

**MINUTES OF A REGULAR MEETING  
OF THE  
FRIEDMAN MEMORIAL AIRPORT AUTHORITY  
July 2, 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 Kaplan Kirsch & Rockwell LLP – Peter Kirsch

**CALL TO ORDER:** The meeting was called to order at 5:31 p.m. by Board Chair Burke

**I. APPROVE AGENDA**

A motion to approve the agenda as presented.

**MOTION:**        *Made by Board Member Greenberg to approve the agenda as presented. Seconded by Vice-Chair Davis*

**PASSED UNANIMOUSLY  
1:48**

**II. PUBLIC COMMENT**

Board Chair Burke noted that at the last meeting, there was only one voice that was heard and exceeded the time limit. Going forward, there will be a new policy that public comments not related to agenda items will be limited to three minutes per person. This will be for the public comment at the beginning of the meeting and the end of the meeting. The three minutes will be timed and enforced by attorney Jim Laski.

Jim Laski stated for the record that these are open meetings, they are not public hearings. Public comment is taken at the discretion of the Board and the Chair. It is not a legal requirement to have public comment.

After this discussion, there was no public comment.

**3:42**

**III. APPROVE FMAA MEETING MINUTES**

A. June 4, 2024, Regular Meeting – Motion to Approve – **Attachment #1 ACTION ITEM**

Board Treasurer Ron Fairfax noted he was not listed as present when he joined virtually and that the minutes should be amended to reflect the same.

**MOTION:** *Made by Board Member Greenburg to approve the minutes as amended. Seconded by Board Secretary McCleary.*

**PASSED UNANIMOUSLY  
(5:04)**

#### **IV. REPORTS**

A. Chair Report

Board Chair Burke moved the August 6, 2024 Regular Meeting to August 13, 2024.

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)

Tim Burke, Deputy Director of Operations and Maintenance, reported the FAA Annual Inspection went well. Burke thanked everyone who participated in the aviation camp. Preparing for the Fly-In Conference in July. Reminded everyone the Meet the Fleet Event is Saturday, September 28, 2024.

Airport Director Pomeroy reported airport activity status, enplanements for May 2024 are up 4% over 2023. This is up 13% YTD vs 2023. The airport is still down 3% YTD for 2024.

Pomeroy stated next Tuesday, July 9 starts the annual fly-in event that lasts until Sunday, July 14. Collectively working with our airport team, consultants, support team staff, FBO, airline partners, air traffic controllers here and in Salt Lake and feels confident in the preparedness for this event.

Pomeroy reported attending the United States Contract Tower Association annual conference in Washington D.C. last week. The event was well attended, and he reported good discussions about several things impacting not only towers but air traffic and aviation in general. The passing of the Federal Aviation and Reauthorization Act, signed by President Biden on March 16, has a significant impact. Pomeroy stated more updates on the implications of this Act will come in the next month or two.

Pomeroy noted that additional public comments that were received regarding the RFP have been included in the packets provided to the Board. There have been no additional comments received since the packet was published.

Board Member Strauss asked Pomeroy to refresh for the public how to submit a public comment. Pomeroy recommended comments be submitted through the website.

**(12:33)**

**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. CONTINUING BUSINESS

- 1. Future Aeronautical Development RFP– Consideration of Recommendation of Acceptance – **Attachment #5 & #6– ACTION ITEM**

**(12:45)**

Board Chair Burke started discussion by reminding the Board that the process that began was selected and voted upon by this board. That process was to define those qualities, characteristics, financial concerns, and all the things that would make up the potential new FBO, tiedowns, hangars, or whatever the 10 acres might develop into. Peter Kirsch and Jim Laski have explained to the board over and over that if we have available space, we are required to use it. If the board chooses not to, anyone can come forward and put something there. It was at the beginning of this process, the board decided to be in control. The board put out what was thought to be compatible with the public, compatible with the current FBO, and work as a team to list those qualifications that would fit this community in the best way possible.

The board directed staff to put together the RFQ. We reviewed that. Now the process is very simply, we have been given a recommendation. The decision is do we now begin negotiations with the recommendation of Clay Lacy. It is not a question of starting over, or changing the procedure or process. It is a yes or no.

Board Chair Burke acknowledged and emphasized with members of the public. This has been a two-year process. The Board thinks they have selected the right team that will put in a development that will respect every aspect of what we value in our community and our airport. The Board followed the process correctly and transparently for two years. The question is very simple, are we ready to begin negotiations with Clay Lacy?

Board member Strauss reemphasized that the Board needs to go forward, not backwards. Strauss acknowledged we were blessed with the 10-acre parcel. Strauss then questioned what the best use of the 10 acres and voiced concern about the public's voicing of questions about transparency. Strauss expressed his concern as a board member voting on a process he hasn't seen. Strauss expressed concern about the proposal having missing elements such as square footage of hangars or a day of commencing.

Jim Laski explained the procurement process, in which a committee reviews the proposals and scored them based on the criteria that was adopted in the RFP. Laski explained that the process doesn't create a system where each of the Board Members gets to go into those proposals and evaluate whether they agree or don't agree with the selection committee. Laski explained that the process is being followed according to Idaho law for request for proposals. The specifics will be negotiated and incorporated into the final contract that will be reviewed and approved by the Board.

Strauss questioned whether the public will ever get to see proposers other than Clay Lacy. Laski answered that portions of those proposals will be subject to public record requests. Strauss then asked if there is an Idaho statute on a "cone of silence". Laski answered there isn't a statute that requires it, but it's a good process that's utilized and requested for proposals, and that's what we all adopted as a board.

Strauss expressed his concern about transparency again and being asked to vote as a Board Member. Laski explained this is exactly like the Board being asked to vote on a paving contract that was reviewed by staff. Strauss noted that without at least a summary of what this is, he is having a hard time voting due to the lack of information.

Board Chair Burke then asked if there were any other questions and if everyone felt comfortable moving forward. Board Member Mollineaux then clarified that once the Board enters negotiations, that is when the details of the specific uses of space and the details of the contract. At that point as well, the Board would have the decision whether to open up for public comment on details. Board Secretary McCleary added it might be helpful for the public to understand what would be accepted in the RFP versus what would be accepted in the contract.

Jim Laski summarized that the decision being made today is that we will negotiate with Clay Lacy for a long-term lease agreement. Laski also clarified there will be a contract that identifies exactly what facilities will be built, the timing of when they will be built, the kind of facilities.

Board Member Linnet then reiterated this is selecting the company to enter negotiations with. Linett then clarified that the Board would not be pigeonholing itself into anything. Linnet expressed taking public comment into consideration and incorporating what the community wants to see in the next stage of development. Secretary McCleary then suggested hearing public comment. Board Chair Burke opened the floor to public comment.

Public comments were made by Larry Isham, Jim Herbert, and Perry Boyle.

Board Chair Burke then called upon attorney Peter Kirsch to explain what the FAA requirements are and how they relate to the expansion of the 10.4-acre parcel.

Kirsch referenced previous meetings and the criteria that was needed in order to expand. Kirsch stated this has been an unusually long process. Kirsch stated it is absolutely standard practice and in many cases the selection process remain confidential until the process is completed. That is for many important competitive reasons and to protect the confidentiality of information.

Kirsch explained the stage of the process currently is that the selection committee has recommended that the Board authorized staff to begin negotiations with the first selected person. If the staff is successful, they will come back to the Board with proposed terms and conditions, the actual contract with Clay Lacy. If they are not successful there are a few options. Kirsch stated at this point we cannot reject all the proposals. Kirsch also cautioned that delaying this process further could cause complications with the FAA.

Board member Greenberg stated this process did not just start two years ago, but actually when the last master plan for the airport was developed in 2018. Greenberg referenced the runway safety area project and that this was not an expansion. Greenberg stated the 10.4 acres have always been there and there was no measure to hide the fact that this land was set aside in the master plan. Greenberg explained that the cone of silence has been used in other cases, as has using the process of a selection committee. Greenberg used the example of a selection committee for the revamping of the employee handbook. Greenberg stated that the Board trusts the committee to follow the process and in the past no one has had to go back and determine whether the selection committee did a good job or not. Greenberg explained his choice to support Clay Lacy and the criteria he considered in selecting them for this project. Greenberg feels that the Board has been fully transparent.

Secretary McCleary stated it was helpful to see the scoring criteria and how different people scored on that proposal. McCleary stated that was in the packet of information that was available to the public. Greenberg commented the idea to have Clay Lacy make their presentation was so that the Board could see what the selection committee saw and the company which provided what was most critical in the RFP. Secretary McCleary also stated there was a committee that was selected before the board went into selecting the selection committee for this process. There was a specific committee who created what the criteria was, and everyone was aware of how these proposals were going to be judged and evaluated.

**MOTION:** *Made by Board Member Linnet to approve the Selection Committee's recommendation to enter into negotiations for a long-term lease agreement with Clay Lacy. Seconded by Board Secretary McCleary.*

*There was then discussion about Board Member Strauss and his vote. Board Member Strauss then made the decision to abstain from the vote.*

*The motion was passed with the 6 remaining Board Members voting in favor.  
(56:15)*

There was a conversation about whether the cone of silence remains in place now that the vote has taken place. Kirsch explained the cone of silence stays in effect because if the negotiations with Clay Lacy are not successful, there would be issues going forward with the second choice. Kirsch reiterated that most of the information being secured is proprietary business operations that these firms don't want their competitors finding out.

(57:55)

**B. NEW BUSINESS**

**1. Off-Site Rental Car Operating Agreement – Attachment # 7 ACTION ITEM**

Airport Director Pomeroy stated the airport is looking to start an agreement with an off-site rental car company. The company being discussed is Moment Luxury Car Rentals. This is new at the airport to have an off-site operating agreement, but there has been interest from multiple operators to initiate similar agreements. Currently there can only be three on-airport rental car operators. Pomeroy noted the on-site rental companies were contacted, and their comments and concerns were taken into consideration when making the proposed agreement.

Jim Laski explained the new agreement's terms are similar to the agreements established with the on-site rental car companies as the airport will receive that same percentage, 10% of gross sales. This is a one-year contract to see how it works and basically tracks a lot of the provisions of the other rental car companies.

The Board then discussed some of the terms and conditions of the proposed agreement. Clarifications were made about audits and some of the financial implications of the agreement. It was clarified that Moment will operate as a GSP (Ground Service Provider) governed by the airport's GSP regulations.

Moment General Manager Barry Bevers spoke and explained the process Moment Rental plans.

**MOTION:** *Made by Board Member Greenburg to approve the Off-Site Rental Car Operating Agreement with Moment Luxury Car Rental. Seconded by Board Member Mollineaux.  
Passed Unanimously  
(1:12:04)*

**VII. UPDATES AND DISCUSSION**

**A. NEW BUSINESS**

**1. None**

**B. CONTINUING BUSINESS**

1. Miscellaneous

i. FY 25 Budget Review

Deputy Director of Finance Brian Blackburn updated the Board on operational review during the June presentation, reviewed by the finance committee. There is \$50,000 added to the interest revenue. There is also an additional \$15,000 in expenses for service providers. Blackburn explained C Revenue is still being worked on and he will report on that once it is completed. Blackburn reported the airport's cash position is good. Blackburn then answered various questions about the budget. Blackburn also announced that the Budget Hearing will occur on August 13, 2024.

(1:19:20)

2. Construction and Capital Projects

i. None

3. Airport Planning Projects

i. None

**VIII. PUBLIC COMMENT**

Public comment made by Hertz car rental manager Dakotah Dayton.

1:20:39

**IX. EXECUTIVE SESSION**

**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. Votes taken BY ROLL CALL***

***PASSED UNANIMOUSLY***

**1:22:45**

**X. ADJOURNMENT (7:21pm)**

The July 2, 2024, Regular Meeting of the Friedman Memorial Airport Authority was adjourned at 7:21p.m.

Signed by:



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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.