

Walker Field Airport Authority

Minutes of the Special Board Meeting

September 8, 1997

BOARD COMMISSIONERS PRESENT: Robert McCormick Martin O'Boyle (Exec Session only)
Miles McCormack Jim Richards
Charles Gillett David Graham
Gary Morris

AIRPORT STAFF PRESENT: Corinne Nystrom Dennis Wiss
John Thomas (Public Meeting only)
David Anderson (Public Meeting only)

ALSO PRESENT: Ron Zotto of National Car Rental; Phillip Smith of Avis Rent-A-Car; and Harry Griff, Walker Field Airport Authority Attorney.

I. CALL TO ORDER

Chairman McCormick called the meeting to order at 5:04pm. Commissioner Morris was absent at the Call. A quorum was present.

II. RUNWAY LITIGATION (EXECUTIVE SESSION)

Commissioner Richards moved to enter into executive session to receive an update on the Runway 11/29 litigation from Airport Counsel Byrum Lee. Commissioner Graham seconded. Roll call: all ayes. Motion carried.

The Board entered into executive session at 5:07pm. Commissioner Morris joined the session at 5:07pm, and Staff persons Anderson and Thomas left the meeting. An update on the runway litigation was provided by Attorney Lee via telephone conference call. Attorney Lee first updated the Board on the recently conducted Paraho depositions. He then suggested a potential settlement offer to Armstrong Consultants, and the possibility of joining additional parties as defendants.

Commissioner Richards moved to exit executive session; Commissioner O'Boyle seconded. Roll call: all ayes. Motion carried. The Board exited executive session at 6:50pm. Commissioner O'Boyle left the Board Meeting at the end of executive session.

The Public Meeting resumed at 6:55pm. Attorney Griff recommended the Board adopt a motion to authorize legal counsel to pursue a settlement with Armstrong Consultants under Armstrong's Errors & Omissions Policy in accordance with lead counsel's recommendations. Manager Nystrom advised that she had discussed the proposed settlement offer with the FAA and the State of Colorado Department of Transportation, Division of Aeronautics, and that they had given their blessing to proceed with the offer. Staff assured the FAA and State that the Authority would keep them advised of settlement negotiations between the Authority and Armstrong.

Commissioner McCormack moved to adopt Attorney Griff's recommendation as originally stated. Commissioner Graham seconded. Roll call: all ayes. Motion carried.

Attorney Griff also recommended the Board authorize legal counsel to join such additional defendants as legal counsel deems appropriate unless the Board instructs otherwise at the upcoming Regular Board meeting on September 16, 1997.

Commissioner Gillett moved to adopt Attorney Griff's recommendation. Commissioner Morris seconded. Roll call: all ayes. Motion carried.

III. SUPPLEMENTAL CO-SPONSORSHIP AGREEMENTS

Manager Nystrom updated the Board as to the status of the City and County Supplemental Co-Sponsorship Agreements and Grant Agreements for AIP-16. The City and County have unanimously approved the agreements. Manager Nystrom noted the Co-Sponsorship Agreement is no longer required by the FAA, but is still requested by the City and the County.

Commissioner Gillett questioned why the City and County would request the Co-Sponsorship Agreements if they are not required to do so, and noted such a guaranty status by the City and County is not in the best interests of those two entities. Commissioner Gillett also questioned the language of the Agreements under, "Recitals", D, which states the FAA insists upon the Agreements being signed by the City and the County. Manager Nystrom noted the Agreements are similar in language to previous Agreements which have been approved by the City and the County. Thus few modifications were made.

Commissioner Graham moved the Board approve the Supplemental Co-Sponsorship Agreements between the City and the Authority, and between the Count and the Authority. Commissioner Morris seconded. Roll call: all ayes—Commissioner Gillett under protest. Motion carried.

IV. BUDGET RENT-A-CAR CONCESSION ASSIGNMENT

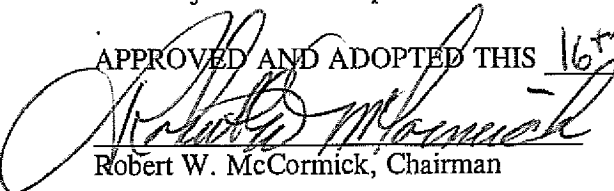
The Board was presented with a proposed Assignment of the Budget Rent-A-Car Concession Agreement from Cyphers Enterprises, Inc. to Farabee Adventures, Inc. Administrative Assistant John Thomas highlighted some of the provisions. Farabee Adventures, Inc. currently has Budget franchises in Aspen and Moab, and plans on moving approximately 50 of their 100 cars from Aspen to Walker Field.

Commissioner Richards moved to adopt the Budget Rent-A-Car Concession Assignment. Commissioner Gillett seconded. Roll call: all ayes. Motion carried.

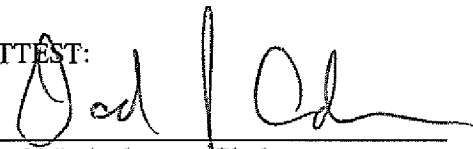
V. ADJOURNMENT

There being no further business to come before the Board, Commissioner Gillett moved to adjourn the meeting. Commissioner Graham seconded the motion. Unanimously carried. The meeting was adjourned at 8:07pm.

APPROVED AND ADOPTED THIS 16th DAY OF September, 1997.


Robert W. McCormick, Chairman

ATTEST:


David J. Anderson, Clerk