

Walker Field Airport Authority

Minutes of the Special Board Meeting

October 7, 2003

BOARD COMMISSIONERS PRESENT: Miles McCormack Roger Little
Bob McCormick Gregg Palmer
Craig Springer Karen Berryman

AIRPORT STAFF PRESENT: Corinne Nystrom David Anderson
Donna VanLandingham Charlie Novinskie
Ted Balbier

ALSO PRESENT: Mike Sutherland of PDM Group and Sky Adventures, L.L.C.; David Ludlam of U.S. Representative Scott McInnis's Office; Derek Wagner of U.S. Senator Wayne Allard's Office; Margie Thomas of Great Lakes Aviation, Ltd.; Bob Kretschman of the Grand Junction Daily Sentinel; Greg Morrison of the Grand Junction Police Department; Doug Briggs; and Authority Attorney Mike Grattan of Younge & Hockensmith, P.C.

I. CALL TO ORDER

The meeting was called to order at 5:15pm. There were no changes to the Agenda.

II. APPROVAL OF AGENDA

Commissioner McCormack requested that a discussion regarding the recent passing away of former Authority Board member Martin O'Boyle be added to the agenda.

Commissioner Springer moved to approve the Agenda. Commissioner Berryman seconded. Voice vote: all ayes. Motion carried.

III. LAW ENFORCEMENT PERSONNEL REIMBURSEMENT AGREEMENT BETWEEN THE TRANSPORTATION SECURITY ADMINISTRATION AND THE WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY

According to a mandate recently imposed by the local Federal Security Director for the Transportation Security Administration (TSA), the Authority is required to have a law enforcement officer (LEO) present at the security screening checkpoint at all times when passenger screening operations are being conducted. LEO services are currently provided

by the City of Grand Junction Police Department. The costs associated with LEO personnel are now being billed to the Authority by the City of Grand Junction.

Last year, the TSA stated that it would assume the responsibility of having a federal LEO at all airport screening checkpoints as soon as possible. However, this transition has not come to fruition. Instead, the TSA has abdicated this responsibility to local airport operators.

In order to provide some financial assistance to the Authority for the costs associated with providing uniformed officers at the checkpoint, airport operators can enter into the proposed Reimbursement Agreement (RA) with the TSA. The initial term of the RA is June 1, 2003 through September 30, 2003, with up to five (5) one (1)-year extensions at the option of the TSA. Authority Attorney Grattan has reviewed and approved the RA to protect the Authority.

Although the standard provisions within the RA are acceptable to Authority Attorney Grattan, Staff disagrees with the proposed amounts of the reimbursements proffered by the TSA. The initial City of Grand Junction LEO costs are \$37.59/hour, but the TSA's initial term (through September 30th) reimbursement offer is \$31.32/hour. This amount and the 2003-2004 reimbursement amounts are higher than the initial amounts offered by the TSA because of a successful appeal by the Authority. The resulting deficit for the initial term (even with the increased reimbursement amounts) is approximately \$40,050 per year.

For October 1, 2003 through September 30, 2004, the proposed reimbursement amount is \$32.20/hour. However, the City of Grand Junction Police Department stated that it will seek to invoice the Authority approximately \$55.00/per hour effective January 1, 2004 in order to recover its actual costs for providing the LEO services. Based on the City's hourly increase, the projected deficit for the Authority in FY 2004 is approximately \$145,635.

Manager Nystrom provided historical information regarding heightened security requirements and their respective financial and operational impacts on the Authority. Commissioner Palmer inquired if increasing various airport revenues would be sufficient to cover the increased security costs. Manager Nystrom responded that the resulting increases in revenue would be dependent upon the amount of the rate increases. Chairman McCormick expressed concern about impacting general aviation and other tenants to cover security costs primarily attributable to airline travel. He furthered that even if the Authority increased its fees to cover the security costs, this may not be sufficient to pay for future unfunded mandates. Chairman McCormick recommended passing the increased security costs to the airlines because the airline industry is in a better position to lobby Congress for assistance.

Chairman McCormick asked what the TSA's operating budget is for its operations at Walker Field. He noted that the TSA-mandated security costs have a significant impact upon the Authority's budget, so the public needs to know. Bruce Balbier of SkyWest Airlines commented that the airlines will accept increased security costs, but only if those costs are reasonable.

Commissioner McCormack asked if other airports in the region have the same requirement as at Walker Field of law enforcement personnel to be stationed at the passenger screening checkpoint. Manager Nystrom responded that several airports in the region are allowed to have a flexible response from the local law enforcement entity.

Commissioner Springer commented that there appears to be some lack of cooperation from the TSA and the Grand Junction Police Department—the TSA from its uncompromising stance of requiring law enforcement personnel to be stationed at the passenger security screening checkpoint at all times and the Grand Junction Police Department from its insistence that the Authority pay for all costs associated with stationing officers at the airport. Grand Junction Chief of Police Greg Morrison responded that, just like the Authority, the Police Department has its own budget requirements that must be met. Based on his calculations of personnel requirements, to provide law enforcement personnel at Walker Field requires approximately 4 new officers.

Commissioner Palmer stated that one of the reasons the TSA is not willing to allow the flexible response of law enforcement personnel is because the City of Grand Junction cannot “guarantee” an exact response time.

Commissioner Little inquired if the local Federal Security Director, Rene Dhenin, is available to discuss this issue with the Board. Manager Nystrom answered that Mr. Dhenin indicated that he would be willing to discuss security issues with the Board, but only if it is in an executive session. Commissioner Springer recommended that because this is such an important issue, the Authority should hold a Special Board Meeting and go into executive session in order to bring Mr. Dhenin into the discussion. Chairman McCormick recommended against going into executive session. He stated that the Authority should conduct its business in open meetings.

Mike Sutherland of PDM Group recommended exploring options such as a class action suit among the approximately 80 airports which have not executed the reimbursement agreements. Another option would be to review if the TSA reimbursement agreement must reimburse airport operators the same amounts as the pay rates required by the Davis-Bacon Act.

Derek Wagner of U.S. Senator Wayne Allard’s office stated that if the Authority believes it is being treated unfairly by the TSA, then Senator Allard’s office will offer its assistance.

The consensus of the Board was to hold a Special Board Meeting on Thursday, October 16th at 3:30pm to discuss the TSA requirements for law enforcement personnel at the passenger security screening checkpoint. Chairman McCormick stated that he was opposed to the Board entering into executive session to discuss that topic.

IV. DISCUSSION REGARDING THE RECENT PASSING OF FORMER AUTHORITY BOARD MEMBER MARTIN O’BOYLE

Doug Briggs noted the recent passing of former Authority Board member Martin O’Boyle. He stated that in addition to being a great person, Mr. O’Boyle made significant contributions to the aviation community at Walker Field and to the community as a member of the Authority Board. The Board concurred and stated it would forward a letter of appreciation to Mr. O’Boyle’s family—recognizing Mr. O’Boyle’s service.

V. ADJOURNMENT

There being no further business to come before the Board, Commissioner Berryman moved to adjourn the meeting. Commissioner Palmer seconded. Unanimously carried.

The meeting was adjourned at 7:15 pm.

APPROVED AND ADOPTED THE 21st DAY OF October, 2003.

Signature On-File

Robert W. McCormick, Chairman

ATTEST:

Signature On-File

David J. Anderson, Clerk