

ORANGE COUNTY AIRPORT COMMISSION
Airport Commission Hearing Room
3160 Airway Avenue
Costa Mesa, CA 92626

MINUTES OF REGULAR MEETING

April 6, 2022

COMMISSIONERS PRESENT: Brendan O'Reilly, Bruce Junor, Susan Dvorak, Bert Ashland

COMMISSIONERS ABSENT: John Clarey

STAFF PRESENT: Rick Francis, Interim Airport Director
Mark Sanchez, Deputy County Counsel
Christine Nguyen, Deputy County Counsel
Ken Wong, Quality Control & Compliance Manager
Sean Lally, Airport Engineer
Jeannette Grieco, Project Controls & Facilities' Budget Manager
Elizabeth Gallegos, ASR Manager, Finance Administration

CALL TO ORDER: Chair Ashland called the meeting to order.

PLEDGE OF ALLEGIANCE: Commissioner O'Reilly led the assembly in the Pledge of Allegiance.

1. APPROVAL OF MINUTES: On Commissioner Junor's motion and Commissioner Dvorak's second, the Regular Meeting minutes of March 2, 2022, were approved as written.

2. APPROVE JOB ORDER CONTRACT FOR PAVEMENT MAINTENANCE AND REPAIR SERVICES (ASR 22-000038) Interim Airport Director Rick Francis stated that the Job Order Contract (JOC) is an annual process for pavement maintenance and repair primarily for the airfield. JOCs have limitations, and new construction does not apply. It is mainly designed for maintenance. The JOC process has been successful, and work can be completed much faster without a separate procurement. John Wayne Airport (JWA) Engineers provide OC Public Works (OCPW) the information for annual pavement work and associated costs, and OCPW can decide to change that. This contract is higher than other years due to OCPW's higher threshold request.

Airport Engineer Sean Lally spoke to the Commission and stated that there are FAA airport-specific specifications referred to as P-401 for asphalt and P-501 for concrete materials on the airfield. Several testing mechanisms are performed before construction occurs. The P-401 requires Quality Control sampling and testing by the contractor, and JWA completes the Quality Assurance. Sean provided the Commission with handouts for JWA's Scope of Work (SOW) and explained the estimates are based on the bid. This unit price book in the JOC includes the pricing for asphalt by square footage.

Deputy County Counsel Mark Sanchez explained to the Commission how OCPW performs its procurement to qualify a bidder for a JOC.

Rick Francis and Sean Lally responded to the Commission's questions regarding inspection, materials testing, the contractor's responsibility, JWA's satisfaction with the JOC process, vendor competition, and a detail of work not listed.

On Commissioner Dvorak's motion and Commissioner O'Reilly's second, this item was unanimously approved.

3. ORANGE COUNTY AIRPORT COMMISSION REVISED BYLAWS

Interim Airport Director Rick Francis spoke to the Commission regarding the proposed revisions to the Orange County Airport Commission Bylaws. Rick stated this item was not being voted on at the meeting. Per the Orange County Board of Supervisors' direction, Departments with Boards, Committees, and or Commissions (BCC's) were directed to standardize their Bylaws. John Wayne Airport looked at the approved template and the Airport Commission's current Bylaws, which had not been updated since 2000, and merged the two where applicable. The submitted revision was provided to the Commission and intended for their review and familiarity. The Commission may act upon the revised Bylaws at a later meeting date. Rick stated there is room for additional modifications.

Deputy County Counsel Mark Sanchez gave further details to the Commission regarding the proposed revisions. He stated that Airport staff have been working on combining the original Bylaws with the new template and are open to suggestions by the Commission. Mark noted that he appreciated the comments submitted by Dr. Mosher, and the Airport will take them under consideration when making further changes. Special consideration will be given to the Executive Committee section in the template, which can be removed if the Commission chooses. Mark stated that the current Bylaws are still in effect, and the revised Bylaws may be acted upon as early as the second meeting following the date of its submission. If needed, additional time is allowed.

PUBLIC COMMENT – Newport Beach Resident Jim Mosher spoke to the Commission regarding his concerns about the proposed Airport Commission Bylaws revision. He stated that the template is not perfect and questioned sections in the template that included reference to an Executive Committee. He also stated that there is missing information in the proposed revision. Such as the Airport Commissions' role, the means of communication between the Commission members and their appointed Supervisor, the time the public has to speak on an item, how the public can submit comments, and when the meetings will be held with time and location. Jim Mosher advised the Commission members to take the revision as a suggestion.

Rick Francis and Mark Sanchez responded to the Commission's questions and comments regarding how many BCC's were given this direction, the Commission having to follow a template not suited to the Airport Commission, and possible violations of the Brown Act. The Commission discussed and shared their concerns with following the template in regards to forming an Executive Committee.

Rick Francis suggested agendizing at the next Airport Commission the formation of an Ad-Hoc Committee with two members of the Commission who can work with JWA staff to assist in reviewing the Bylaws and gather input to propose new changes. Commissioner Junor shared his concern with the Commission of an Ad-Hoc Committee, with only two Commission members. Commissioner Dvorak requested that JWA staff incorporate Dr. Mosher's comments into the Bylaws and for JWA staff to bring a revised version back to the Commission for their review and discussion. Rick Francis agreed that some comments could be implemented and proposed an additional alternative to the Chair that directs JWA staff to take the proposed revision, make further edits, and bring a modified version back to the Commission at the next meeting. Chair Ashland directed JWA staff to re-review the proposed Bylaws and return to the Commission with another draft. Commissioner Junor agreed with the proposal of reviewing a new draft revision to the Bylaws on a meeting by meeting basis. Commissioner O'Reilly stated he needed time to review the new proposed Bylaws. Commissioners Junor and Dvorak stated they received the Airport Commission Bylaws with no context and requested JWA staff to add additional information to inform the Commission better of items they need to review. Commissioner Dvorak asked JWA staff about the Airport Noise Violation Committee. Mark Sanchez responded to Commissioner Dvorak's question and stated that Orange County, Code of Ordinance Sec. 2-1-20 requires JWA to have this committee. Commissioner Dvorak stated that she had never seen the Bylaws and requested that they be publicly posted online. She also asked when a new Commissioner starts that, a handbook be provided to them with all necessary information they would need to know. Commissioner Junor commented on the Airport Noise Violation process. Rick Francis noted that the violation noise letter could include the appellate procedure information in the future.

4. SUMMARY OF RELEVANT ACTIONS BY THE BOARD OF SUPERVISORS (Board) Interim Airport Director Rick Francis stated that the Board approved the Second Amendment to the Lease with Clay Lacy on March 8, 2022. On March 22, 2022, the Board approved the Air Traffic Control Tower Lease with the FAA.

5. ADDITIONAL BUSINESS

A. PUBLIC COMMENTS – None

B. AIRPORT DIRECTOR COMMENTS – Interim Airport Director Rick Francis introduced John Wayne Airport's new Deputy County Counsel, Christine Nguyen, to the Commission.

C. AIRPORT COMMISSION COMMENTS – The Commission discussed the gift ban ordinance with JWA staff and County Counsel and how that applies to Commission members. Commissioner Junor discussed the increased tie-down and hangar fees, the complaints by the small GA community, and the schedule delay in the GAIP construction.

6. ADJOURNMENT OF PUBLIC MEETING The meeting adjourned at 5:56 p.m.

Respectfully submitted,

Elizabeth Gallegos, ASR Manager