

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

MINUTES OF REGULAR MEETING

May 18, 2022

COMMISSIONERS PRESENT: Bert Ashland, Susan Dvorak, Bruce Junor, John Clarey

COMMISSIONERS ABSENT: Brendan O'Reilly

STAFF PRESENT: Rick Francis, Interim Airport Director
Mark Sanchez, Deputy County Counsel
Christine Nguyen, Deputy County Counsel
Kevin Flynn, Deputy Airport Director, Maintenance
Ken Wong, Quality Control & Compliance Manager
Kevin France, Airport Maintenance Supervisor
Elizabeth Gallegos, ASR Manager, Finance Administration

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

PLEDGE OF ALLEGIANCE: Commissioner Clarey 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 May 4, 2022, were unanimously approved.

2. APPROVE CONTRACT AMENDMENT FOR PASSENGER BOARDING BRIDGES AND BAGGAGE SERVICES (ASR 22-000394) Deputy Airport Director of Maintenance Kevin Flynn presented Amendment Number Three with JBT AeroTech Corporation (JBT) to increase the Contract amount by \$261,484 and revise the Year 4 Additional Repairs and Work cost to \$450,000. JBT is the Airport's Operation & Maintenance Contractor for Passenger Boarding Bridges (PBB) and Baggage Handling System (BHS) maintenance services. In December 2018, JBT was selected for a three-year contract with the option to renew for two one-year terms. On December 7, 2021, the Board of Supervisors approved Amendment Number One to renew the Contract for one year with JBT for \$4,273,116 and authorized a contingency contract cost increase, not to exceed a total of 10 percent. JBT requested a cost escalation of six percent over the third year fixed cost from the first Contract term for the anticipated prevailing wage increases paid to the PBB and BHS technicians per California Prevailing Wage Law. On December 8, 2021, the California Director of Industrial Relations issued a revised prevailing wage determination increasing the minimum compensation of the Stationary and Utility Engineers. Consequently, in March 2022, the Airport amended the Contract and exercised the Contract contingency amount. The Contract includes two components, the monthly maintenance fixed fee for standard maintenance and a \$450,000 annual amount for additional services and repairs. In order to meet the increase in labor cost, Contract Amendment Two reduced the amount for additional repairs and work. Amendment Number Three is now requesting to add back the amount removed from additional repairs and work, restoring that amount to \$450,000, for a new total Contract amount not to exceed \$4,993,116. Kevin Flynn presented the Commission with charts that clarified the new prevailing wage rates, the original contract amount, and the contract amounts for Amendments One and Two. At the end of Year 5, the Airport will go out for another round of solicitations by Request for Proposal (RFP).

Kevin Flynn responded to the Commission's questions regarding prevailing wage, overhead and profit, job duties, and system upgrades. ASR Manager Elizabeth Gallegos responded to Commissioner Dvorak's question regarding the Orange County Preference Policy noted in the ASR. Elizabeth informed Commissioner Dvorak that she would gather additional information to provide to her.

On Commissioner Clarey's motion and Commissioner Junor's second, this item was unanimously approved.

- 3. APPROVE REVISED BYLAWS FOR THE ORANGE COUNTY AIRPORT COMMISSION (ASR-21-000860)** Interim Airport Director Rick Francis spoke to the Commission regarding the revised Bylaws for the Orange County Airport Commission. The Airport incorporated the approved revisions from the last meeting of May 4, 2022, and resubmitted the Bylaws to the Commission for final approval.

Chair Ashland discussed his opposition to Article XII Section A Conflict of Interest with the Commission and Airport staff.

Deputy County Counsel Mark Sanchez responded to Chair Ashland's comments regarding Article XII Section A and stated that the personal interest section is added to avoid a conflict of interest in accordance with County, state, and federal law.

PUBLIC COMMENT – Newport Beach Resident Jim Mosher spoke to the Commission regarding Article XIII Adoption and Amendment of Bylaws, Sections A and B of the proposed Orange County Airport Commission Bylaws. Section B. 1 states that "any member of the Airport Commission may propose amendments to these Bylaws." Mosher asked if that section should say "staff or any member of the Airport Commission." Mosher also commented on Section B. 2, the procedures for handling requests to amend the Bylaws, which states "the proposed amendment may be acted upon the second regular meeting following the date of its submission." Mosher said this section was copied from the existing Bylaws and believes there is a typo and should state that the proposed amendment may be acted upon at the second regular meeting. Mosher felt the revision being resubmitted was an amendment and could not be approved yet.

Mark Sanchez responded to the Public Comment and per the existing Bylaws, the amendment could be approved at the second regular meeting following the date of its submission. The Bylaws were submitted to the Commission three meetings ago on April 6.

On Commissioner Dvorak's motion and Commissioner Clarey's second, this item was approved 3 – 1, Commissioner Junor voted no.

- 4. SUMMARY OF RELEVANT ACTIONS BY THE BOARD OF SUPERVISORS (Board)** Interim Airport Director Rick Francis stated that no JWA items were presented to the Board since the last meeting.

5. ADDITIONAL BUSINESS

A. PUBLIC COMMENTS – None

B. AIRPORT DIRECTOR COMMENTS – None

C. AIRPORT COMMISSION COMMENTS – Commissioner Clarey asked for an update on the Port of Entry for General Aviation. Rick Francis stated that he would gather additional information and get back to him. Chair Ashland asked if travelers must get COVID-19 testing three days before traveling domestically. Rick stated that per the CDC, that was a recommendation only.

- 6. ADJOURNMENT OF PUBLIC MEETING** The meeting adjourned at 5:46 p.m.

Respectfully submitted,

Elizabeth Gallegos, ASR Manager