice Hicks, Business Operations Coordinator – Ashley Cook.

CONSULTANTS:

Brent Davis-Financial Consultant

AIRPORT LEGAL COUNSEL:

Lawson Laski Clark PLLC – Jim Laski and Peter, Kaplan Kirsch & Rockwell LLP – Peter Kirsch

CALL TO ORDER: The meeting was called to order at 5:30 p.m. by Board Chair Burke

I. APPROVE AGENDA

A motion to approve the agenda as presented.

MOTION: *Made by Board Member Linnett to approve the agenda as presented. Seconded by Greenberg.*

PASSED UNANIMOUSLY
0:32

II. PUBLIC COMMENT

Board Chair Burke opened public comment for 10 minutes. William Hughes utilized the entire ten minutes allotted to voice concerns regarding airport development. Another member of the public wishing to speak, Kris Wirth, was advised that additional public comment would be taken at the end of the meeting. **SEE ATTACHED COMMENTS FROM BILL HUGHES**

11:03

III. APPROVE FMAA MEETING MINUTES

A. May 7, 2024, Regular Meeting – Motion to Approve – **Attachment #1 ACTION ITEM**

MOTION: *Made by Board Member Strauss to approve the minutes as presented. Seconded by Linnett.*

PASSED UNANIMOUSLY
11:50

IV. REPORTS

A. Chair Report

No report given.

B. Blaine County Report

No report given.

C. City of Hailey Report

No report given.

D. Fly Sun Valley Report

No report given.

E. Airport Team Reports (see Power Point Presentation)

Airport Director Pomeroy reported airport activity, April of last year we are up 2.4% versus April of last year (2023). That puts us at about 14.6% year to date versus 2023. Operations, takeoffs and landings up 8% May this year over May of last. And that puts us year to date still about 6.6% below last year's full operations.

Tim Burke, Deputy Director of Operations and Maintenance, thanked tenants of the airport for the recent construction for the repaving project that occurred. Burke reported that the FAA inspection is scheduled to start soon. Burke further reported that this will be the second year that Friedman Memorial Airport is hosting an Aviation Career Education Camp. Burke explained the different fields that can be pursued and the love for aviation that can lead to an engaging career in the field.

15:50

V. AIRPORT STAFF BRIEF

A. Noise Complaints in May.

B. Profit & Loss, ATCT Traffic Operations Count and Enplanement Data (**See Attachment #2-#4**)

C. Airport Commercial Flight Interruptions (unofficial)

D. Review Correspondence

VI. ACTION ITEMS

A. NEW BUSINESS

1. Future Aeronautical Development RFP– Consideration of Recommendation of Acceptance – **Attachment #5 – ACTION ITEM**

16:20

Peter Kirsch, special legal counsel for the Board, started the discussion by explaining the Future Aeronautical Development Request for Proposal (RFP) and the circumstances that led to this point. He explained that for years, there has been a single FBO at this airport, and under federal law, having a single FBO is permissible, with a couple of caveats. One is that if you receive interest from a competing FBO, you must allow competition at your airport. The principle is the competition at the airport is good for the airport, is good for

the community, is good for the industry. The second caveat is that you must have land available to provide that competitive location. For the last many decades, there has been neither land nor interest for a second FBO location. Now, with the land acquisition of almost 400 acres south of the airport, the FAA completed an environmental review/assessment on that land acquisition and specifically designated 10.4 acres south of the airfield for Future Aeronautical Development. Further, staff received expressions of interest from multiple parties who wanted to operate a second FBO at this airport.

At that point, the Authority could have simply awarded a contract, and this process would have been over. However, the Authority decided they wanted to engage in a competitive process and make sure that whatever use of the 10.4 acres would be the best equipped for the future of this airport.

Mr. Kirsch pointed out that FBOs don't bring traffic to an airport and that by having more aviation facilities at the airport, we might see a reduction in traffic. The data from airports around the country show that a second FBO often results in a reduction of traffic but an increase in income.

He also noted that the traffic levels of the airport are not in fact increasing. The Master Plan forecast shows projected levels that are higher than they are this year. The principle of a second FBO is that it will divide the pie, not make the pie bigger. Further by providing a second FBO, it is expected that prices will come down because of the competition.

Kirsch explained the basic structure for how we must operate, that is the Authority must entertain a competitive operation. We are now in the RFP process. The Board went into a lengthy public process, for many months, to ensure that the future operator, the user of those 10.4 acres, will be using that land in a manner that is most compatible with the needs of this endeavor.

Jim Laski, Legal Counsel for the Board, pointed out that the RFP process was outlined in some detail in the Staff Memo that was provided to the Board on May 5, 2024. The RFP process was conducted within the procurement provisions of Idaho State Code. It started December of 2022, when Peter Kirsch (special Legal Counsel for the Board) came to the meeting and gave some background information. A committee began drafting the RFP. Since December of 2022, it has been on the agenda every month. The final terms of the RFP were approved, and it was published September 14, 2023.

The RFP Selection Committee was appointed, which consisted of Chris Pomeroy, Airport Director; Muffy Davis, the Blaine County Representative and the Airport Vice Chair; Jacob Greenburg, the Hailey Representative; and Brent Davis, an FMA financial consultant and former Deputy Director of Finance. Technical advisors to the Committee were Ron Fairfax, who is a 20-year board member and the Board Treasurer; Nathan Cabala, the FMA's primary outside engineer; Brian Blackburn, staff member with FBO experience; Peter Kirsch, FMA Legal Counsel; and myself (Jim Laski) FMA Legal Counsel.

The Selection Committee adopted a rigid cone of silence for the communication between the committee members and prospective bidders on any matters concerning or related to the procurement. That cone of silence remains in place until the board takes action on the selection of the proposer.

The committee received four timely proposals, from Blaine County Aviation, Clay Lacy Aviation, Pacific Aviation Development and from Sky Harbour. Following initial review, it was determined the Pacific Aviation proposal did not meet the minimum criteria for review as set out in the RFP.

Mr. Laski summarized the review, interview and scoring process further analysis for the remaining 3 proposals. He reported that each of the three proposals analyzed included an FBO as well as a mixture of hangar space and each of the proposers anticipated using all the available property for their proposals.

After the interviews the Selection Committee evaluated the proposers against the criteria set forth in the RFP and, with input from their technical advisors, and reached a consensus with their scoring set forth on the

attached spreadsheet. Clay Lacy was the unanimous high score, receiving the highest score in each category and in total. **SEE TABLE ATTACHED**

Mr. Laski then relayed the Selection Committee's recommendation that Clay Lacy be approved as the prevailing proposer.

28:10

Representatives of Clay Lacy were then invited to give a short presentation to outline their proposal.

Representatives from Clay Lacy then gave a presentation on their RFP proposal, a summary of which is attached. **SEE ATTACHED PRESENTATION GIVEN BY CLAY LACY**

47:08

The Selection Committee received questions from the Board regarding the process of selection of Clay Lacy and the specifics that went into this project.

1:13:28

Board Chair, Martha Burke then opens the floor to public comment.

1:13:48

Public comments were made by Suellen Wagner **SEE ATTACHED COMMENTS**, Caitlin McCarthy, Colin Lind, Meed Geary, Jim Herbert, Wayne Warner, and Perry Boyle.

1:41:02

Board Chair, Martha Burke, closed this subject, noting that ultimately Board cannot turn down the opportunity for someone to develop an FBO, so their job is to pick the best one Further discussion explained the process and clarified around the RFP and FAA requirements. The Board then decided that this discussion needs to be tabled and public comments need to be taken into consideration.

2:01:32

BREAK 3 min 2:05:14 Resumes

2. Air Traffic Control Tower Replacement– Project Statement of Qualification Recommendation –ACTION ITEM

Airport Director Pomeroy updated the Board on the Air Traffic Control Tower Replacement Project. The RFQ was sent out on March 28, 2024, and responses were due on May 9, 2024. There was one submittal. Based on the single Statement of Qualification (SOQ), an internal staff committee consisting of Airport Director, Chris Pomeroy; Tim Burke, Deputy Director of Operations and Maintenance; and Ashley Cook, Business Operations Coordinator was selected to ensure compliance with the RFQ. That Committee asked the Board to accept the proposal as submitted and enter negotiations with Woolpert.

MOTION: Made by Board Member Linnet to accept Statement of Qualifications from Woolpert as recommended by the Staff Review Committee for the Air Traffic Tower Replacement project. Further direct Staff to begin negotiation of professional services agreement with Woolpert for the professional services as included in the Request for Qualifications. Seconded by Board Member Greenberg.

***PASSED UNANIMOUSLY
(7:38pm) 2:07:55***

B. CONTINUING BUSINESS

1. None.

VII. UPDATES AND DISCUSSION

A. NEW BUSINESS

1. First Review – Fiscal Year 2025 DRAFT Budget – Discussion – **Attachment #6 (7:39 pm)**

Airport Deputy Director of Finance and Administration gave an update on the first draft of the 2025 Fiscal Year. Stated going forward, a conservative approach will be taken as we move forward in 2025. Discussed what tools were used to create the budget, trend analysis and using actual numbers where possible. Pointed out the biggest change is where the CARES act is now no longer in the budget. Blackburn informed the Board that the Capital Improvement Plan is still being worked on and as soon as it is updated will be presented. Wants the information to be as accurate as possible when presented.

2:23:03

B. CONTINUING BUSINESS

1. Miscellaneous

- i. None

2. Construction and Capital Projects **(7:54pm)**

- i. Airfield Pavement Maintenance Project – Update

Airport Director Pomeroy is happy to announce that the bulk of the Airfield Pavement Project was completed by the contractor about a week early. There is a little touch up work that needs to be done, primarily with some paint work and a few smaller items. The Contractor was extremely responsive, brought in the resources needed, and performed as they said they would. The success is mainly due to the coordination with the local tenants to permit access to areas to ensure no one was blocked off. Thank you to all the tenants for being patient. Another reason this project was so successful was that we were able to find economies of scale by the contractor providing unit cost prices, making everything extremely helpful and cost effective.

2:25:24

3. Airport Planning Projects

- i. None

VIII. PUBLIC COMMENT (7:56pm)

None

IX. EXECUTIVE SESSION (7:57pm)

EXECUTIVE SESSION I.C. §74-206(1),(f) To communicate with legal counsel regarding legal ramifications for controversies imminently liked to be litigated

MOTION: Made by Board Member Greenberg to enter into executive session Pursuant to I.C. §74-206(1),(f) To communicate with legal counsel regarding legal ramifications for controversies imminently liked to be litigated. Seconded by Board Member Mollineaux.

PASSED UNANIMOUSLY

2:26:24

X. ADJOURNMENT (8:39pm)

The June 4, 2024, Regular Meeting of the Friedman Memorial Airport Authority was adjourned at 8:39p.m.

Angenie McCleary, Secretary

** Additional resources/materials that should be reviewed with these meeting minutes include but are not limited to the Friedman Memorial Airport Authority Board Packet briefing, the PowerPoint presentation prepared for this meeting and any referenced attachments.*