

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

**MINUTES OF REGULAR MEETING**

October 5, 2022

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

**COMMISSIONERS ABSENT:** Brendan O'Reilly

**STAFF PRESENT:** Charlene Reynolds, Airport Director  
Rick Francis, Assistant Airport Director  
Mark Sanchez, Deputy County Counsel  
Christine Nguyen, Deputy County Counsel  
Eric Freed, Deputy Airport Director, Public Affairs  
Nick Gaskins, Access and Noise Manager  
Komal Kumar, Deputy Airport Director, Finance Administration  
Elizabeth Gallegos, ASR Manager  
Kathleen Ramirez, Executive Secretary

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

**PLEDGE OF ALLEGIANCE:** Vice Chair Clarey led the assembly in the Pledge of Allegiance.

**1. APPROVAL OF MINUTES:** On Commissioner Dvorak's motion and Chair Ashland's second, the Regular Meeting minutes of September 7, 2022, were approved.

**2. JOHN WAYNE AIRPORT CAPACITY ALLOCATIONS FOR 2023 PLAN YEAR (ASR 22-000875)**  
Access and Noise Manager Nick Gaskins presented the 2023 Plan Year Capacity Allocations. The John Wayne Airport (JWA) capacity allocation process occurs annually, resulting in recommendations to the Board of Supervisors for approval. Nick discussed the capacity constraints, the types of capacity allocated (long-term and short-term), the seat capacity overview, the MAP calculation, Plan Year 2023 recommendations, and the comparison of Plan Year 2023 versus 2022.

Chair Ashland asked when a penalty to the carrier incurs for returning an Average Daily Departure (ADD). Nick stated that within a 15-year term, a carrier could return an ADD for up to 24 cumulative months. Once that amount is reached, the carrier would lose the ADD and return it to the Airport for reallocation or stay within the Airport's control. Chair Ashland asked what is considered an emergency regarding Access Plan Section 5.1.1 (5.1.1). Airport Director Charlene Reynolds responded that an emergency could be for various reasons, such as a weather event or specific circumstances dictated by the FAA. Commissioner Dvorak asked staff to clarify if the Airport is requesting to waive 5.1.1 altogether without an emergency event. Nick stated that JWA is requesting to waive 5.1.1 to increase the permitted Remain Overnights (RON) by an additional three due to the demand by the carriers. Chair Ashland asked if there was a way to fulfill a carrier's request for a specific number of seats. Nick stated that the carriers must adhere to JWA's limitations, including maximum and minimum utilization. If a carrier has a surplus of capacity that they will not fill, they could wait to use it, or it can be returned to the Airport. Commissioner Dvorak asked if the allocations could allow for more Class E ADDs and reduce Class A ADDs in the future. Nick stated that there is a set amount of 95 Class A ADDs, and if there is a request for a Class A, JWA would have to provide it. Commissioner Dvorak asked about the security process of Delux Public Charters, LLC (JSX). Nick stated that Operations would have that information but believed it is covered under 14 CFR Part 380 - Public Charters. Commissioner Dvorak asked if JSX would meet the definition of a regularly scheduled commercial user. Nick stated that because JSX sells tickets to the general public and has a set schedule to depart at least two times per

week, under the Access Plan Section 2.40, it is considered a regularly scheduled commercial user. Nick stated that under the Access Plan, a commuter carrier under regularly scheduled commercial users might operate out of an FBO at the Airport Director's discretion. Commissioner Dvorak expressed her concerns regarding RONS and JWA's request to waive 5.1.1 of the Access Plan.

Public Comment: Newport Beach resident Jim Mosher commented on the JSX allocation being factored into the 2023 Plan Year and asked whether JSX is adhering to the proper allocation for continuing passenger operations at a Fixed Based Operator (FBO) location. Jim Mosher also asked how the permitted RONS are being applied to JSX and how JWA distinguishes usage by JSX between commercial and general aviation operations. Mosher also commented that none of JSX's departures were listed in JWA's first report of the Fly Friendly program.

Commissioner Dvorak asked JWA staff to respond to the Public Comment. Nick Gaskins stated that the commuter carriers have six commuter RON spaces. In 2022, two were allocated to JSX, and are recommended for three in 2023. JSX is required to keep those RONS at the Terminal side commuter gates, which is how the Airport tracks the RONS. Nick stated that JSX must submit its carrier operations projections (COP) and schedule under the Access Plan. JSX submits that information and provides daily flight data, which includes passenger totals, aircraft type, and tail numbers, to the JWA Access and Noise office (ANO). The ANO processes the received information and has tools to differentiate between commercial and charter flights.

Public Comment: Newport Beach Aviation Committee member Julie Johnson stated that she liked seeing the balance of the airport operations and the impact on the community in the Agenda Staff Report (ASR). Julie requested that the ANO give a detailed presentation to the community and/or the Newport Beach Aviation Committee to review the recommendations to understand the impacts better.

On Commissioner Junor's motion and Commissioner Clarey's second, this item was approved by a unanimous vote. Commissioner Dvorak abstained.

- 3. PRESENTATION Airport Noise Violations:** Access and Noise Manager Nick Gaskins presented the General Aviation Noise Ordinance (GANO) notice of violations. Nick discussed the GANO violation process, the 1<sup>st</sup> violation, the 2<sup>nd</sup> violation, the denial of use (3<sup>rd</sup> violation), and the GANO violation totals from 2019 – 2022.

Commissioner Junor asked what causes a GANO violation. Nick stated that a majority are curfew violations and provided different examples. Commissioner Dvorak asked if a general aviation plane would register if it did not pass over the noise monitor for ten seconds. Nick stated that it would have to hit a threshold for ten seconds over that threshold to register an event in the JWA noise monitoring system.

Public Comment: Newport Beach resident Jim Mosher commented that when the noise violation is referenced, it is sometimes stated that it is applied to the aircraft owner, and other times, it is the aircraft operator. Mosher asked to whom the violation would be applied and if there would be a different action by the Access and Noise office for a noise violation by the owner versus the operator. Mosher also stated that in the presentation, it was stated that the aircraft owner is informed of the appeal process for the third violation and asked if there is an opportunity to appeal the first and second violations so that the owner does not get to the third violation.

- 4. SUMMARY OF RELEVANT ACTIONS BY THE BOARD OF SUPERVISORS (Board)** Assistant Airport Director Rick Francis stated that on September 13, 2022, the Board Approved as Recommended, Amendment Three to the Concession Lease with Bambuza OC Ventures, LLC, and on October 4, 2022, the Board Approved as Recommended, Amendment Eight for Aircraft Rescue and Fire Fighting Services.

**5. ADDITIONAL BUSINESS**

- A. PUBLIC COMMENTS – None
- B. AIRPORT DIRECTOR COMMENTS – None
- C. AIRPORT COMMISSION COMMENTS – None

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

Respectfully submitted,

Elizabeth Gallegos, ASR Manager