



Grand Junction Regional Airport Authority Board
Regular Board Meeting
Meeting Minutes
November 19, 2013

I. Call to Order

Mr. Denny Granum, Board Chairman, called the special meeting of the Grand Junction Regional Airport Authority Board to order at 5:15 PM on November 19, 2013 in Grand Junction, Colorado and in the County of Mesa.

Present:

Commissioners Present:

Denny Granum, Chairman
David Hibberd, Vice Chairman
Sam Susuras
Tom Frishe
Rick Wagner
Steve Wood
Paul Nelson

Airport Staff:

Rex Tippetts, Director of Aviation
Amy Jordan, Clerk
Kathie Lucas

Other:

David Brateck, WCARC
Ryan Chessmore, Fentress
Larry Kempton Jr., AOPA
Larry Kempton, Kempton Air Service
Bill Marvel, GJAUTA
Robert Caskey, GJAUTA
Bradley Sullivan, CFC
Collin and Marisa Fay, Top Flight
Jim Peterson, Citizen
Jerry McDonough, CAF
Jim Kenley, AOPA
Guy Parker, Citizen
Drew Armstrong, Citizen
Wayne Clark, GJAUTA
Tom Howe, GJAUTA
David Shepard, GJAUTA
Shannon Kinslow, TOIL
Rose Pugliese, County Commissioner
Deborah Gaul, Citizen
Bob Erbisch, Citizen
Eddie Clements, Citizen
Dave Krogman, West Star Aviation
Mike Quinn, Aviation
Jason Virzi, Aviation
Matt Gilbreath, Aviation
Bill Pitts, Citizen
Barry Hicks, Citizen

II. Approval of Agenda

Commissioner Hibberd moved to approve the agenda. Commissioner Nelson seconded. Voice vote: All Aye. The agenda was approved as distributed.

III. Conflict Disclosures

Chairman Granum – Hangar Owner
Vice Chairman Hibberd – Hangar Owner
Commissioner Wood – Hangar Owner
Commissioner Susuras – None
Commissioner Frishe – None
Commissioner Wagner – None
Commissioner Nelson – None

IV. Commissioner Comments

Commissioner Steve Wood mentioned that the Board needs to be very deliberate and circumspect this evening.

V. Citizens Comments

Bill Pitts, Citizen

Mr. Pitts said that when he was appointed to the Airport Authority Board, the first thing he did was ask for a copy of the minutes for the previous three years, and there was nothing mentioned in those minutes about security, employees, or expenses. Mr. Pitts said that in 2/14, the Board went into an executive session, and in that session, the Board never got to the issue, he just got chewed out by former Board Chairman, Doug Simons, about comments he made about the Airport Manager. Mr. Pitts said that he had asked for those comments made in the executive session to be placed in the regular minutes, and they were not. Mr. Pitts said that if this is how we kept records, it is no wonder the Airport is under scrutiny by the federal government.

Bob Erbisch, Citizen

Mr. Erbisch told the Board that the time allotted for public comments is at the beginning of the meeting, and there are times throughout the meeting that citizens may have comments come up that pertain to a particular item, and he would like to see public comment during each item.

David Shepard, GJAUTA

Mr. Shepard told the Board that he feels it is extremely important that public business be conducted in public, and therefore objects to the executive session on the agenda tonight. Mr. Shepard noted that he is aware of the Colorado Statutes that permit the discussion of specific items and it limited in scope. Mr. Shepard also noted that if the Board elects to proceed with the executive session, he is mindful of the Boards requirements to electronically preserve the session.

Bob Caskey, Citizen

Mr. Caskey said that he is still concerned about the public process. Mr. Caskey said that he worked for the Colorado Division of Wildlife for 30 years and that he assisted with the Wildlife Commissioner meetings and presentation made at those meeting during his employment. Mr. Caskey said that if there was ever a time the Board needed good discourse, that time is now. Mr. Caskey told the Board that they are holding this Airport in public trust for us, and public trust is at a low. Mr. Caskey said that when there is a shooting a police department, the officers are put on administrative leave immediately and they seek outside counsel. Mr. Caskey told the Board that they need to do that, which would allow for more trust in the Board.

Bill Marvel, GJAUTA

Mr. Marvel read an email he wrote, but never sent to the Board.

Mr. Marvel's discussed his concern of the events leading up to the Board meeting on May 7, 2013, which was the meeting that was called to discuss the West Star Paint Hangar Project. Mr. Marvel said his concern was not with West Star, but with the process and timing that took place that day. Mr. Marvel said that it appeared that the meeting was crafted by many connected players in town to announce a preordained outcome. Mr. Marvel said that there had been no public discussion concerning this project at prior meetings. Mr. Marvel noted that the speakers at the meeting from the City, County, GJEP, and the Chamber of Commerce, where well informed, as was the Daily Sentinel. Mr. Marvel said that there was a celebration invitation sent days in advance of the meeting, adding suspicion that there was a predetermined outcome, and yet the Board had never convened in a public meeting to discuss the project. Mr. Marvel said that due to the secrecy involved, there remain many unanswered questions, which are: 1. If this project is so risk free and good for the community, why was it done in secret? 2. Why did the entire Board never publically convene to discuss the project? 3. Why does West Star not have more financial stake? 4. Is this project viable, absent public funding? 5. What insurance is there that business will materialize and what penalties are they if they do not? 6. If they do not succeed, does the Airport have the ability to service the resulting debt? Mr. Marvel concluded by urging the Board to minimize the use of executive session, even those allowed by Statute. Mr. Marvel also noted that the tenants and users of the Airport have legitimate concern about the operations of the Airport and would to be informed to the maximum possible extent.

Wayne Clark, GJAUTA

Mr. Clark said that he concurs 100% with every speaker. Mr. Clark said that he is a retired Cop from California, and that when an officer got involved, in not even a shooting, but an allegation that might be serious, they were put on administrative leave, and nothing like that has happened here. Mr. Clark said that you do not go into a judge without something, to obtain a search warrant. Mr. Clark said that he does not know what the outcome will be and hope that everyone is prepared.

VI. Consent Agenda

A. Minutes: October 8, 2013 Regular Board Meeting

B. Minutes: October 29, 2013 Special Board Meeting
C. Financials: September 2013

Discussion:

Commissioner Steve Wood said that he would like to suggest a change to the October 29, 2013 meeting minutes. Wood asked the record to show that, in regards to the comment made by Mr. Bill Pitts, Mr. Dave Shepard was recognized by AOPA for his work concerning the Grand Junction Airport Users and Tenants Association, and that he was not recognized for that, but for his work on the Security Solutions Committee.

Commissioner Susuras noted that a change to a presenters comment should not be changed and that it is not the recorders fault that the comment was incorrect.

Chairman Granum agreed and asked that the correction just be noted.

Commissioner Susuras moved to approve the consent agenda. Commissioner Frishe seconded. Voice vote: All Aye. Motion passes.

VII. Action Items

A. 2014 Board Calendar

Director of Aviation, Rex Tippetts explained to the Board that the Grand Junction Regional Airport Bylaws state that “meetings shall be held at least once each calendar month, unless cancelled or delayed as provided herein.” Tippetts also noted that it was determined by the Board of Commissioners that the 1st Tuesday of each month be programmed as Workshops, and the 3rd Tuesday of each month be programmed as Meetings. Tippetts presented that proposed 2014 meeting calendar to the Board.

Discussion:

None.

VIII. Discussion Items

Commissioner Rick Wagner wanted to make a comment regarding earlier citizen Comments. Wagner noted that he and others are very mindful of the use of executive sessions. Wagner also said that he is aware of the staying within the confines of the announced purposes for executive sessions. Wagner noted that the Citizen comments were well noted.

Commissioner Wagner also said that the relation between officer related shootings and the current investigation are not exactly the same, but that he is cognizant of what everyone is trying to say and that the Board is not just plowing ahead with an agenda without taking into account the concerns of the users.

A. Manager's Update

Director of Aviation, Rex Tippetts updated the board on the following items:

1. Terminal Building – Phase I

Tippetts said that they are 24 days into a 275 day contract, for the construction of the building. Tippetts noted that demolition is complete and explained that a major cost of the building lies within the site preparation. Tippetts noted that the storm water drainage and the piers are near complete.

2. 2014 Proposed Budget

Tippetts said that the proposed budget was presented to the Board in October, and that he would like comments from the Board, regarding the Budget, by the end of the week, so that he could put together a redline version for the December meeting.

Discussion:

Commissioner Wood asked Director Tippetts on the status of the engineering services selection committee. Tippetts said that it had been placed on hold and that there is no sense in moving forward with it at this time. Commissioner Wood asked who had placed the process on hold. Commissioner Frishe asked why it had been placed on hold and explained that this is something that should be moving forward. Commissioner Frishe said that some things still need to move forward, regardless of the current situation.

Director Tippetts said that when you go out for selection for engineers, you go out for a 5-year period. Tippetts said that the airport has no projects planned in the next year, and that there is no sense moving forward, if nothing is going to happen for an entire year.

Commissioner Wood asked if any of the respondents had been contacted and informed of the delay.

Director Tippetts said that he plans to sit down with the committee next week and discuss the course of action.

Commissioner Frishe asked again who placed the process on hold.

Commissioner Wood said that he is on the committee and was unaware it was placed on hold.

Commissioner Hibberd said that he is on the committee and has been out of two for the past few weeks.

B. Security Solutions Update

Commissioner Wood said that there will be an application engineer arriving next Monday, who will be here for an initial site visit. Commissioner Wood mentioned he would be here for a few days, and then headed home for Thanksgiving, and returning for the duration of the testing.

Commissioner Wood said that West Star aviation has graciously offered to accommodate him parking his equipment. Commissioner Wood also said that

the Denver ADO (Marsha Fraser) had approved the testing without completing a full 7460.

IX. Adjourn into Executive Session

Commissioner Hibberd moved to adjourn executive session to confer with the Authority's legal counsel for the purpose of receiving legal advice relating to a pending investigation, as authorized by Colorado State Statue 24-6-402(4)(b). Commissioner Wood amended the motion, to include 24-6-402(4) (f) Personnel Matters. Commissioner Nelson seconded. Voice vote, All Aye.

The Board adjourned into executive session at 5:35 PM.

The Board reconvened into regular session at 8:20 PM.

X. Any other business which may come before the board

A. Resolution 2013-008: Cooperation with Investigation and Internal Audit

Chairman Granum read Resolution 2013-008.

WHEREAS, the Grand Junction Regional Airport Authority (the "Authority") was created by the City of Grand Junction and County of Mesa to operate the Grand Junction Regional Airport (the "Airport"), and pursuant to the Colorado Public Airport Authority Act, C.R.S. §41-3-107(1) is a political subdivision of the State of Colorado exercising essential governmental powers for a public purpose.

WHEREAS, pursuant to C.R.S. §41-3-105(1) all power and duties of the Authority are exercised by and through its Board of Commissioners (the "Board"), and such powers and duties inherently include taking action to ensure the Airport is operated at all times in compliance with applicable state and federal laws and regulations.

WHEREAS, federal agencies have commenced an investigation involving certain records of the Authority, such agencies have refused to disclosed the specific subject matter or focus of the investigation, the nature or source of the allegations which prompted the investigation, or who or what entities may be the target of the investigation, and such federal agencies have advised that the matter is sealed and the Authority is not at liberty to disclose the nature of the records involved.

WHEREAS, the Board desires to fully and promptly cooperate with the investigation so it may be quickly and justly completed, and regardless of the outcome of the investigation the Board desires to and has a legal obligation to ensure the Airport is operated in a manner which fully complies with state and federal law and avoids even the appearance of any impropriety.

WHEREAS, the pursuant to C.R.S. §41-3-105(5) (g), the Board is authorized to hire employees and retain such legal and consulting assistance as may be necessary to carry out its powers and duties.

NOW, THEREFORE, on motion duly made, seconded and carried, IT WAS RESOLVED, that:

1. A Special Litigation Committee consisting of Commissioners Dave Hibbard and Rick Wagner is hereby appointed, to oversee and effectuate (a) the Authority's full cooperation with federal investigators and (b) the Board's internal investigation of the Authority's practices, policies and procedures involving the use of federal and non-federal funds, and Authority property.
2. The Authority hereby retains the services of William L. Taylor and attorneys in the law firm of Ridley, McGreevy and Winocur P.C. to act in concert with the Authority's general counsel, J. Michael Morgan, and such accountants and investigators working for them as the Special Litigation Committee may authorize based on the advice of such counsel, to coordinate the Authority's cooperation and response to the investigation, and conduct an internal investigation of the Authority's practices, policies and procedures involving the use of federal and non-federal funds, and Authority property, under such reasonable terms as the Special Litigation Committee may authorize, but attorney's fees for which shall not exceed \$35,000 without further authorization of the Board.
3. Mr. Taylor and Mr. Morgan shall report directly to and work under the direction of the Special Litigation Committee. The Special Litigation Committee shall in turn report to the Board from time to time on the progress of their investigation, and to the extent known, the progress of the federal investigation.

Discussion:

Commissioner Wood asked that Commissioner Frishe serve on the Special Litigation Committee in place of Commissioner Hibberd, as Commissioner Hibberd is serving on numerous committees already.

Chairman Granum said the Commissioner Hibberd has agreed to step off of the Engineering Services Selection Committee.

Chairman Granum said that Commissioner Wagner was chosen for his expertise and Commissioner Hibberd was chosen because of his past experience on the Board.

Commissioner Nelson moved adopt Resolution 2013-008: Cooperation with Investigation and Internal Audit. Commissioner Hibberd seconded. Roll call vote. Commissioner Frishe: Aye, Commissioner Susuras: Aye, Commissioner Wagner: Aye, Commissioner Granum: Aye, Commissioner Hibberd: Aye, Commissioner Wood: Nay, Commissioner Nelson: Aye.

B. Executive Session

Airport Authority Attorney Mike Morgan apprised the audience of the matters discussed within the executive session. Mr. Morgan stated that the executive session was to retain legal advice from Authority counsel in relation to the initiated federal investigation and to discuss personnel matters, pursuant to the two citation of Colorado law, previously stated.

Discussion:

Commissioner Wagner asked if Mr. Taylor would please discuss, in public session, his qualifications and past experience.

Mr. Morgan said that he has retained Mr. Taylor as co-counsel, regarding the pending investigation. Mr. Morgan noted that the Board has authorized direct retainage of Mr. Taylor, with respect to the investigation; therefore, Mr. Taylor now has a direct relationship with the Authority.

Mr. Taylor gave a brief background, stating that he is a partner at the law firm of Ridley McGreever & Winocour, and has been for approximately two years. Mr. Taylor said that he was the State Federal Prosecutor working in District Attorney's Office for five years and the worked in the United States Attorney Office in Denver for six years, finishing his service with that office as Chief of the major crimes section. Mr. Taylor discussed his past education. Mr. Taylor also noted that he specializes in federal criminal matter, internal investigation matters, and representing corporations and individuals in federal criminal investigations. Commissioner Frishe asked how long he has known Mr. Morgan. Mr. Taylor responded that they had known each other for approximately 14-days. Mr. Morgan said he was referred to Mr. Taylor and his firm by the current United States Attorney General.

Commissioner Wagner said that the first step is to ascertain exactly the nature of the conduct at the Airport that may have drawn scrutiny is, and then the next step would be to conduct an internal investigation that fully informs the Board of what conduct may have occurred, and finally take steps in correcting that.

Charles Ashby, with the Grand Junction Daily Sentinel asked about if the Board was looking at any particular employees. Commissioner Wagner answered that at this time, the Board needs to see the preliminary results of the investigation, and that to specify any particular person would be premature. Commissioner Wagner said that the committee would more at all deliberate speed and as transparent as possible.

XI. Adjournment

Commissioner Susuras moved to adjourn the meeting Commissioner Nelson seconded. Voice vote, All Aye.

The meeting adjourned at 8:35PM.

Denny Granum, Board Chairman

ATTEST:

Amy Jordan, Clerk to the Board