

**City of Carson City
Agenda Report**

Date Submitted: June 7, 2011

Agenda Date Requested: June 16, 2011

Time Requested: Consent

To: Board of Supervisors

From: Larry Werner, City Manager

Subject Title: Action to appoint Marcus Thomason to the Airport Authority to fill the “manufacturer” position, as a member representing the general public, for a term that expires in October of 2013.

Staff Summary: There is one vacancy on the Airport Authority for a “manufacturer” position. This position has been vacant since 2009. No applications were received from manufacturers within a 3-mile radius of the airport. Per A.B. 103 (effective April 12, 2011), “if the Board of Supervisors is unable to fill a manufacturer position with a qualified manufacturer, this bill authorizes the Board of Supervisors to fill the position with a person who represents the general public.” Mr. Thomason is the only applicant for this position.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to appoint Marcus Thomason to the Airport Authority to fill the “manufacturer” position, as a member representing the general public, for a term that expires in October of 2013.

Explanation for Recommended Board Action: Per the Statutes of Nevada, chapter 844, section 4: Board: Number, appointment, qualifications and terms of members.

1. The Authority is governed by the board, which is composed of seven members appointed by the Board of Supervisors.

There is one vacant position for a “manufacturer”. No applications were received from manufacturers within a 3-mile radius of the airport. Per A.B. 103 (effective April 12, 2011), “if the Board of Supervisors is unable to fill a manufacturer position with a qualified manufacturer, this bill authorizes the Board of Supervisors to fill the position with a person who represents the general public”. Mr. Thomason is the only applicant for this position.

Applicable Statute, Code, Policy, Rule or Regulation: Statutes of Nevada--Chapter 844, Section 4, A.B. 103 (effective April 12, 2011).

Fiscal Impact: None



Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Reopen the position announcement for additional applicants.

Supporting Material: Applications, roster, recruitment announcement, A.B. 103, Board Agenda Report from 12/02/10 regarding proposed legislative changes, Statutes of Nevada—Chapter 844, and District Attorney’s Opinion on Airport Authority appointment dated 10/11/04.

Prepared By: Heidi Eskew-Herrmann, Executive Offices

Reviewed By:  Date: 6/7/14
(City Manager)
 Date: 6/7/14
(District Attorney)

Board Action Taken:

Motion: _____ 1) _____
Aye/Nay

_____ 2) _____

(Vote Recorded By)

RECEIVED

MAY 31 2011

CARSON CITY EXECUTIVE OFFICES

Position closed on 5/31 since 5/30 = holiday

Carson City Application for Airport Authority Appointive/Volunteer Position

Please print or type

Title of Board or Commission: Airport Authority

Title of Position: Carson City Airport Authority Member

Name: Thomason Marcus W
Last First Middle Initial

Address: 950 Lakeview Drive Dayton, NV 89403
Street City State Zip

Occupation/Business: Pilot - Nevada Dept. of Transportation

Telephone: Work- 888-7510 Home- 246-5846 Cell- 684-9954 E-mail- tmarc@aol.com

How long have you lived in Carson City: _____ Are you an **active** Carson City Registered Voter: No

Which membership category are you applying for? Check One.

- 1. Fixed Base Operator _____
- 2. Manufacturer based at Carson City Airport _____
- 3. Pilot with aircraft based at Carson City Airport _____
- 4. Pilot at large _____
- 5. Citizen at large _____

If filing for Categories 3 or 4:

please give Pilots license # _____ and expiration date of FAA Medical _____

If filing for Category 3:

please give Aircraft "N" # _____

- 1. Statement reflecting your reasons for your interest in serving Carson City Airport Authority. I am an active pilot flying multiengine jet/turboprop aircraft out of the Carson City Airport. I am interested in participating in the growth and improvement of the airport.
- 2. Why are you willing to serve as a member of the Carson City Airport Authority? I am willing to serve as a member of the Carson City Airport Authority because I believe I can help make a difference in the economic and safety system development tasks the Authority is charged with. I also believe the Authority plays a vital community service role.

3. What do you envision as the future of the Carson City Airport?
I believe the Carson City Airport is under utilized. I envision strong economic development on and around the airport spawning increase traffic and airport utilization
4. Statement of why you feel you will be an effective participant.
I have over 30 years of flying experience that couples with experience in aircraft management, air charter, and FAA liason experience. I believe I can bring unique operational perspective to the Authority.
5. Do you anticipate any potential conflicts of interest? No If yes, please explain.

6. List other areas of interest, and your hobbies.
Walking, Weight training, Bike riding

Level of Education: 14 years

Major(s) and/or Degree(s): Electronics Technology - Diploma

Personal/Professional References:

Name	<u>Glenn Roane</u>	<u>Gary Robinson</u>	<u>Robert Chisel</u>
Address	<u>Alhambra Raleigh, NC</u>	<u>Orlando, FL</u>	<u>Carson City, NV</u>
Phone#	<u>919-795-6823</u>	<u>954-662-8158</u>	<u>775-720-2660</u>

Marcus W. Thomason
 Signature of Applicant

5-27-11
 Date

Marcus W. Thomason
 Print name

YOU MAY ATTACH A COPY OF YOUR RESUME.

Marcus Thomason
950 Lakeview Drive
Dayton, NV 89403

Tel: 775-246-5846
Cell: 775-684-9954
Email: tmarc178@aol.com

OBJECTIVE

LICENSES AND RATINGS

FAA ATP MEL, Commercial SEL, CFIIME
Type rated on A319/320/321,B727/737-3-4-5/747-1-2/757/767,777-2-3,CE-500/CE-525S
Restricted Radiotelephone Operators Permit
1st Class Medical

FLIGHT TIME

Total Time 21000+
Jet PIC - 9000+
Turboprop PIC - 500+
Instrument - 5000+
Night - 5000+
Instructor/Examiner - 2000+
PIC A320 - 1800+
PIC CE500 - 600+
PIC B777 - 1100+
PIC B757/767 - 3700+
PIC B737 - 1500+
PIC CE525S - 100+

EMPLOYMENT INFORMATION

Nevada Department of Transportation Mar 2009 - present
Chief Pilot
Department Head of Flight Operations Division responsible for managing all flight operations personnel. Additional responsibilities include writing and implementing operating standards in accordance with CFR 14 Part 135 (aircraft are operated under Part 91), applying for and signing all FAA operations specifications applications, representing the Department in all aviation related matters, exercising operational control over all flight and maintenance activities, managing aircraft and pilot schedules, managing the MMEL program for the Citation II and Aero Commander 840 aircraft, providing all line training and evaluations for pilots, interviewing and hiring of all flight operations personnel, preparing all flight operations employees performance reviews, maintaining the General Operations and Flight Training manuals, developing/overseeing the department budget, forecasting maintenance inspection intervals, maintaining dual aircraft qualification as PIC on Citation II and Commander 840, and overseeing the maintenance/upgrades of all department aircraft.

Emirates Airlines Jul 2007 - Mar 2009
B777 Captain
Responsible for aircraft command of B777 and crew for worldwide international scheduled airline service. Separated from airline under good terms.

Self-employed

Apr 2006 – November 2009

FAA Designated Pilot Examiner

Pilot Examiner for Recreational, Private, Commercial, Airline Transport Pilot, Instrument Instructor, and Multi-engine Instructor certificates as well as SEL, MEL, and Instrument Airplane ratings. I have FAA instructor privileges in all type rated aircraft listed on my pilot certificate. Resigned designation because I was unable to serve the FSDO from Nevada

Grace Airways

Jan 2003 - Jul 2007

Owner/Director of Operations/Chief Pilot

Owned, managed, and oversaw all aspects of an FAA certificated Part 135 Air Carrier including maintenance, flight operations, training, FAA certification, drug testing, aircraft procurement, and corporate governance. CE-421 and CE-525 Sold business

United Airlines

May 1988 - Aug 2006

B757/767 Line Check Airmen

Responsible for flight training, route qualification, and special airport qualification of line Captains and First Officers in worldwide international scheduled airline service. Separated from airline under good terms.

EDUCATION, AWARDS AND ACHIEVEMENTS

DeVry Institute of Technology, graduated 1980, Electronics Technicians Diploma

United Airlines Line Check Airmen training, March 2002

United Airlines Instructor training, B727 and B767, May 1991

Initial Designated Pilot Examiner Seminar, March 2006

Interviewing and Hiring Techniques Training, Nevada DOT, March 2010

Employee Evaluation and Disciplinary Action Training, Nevada DOT, March 2010

No flight violations, accidents or incidents

ADDITIONAL SKILLS

Certified in the following aircrew operations/training: ETOPS, RVSM, CPDLC, ADS, FANS, MNPS, CATII/III operations, ILS PRM (including Australian PRM), SAAAR approach procedures, GPS LPV, RAAAS, Low Visibility Operations (SMIGS), Polar operations, Land and Hold Short Operations, Controlled flight into terrain avoidance training (CFIT), EGPWS, Predictive and reactive windshear systems, TCASII, Honeywell and Sperry EFIS, FMS, SATCOM/SELCAL systems, B777 Electronic Flight Bag System, Cold weather operations, Operations in Ground Icing, Upset recovery, Risk Assessment, Cockpit Resource Management (CRM), and FAA Electronic Op Specs system. EXTENSIVE INTERNATIONAL EXPERIENCE. I have flown to the Caribbean, Mexico, Canada, Central America, South America, Africa, Europe, Russia, Scandinavia, Korea, Japan, Taiwan, Pakistan, Bangladesh, New Zealand, Turkey, Greece, China, India, the Middle East, Australia, Indonesia, the Philippines, Thailand, and many Island nations. Extended overwater qualifications include the North and South Atlantic, Indian Ocean, and Pacific Ocean. I am qualified in Chinese, Russian, European, and Domestic RVSM procedures. I have extensive high terrain escape route operational experience in the Himalayas, the Andes, and the Alps.

PERSONAL INFORMATION

Age 50, Height 73", Weight 230lbs, excellent health (walker and weight trainer), non-smoker, US citizen, US passport holder, willing to relocate.

CARSON CITY AIRPORT AUTHORITY MEMBERSHIP

<u>MEMBER</u>	<u>APPOINTMENT</u>	<u>TERM EXPIRES</u>
<u>Manufacturer</u>		
Alexander Carter	Initial Term 10/08	10/2012
Vacant Manufacturer Position	10/09	10/2013
<u>City Official</u>		
Ray Saylo (BOS appointment)	Initial Term 01/09	01/2013
<u>Pilot</u>		
David McClelland	Initial Term 10/07	10/2011
<u>Fixed Base Operators</u>		
John Kelly	Initial Term 10/08	10/2012
Teresa Di-Loreto-Long	Initial Term 10/09	10/2013
<u>Citizen at Large</u>		
Harlow Norvell	Initial Term 10/09	10/2013

AUTHORITY: N.R.S. Chapter 844, 1989 created Carson City Airport Authority. Seven members will be interviewed and appointed by the Board of Supervisors. Three members who represent the general public including at least one who must be a city official selected by the Board of Supervisors and one must be a pilot who at the time of his appointment owns and operates an aircraft based at the airport and one citizen at large. Two who are fixed base operators at the airport, and two who are manufacturers in the Carson City industrial airport. The City official who is appointed as a member of the board is eligible for reappointment to the board upon the expiration of his term. The other members are eligible for reappointment to the board 4 years after the expiration of his prior term.

MEETINGS: Meets 3rd Wednesday of every month at 6:00 in the Sierra Room.

PURPOSE: To maintain and guide the growth of the Carson City Airport.

TYPICAL DUTIES: To make all operational & planning decisions for the Airport.

Coordinator: Casey Pullman, Airport Manager – 841-2255. cxp-mgr@att.net

Legal Assistance: Steve Tackes, 883-1311, stackes@kenvlaw.com



CARSON CITY AIRPORT AUTHORITY

The Carson City Board of Supervisors is seeking applications from persons interested in serving approximately ten to sixteen hours per month on the Carson City Airport Authority. The Airport Authority is a 7 member board that oversees all matters pertaining to the Carson City Airport.

There is one position open for a four year term that will expire 10/2013 (ie. approx 2 years remaining). The Board of Supervisors will interview and appoint qualified persons to the board. The opening on the Authority is for:

Industrial: Must be a manufacturer within a 3 mile radius of the Carson City Airport, but not a Fixed Base Operator.

Applications will be accepted ***until May 30, 2011***. Under the terms of AB 103, signed by the Governor and made law on April 12, 2011, the area for such members was enlarged to a 3 mile radius of the Airport. If a volunteer cannot be found, the Board of Supervisors is permitted to appoint a member who represents the general public.

Let it be known that all applications submitted to this office for this position will be considered public information.

Volunteer applications may be obtained from our website or by contacting:

CARSON CITY EXECUTIVE OFFICES

201 N. Carson Street #2

Carson City, Nevada 89701

(775) 887-2100 FAX 887-2286

E-Mail: hherrmann@carson.org

Web Page <http://www.carson.org>

(about Carson City: Boards, Committees, Commissions; volunteer opportunities)

AN EQUAL OPPORTUNITY EMPLOYER

Effective
04/12/11

A.B. 103

ASSEMBLY BILL NO. 103—ASSEMBLYMAN LIVERMORE
(BY REQUEST)

PREFILED JANUARY 27, 2011

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the Airport Authority Act for Carson City. (BDR S-645)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.



EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to the Airport Authority Act for Carson City; amending the qualifications of certain members of the Board of Trustees of the Airport Authority of Carson City; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Board of Supervisors of Carson City is required to
2 appoint seven members to the Board of Trustees of the Airport Authority of Carson
3 City: (1) three members who represent the general public who are neither
4 manufacturers in the Carson City industrial airport nor fixed base operators at the
5 airport, at least one of whom must be a city official selected by the Board of
6 Supervisors and at least one of whom must be a pilot who owns and operates an
7 aircraft based at the airport; (2) two members who are manufacturers in the Carson
8 City industrial airport but who are not fixed base operators at the airport; and (3)
9 two members who are fixed base operators at the airport. (Airport Authority Act for
10 Carson City § 4)

11 This bill expands the area from which the Board of Supervisors is authorized to
12 appoint the two manufacturer members from manufacturers in the Carson City
13 industrial airport to manufacturers within a 3-mile radius of the airport. If the Board
14 of Supervisors is unable to fill a manufacturer position with a qualified
15 manufacturer, this bill authorizes the Board of Supervisors to fill the position with a
16 person who represents the general public.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Section 4 of the Airport Authority Act for Carson
2 City, being chapter 844, Statutes of Nevada 1989, as amended by
3 chapter 439, Statutes of Nevada 1995, at page 1144, is hereby
4 amended to read as follows:

5 Sec. 4. 1. The Authority is governed by the Board,
6 which is composed of seven members appointed by the Board
7 of Supervisors.

8 2. The Board of Supervisors shall appoint:

9 (a) Three members who represent the general public, but,
10 *except as otherwise provided in paragraph (b)*, not including
11 any person described in paragraph (b) or (c). At least one of
12 these members must be a city official selected by the Board
13 of Supervisors and one must be a pilot who, at the time of
14 appointment, owns and operates an aircraft based at the
15 airport.

16 (b) Two members who are manufacturers ~~[in]~~ *and are*
17 *within a 3-mile radius of the Carson City [industrial] airport,*
18 *but not including any person described in paragraph (c). If,*
19 *after providing notice of a vacancy for the position of a*
20 *member of the Board described in this paragraph, the Board*
21 *of Supervisors is unable to find a qualified manufacturer to*
22 *fill a position, the Board of Supervisors may appoint a*
23 *member pursuant to this paragraph who represents the*
24 *general public.*

25 (c) Two members who are fixed base operators at the
26 airport.

27 3. After the initial terms, the term of office of each
28 member of the Board is 4 years. The city official who is
29 appointed as a member of the Board is eligible for
30 reappointment to the Board upon the expiration of his or her
31 term. Each other member of the Board is eligible for
32 reappointment to the Board 4 years after the expiration of his
33 or her prior term.

34 **Sec. 2.** This act becomes effective upon passage and approval.

Ⓢ



City of Carson City
Agenda Report

Date Submitted: 11/24/10

Agenda Date Requested: 12/02/10

Time Requested: 10 min

To: Board of Supervisors

From: Carson City Airport Authority

Subject Title: Action to consider legislative changes proposed by the Carson City Airport Authority regarding eligibility for appointment to the Airport Authority Board.

Staff Summary: The Carson City Airport Authority has proposed that the law creating the Airport Authority be amended so that the Board of Supervisors can appoint a member representing a larger area of manufacturers, and if a qualified candidate is not found, then the Board of Supervisors can appoint someone who meets the other requirements of the law. The Airport Authority has secured a legislative sponsor for the proposed bill and is not seeking use of a City bill draft request.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: (I move that we) approve the bill draft request being sought by the Airport Authority.

Explanation for Recommended Board Action:

This item has been introduced by the Carson City Airport Authority in response to its efforts and efforts by the Board of Supervisors to fill a vacancy on the Airport Authority. The law which created the Airport Authority requires that the Carson City Board of Supervisors appoint 7 members to the Airport Authority: A citizen at large, A pilot at large, a City official, 2 manufacturers within the airpark, and 2 fixed base operators (ie. aviation businesses at the Airport). This mix has served us well over the years, however despite diligent efforts and extended advertising by the City, we have not been able to find a 2nd manufacturer representative. It could be the current economic situation where businesses are already on skeleton staff levels and thus have no time to serve.

As a result, the Airport Authority has proposed that the law be changed as follows (new language is underlined; removed language is in strike-out):

Sec. 4. Board: Number, appointment, qualifications and terms of members.

1. The Authority is governed by the Board, which is composed of seven members appointed by the Board of Supervisors.

2. The Board of Supervisors shall appoint:

(a) Three members who represent the general public, but not including any person described in paragraph (b) or (c). At least one of these members must be a city official selected by the

Board of Supervisors and one must be a pilot who, at the time of appointment, owns and operates an aircraft based at the airport.

(b) Two members who are manufacturers in the Carson City within 3 miles of the industrial airport, but not including any person described in paragraph (c). If after providing notice of the vacancy, the Board of Supervisors are without a qualified candidate for the manufacturer position, the Board of Supervisors may appoint a person who otherwise meets the criteria of paragraph (a).

(c) Two members who are fixed base operators at the airport.

3. After the initial terms, the term of office of each member of the Board is 4 years. The city official who is appointed as a member of the Board is eligible for reappointment to the Board upon the expiration of his or her term. Each other member of the Board is eligible for reappointment to the Board 4 years after the expiration of his or her prior term.

(Ch. 844, Stats. 1989 p. 2025; A—Ch. 439, Stats. 1995 p. 1144)

Applicable Statue, Code, Policy, Rule or Regulation: Statutes of Nevada, Chapter 844.

Fiscal Impact: None.

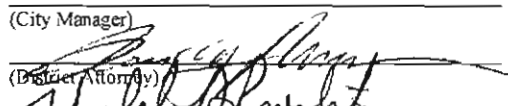

Explanation of Impact: Not Applicable.

Funding Source: Not Applicable.

Alternatives: Not Applicable

Supporting Material: None.

Prepared By: Casey Pullman, Airport Manager (& Steven E. Tackes, Esq., Airport Counsel)

Reviewed By: _____	Date: _____
(Department Head)	
_____	Date: _____
(City Manager)	
	Date: 11/24/10
(District Attorney)	
	Date: 11/24/10
(Finance Director)	

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

AIRPORT AUTHORITY OF CARSON CITY

CHAPTER 844, STATUTES OF NEVADA 1989

AN ACT relating to airports; creating the Airport Authority of Carson City; making legislative findings defining certain words and terms; providing for the appointment, number, terms, compensation, duties and powers of a board of trustees; specifying the powers of the authority, including the power, subject to the approval of the board of supervisors, to set the rate for a tax ad valorem, borrow money and sue securities to evidence such borrowing; requiring the transfer of airport properties, functions and outstanding obligations of Carson City to the Authority; and providing other matters properly related thereto.

(Ch. 844, Stats. 1989 p. 2025)

[Approved July 5, 1989]

(Leadlines for sections have been supplied by the legislative counsel of the State of Nevada)

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

Section 1. Definitions. As used in this act, unless the context otherwise requires:

1. "Airport" means any airport or heliport and related facilities and equipment.
2. "Authority" means the Airport Authority of Carson City.
3. "Board" means the board of trustees of the authority.
4. "Board of supervisors" means the board of supervisors of Carson City.

(Ch. 844, Stats. 1989 p. 2025)

Sec. 2. Authority; Creation; exemption from taxation.

1. The Airport Authority of Carson City is hereby created.
2. The property and revenues of the authority, any interest therein, and any possessory interest in or right to use that property which the authority may grant, exempt from all state and local taxation.

(Ch. 844, Stats. 1989 p. 2025; A—Ch. 439, Stats. 1995 p. 1144)

REVISER'S NOTE.

Ch. 439, Stats. 1995, which amended this section to add the words "and any possessory interest in or right to use that property which the authority may grant," contains the following provisions not included in this act:

"The legislature finds that:

1. The exemption of a leasehold, or a right to use property, from taxation is an element of the economic value of the leasehold or right, from which the grantor derives an economic benefit.

2. Where the public body owning an airport is not the same as the public body which would derive revenue from leaseholds or rights to property located upon it, the existence of the exemption provided by section 1 of this act confers an economic benefit upon the public body owning the airport.

3. The exemption therefore serves a municipal purpose."

Sec. 3. Legislative findings. The legislature finds that:

1. The Airport Authority of Carson City is a body corporate and politic, the geographical boundaries of which are the boundaries of Carson City.
2. The provisions of this act must be broadly construed to accomplish its purposes.

(Ch. 844, Stats. 1989 p. 2025)

Sec. 4. Board: Number, appointment, qualifications and terms of members.

1. The authority is governed by the board, which is composed of seven members appointed by the board of supervisors.
2. The board of supervisors shall appoint:
 - (a) Three members who represent the general public, but not including any person described in paragraph (b) or (c). At least one of these members must be a city official selected by the board of supervisors and one must be a pilot who, at the time of his appointment, owns and operates an aircraft based at the airport.
 - (b) Two members who are manufacturers in the Carson City industrial airport, but not including any person described in paragraph (c).
 - (c) Two members who are fixed base operators at the airport.
3. After the initial terms, the term of office of each member of the board is 4 years. The city official who is appointed as a member of the board is eligible for reappointment to the board upon the expiration of his term. Each other member of the board is eligible for reappointment to the board 4 years after the expiration of his prior term.

(Ch. 844, Stats. 1989 p. 2025; A—Ch. 439, Stats. 1995 p. 1144)

Sec. 5. Board: Oath and compensation of members.

1. Each member of the board shall file with the clerk of Carson City his oath of office.
2. The members of the board serve without compensation, but any member may be reimbursed for expenses actually incurred by him for travel authorized by the board.

(Ch. 844, Stats. 1989 p. 2025)

Sec. 6. Board: Election of officers; duties of secretary and treasurer.

1. The board shall elect a chairman, vice chairman, secretary and treasurer from its members. The secretary and the treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year.
2. The secretary shall keep a record of all of the proceedings of the board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the board. The records must be open to the inspection of all interested persons, at a reasonable time and place.
3. The treasurer shall keep an accurate account of all money received by and disbursed on behalf of the board and the authority. He shall file with the clerk of Carson City, at the expense of the authority, a fidelity bond in an amount not less than \$10,000, conditioned for the faithful performance of his duties.

(Ch. 844, Stats. 1989 p. 2026)

Sec. 7. Board: Meetings; quorum; seal.

1. The board shall meet regularly at a time and in a place designated by the board. Special meetings in an emergency may be held after notice to each member.

LATE MATERIAL

MEETING DATE 10/21/04

ITEM # 12C



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

RECEIVED

OCT 22 2004

CARSON CITY
EXECUTIVE OFFICES

NOEL S. WATERS
District Attorney

CIVIL DIVISION
(775) 887-2070 - Office
(775) 887-2129 - Fax

memorandum

To: Supervisor Robin Williamson
Supervisor Richard Staub
Supervisor Shelly Aldean
Supervisor Pete Livermore
From: Melanie Bruketta, Supervising Deputy District Attorney
Date: October 11, 2004
Re: Airport Authority Appointment

At the October 7, 2004 Board of Supervisors meeting, you asked for an opinion from this office regarding the appointment of the fixed based operators to the Carson City Airport Authority. The Airport Authority of Carson City was created by the Nevada State Legislature in 1989. Chapter 844, Statutes of Nevada 1989 Section 3 states:

The Legislature finds that:

1. The Airport Authority of Carson City is a body corporate and politic, the geographical boundaries of which are the boundaries in Carson City.

Section 4 of the Act establishes the number, appointment, qualifications and terms of office of the members of the Board of Trustees of the Authority. The section specifically provides that the Board of Supervisors shall appoint two members who are fixed based operators. There is currently one fixed based operator position vacant on the Board of Trustees. Mr. John Kelly, a fixed based operator, applied for the vacancy. He was the only candidate who applied. An issue arose as to whether Mr. Kelly could be appointed as he is not a resident or registered voter in Carson City.

Section 2.320 of the Carson City Charter states:

The Board may by resolution or ordinance create advisory boards comprised of elected and appointed officers and representatives of the people of Carson City to advise the Board of Supervisors in specific areas of local government, including, without limitation, public

\\CIVIL\INTEROFF\Airport Authority Appointment.wpd

CARSON CITY DISTRICT ATTORNEY • CIVIL DIVISION
885 East Musser Street, Suite 2030B • Carson City, Nevada 89701-4475

safety, public employees, finance, human resources and public property and facilities. A person serving on an advisory board that only serves Carson City must be a resident of Carson City and registered to vote in Carson City.

As stated above, the state legislature created the Authority and it is a body politic. Although it may be required, at times, to advise this board, it is not an advisory board created by the Board of Supervisors. In addition, there are significant powers that are delegated to the Board of Trustees which do not require Board of Supervisor approval. For example, the Board of Trustees may establish fees, rates and other charges at the airport; apply for loans and grants; employ a manager; fiscal and legal advisors and engineers; adopt rules and regulations for the administration and use of the airport; and take such other action as is necessary to comply with any statute or regulation of this state or the federal government. See Section 9, Chapter 844, Statutes of Nevada 1989. State law establishes the qualifications of the Board of Trustees and there is no qualification that members of the Authority be residents and registered voters of Carson City. In addition, Section 2.320 of the Carson City Charter is inapplicable to the Authority as that section specifically applies to advisory boards created by resolution or ordinance.

If you have any questions, please do not hesitate to contact me.

cc: Linda Ritter, City Manager
Ray Masayko, Mayor