
September 19, 2011

The Board of Commissioners of the Arapahoe County Public Airport Authority, Arapahoe County, Colorado, held a special meeting open to the public at the West Hearing Room of the Arapahoe County Administration Building at 5334 s. Prince Street, Littleton, Colorado, located within the County, on September 19, 2011 at 11:00 a.m.

The following members were present:
Commissioner Beckman, Chair
Commissioner Bockenfeld
Commissioner Doubek
Commissioner Neukirch
Commissioner Sharpe

The following members were absent, but excused:
Commissioner Hilbert
Commissioner Seiber
Commissioner Wells

Each Commissioner was notified of the date, time and place of the meeting and the purpose to which it was called. At least three (3) days prior to the date of the meeting, there were posted written notices of Special Public Meetings at the Administration Buildings of Arapahoe County, Douglas County, Greenwood Village, City of Centennial; the courthouses in Arapahoe County and Douglas County; and at least six places on the Airport. At least 24 hours prior to the meeting there was posted an agenda of the meeting in the window of the door at the base of the Control Tower/Administration Complex at 7800 South Peoria Street as well at the door outside of the West Hearing Room at the Arapahoe County Administration Building at 5334 S. Prince St., Littleton, Colorado.

Call to Order

Chair Beckman called the meeting to order at 11:05 a.m.

Next Meetings

- October 5, 2011 – 7:00 p.m. Noise Roundtable meeting – Ramada Hotel and Suites
- October 13, 2011 @ 3:30 p.m. – Regular Board meeting - Wright Brother's Room.

CONSENT AGENDA

1. **Award of Contracts for the construction of Runway 17L/35R shoulders and improvements to Detention Ponds C3 and C4.** **Michael Fronapfel**
Recommendation: Motion to award the contract for the construction of Runway 17L/35R shoulders to Asphalt Specialties in the amount of \$2,828,847.74 (which includes the non-Federal reconstruction of Briarwood Avenue) and the Contract to improve Detention Ponds C3 and C4 to Kelly Trucking in the amount of \$1,157,473.00 and authorize the Chair and clerk to sign the Contract, Notice of Award and Notice to Proceed.

Mr. Fronapfel summarized the two projects and the bid process at the request of the Chair.

BUSINESS AGENDA

2. **Approval of Consent Agenda** **Susan Beckman**
Upon a motion from Commissioner Bockenfeld and a second from Commissioner Sharpe, the recommendation passed unanimously (5-0).
3. **Executive Session** **Susan Beckman**
Recommendation: Motion to adjourn to Executive Session to discuss any of the following pursuant to CRS Section 24-6-402(4): (a) purchase, acquisition, lease, transfer, or sale of any real, personal or other property interest; (b) conference with an attorney for purposes of receiving advice on specific legal questions; (c) matters to be kept confidential by federal or state law; (d) security arrangements; (e) determining positions relative to matters that may be subject to negotiations or negotiation strategies; and (f) personnel matter.; specifically, concerning (b) related to findings and conclusions in the matter of the proposed termination of Epic Aviation Services, LLC's Agreement Under Standards

Chair Beckman introduced the Executive Session subject and asked Mr. Magoon to explain the process. He read the following for the record: "Motion to adjourn to Executive Session to discuss any of the following pursuant to CRS Section 24-6-402(4): (a) purchase, acquisition, lease, transfer, or sale of any real, personal or other property

interest; (b) conference with an attorney for purposes of receiving advice on specific legal questions; (c) matters to be kept confidential by federal or state law; (d) security arrangements; (e) determining positions relative to matters that may be subject to negotiations or negotiation strategies; and (f) personnel matter. An executive or "closed" session may only be called at a regular or special meeting of the Board by an affirmative vote of two-thirds of the quorum present. The Chair (or Acting Chairman) must announce, and the minutes reflect, the specific citation (provided in the above motion that allows the Board to meet in the Executive Session). The Executive Session will be closed to the public pursuant to CRS Section 24-6-402(4)(a) through (f). The primary discussion for this proposed Executive Session will concern issues under (b) as described above. The Board will not adopt any proposed policy, position, resolution, rule regulation or take any formal action during this Executive Session. After receiving legal advice, the Board will return from the Executive Session to the public forum and then will consider Item 4 on the agenda, the proposed termination of Epic Aviation Services, LLC's Agreement Under Standards."

Commissioner Bockenfeld inquired as to his ability to make a motion if he had not been present at the September 8, 2011 public hearing on the matter. Mr. Magoon opined that he probably could, but it would be better if he abstained on the matter.

Upon motion from Commissioner Doubek and a second from Commissioner Sharpe, the recommendation passed (4-0-1). Commissioner Bockenfeld abstained.

4. Proposed Termination of Agreement Under Standards for Epic Aviation Services, LLC – continued from September 8, 2011

Brian Magoon

Recommendation: Motion to terminate the Agreement Under Standards ("AUS") for Epic Aviation Services, LLC ("Epic").

The Board returned from Executive Session and Chair Beckman introduced Agenda Item 4.

Commissioner Doubek moved to terminate Epic's AUS. Commissioner Neukirch seconded the motion. The Chair recognized the motion and invited discussion.

Commissioner Sharpe stated that she is especially concerned about who is working for Epic in terms of both safety and security issues at, on and near the airport and would like the final written findings to reflect that concern.

Commissioner Neukirch advised that he is not confident in the management expertise of Epic or Ms. Rosell and is especially concerned about her decision-making process, lack of aviation industry knowledge especially in the areas of managing an avionics or aircraft repair business and that such lack of knowledge might present a safety issue.

Commissioner Doubek expressed that he was especially concerned about the avionics operations that when the original AUS was signed, the main corporate objective was avionics and aircraft repair and since that time with the revised application, the organization seems to have fallen apart. He further stated that they (Epic) refused to cooperate with our staff or answer any questions and in some cases were argumentative as to our Minimum Standards. He reiterated that his main concern was avionics; he has owned aircraft and has had avionics work performed on his machines; and he asserted that a mobile transponder service is not avionics shop that would deal with transmitters, receivers, GPS and a number of other things related to navigation equipment.

Chair Beckman also added that she was concerned about management's experience and such concern is even more strongly supported by Epic's performance of failing to comply with numerous requests leading us (the "Board") to the question of the professionalism of management's competence. She also wanted the record to reflect the following:

- Epic failed to notify the Authority of changes and implements of its operations including but not limited to the change in ownership;
- Epic failed to comply with the Authority's request for information by the August 22, 2011 deadline has expired;
- Epic does not have in its employ approved qualified avionics person, as required;
- Epic is in violation of the Minimum Standards by allowing unapproved personnel to provide avionics services, as prohibited.

- Because Epic has failed or refused to comply with the Authority's requests for information, it is unable to determine whether Epic has in its employ qualified manager for its operations, as required.

Chair Beckman further stated that all of those items leave her concerned about Epic's management since it did not meet deadlines and was combative, that it did not handle this in professional manner which leaves competence of the organization as a real concern to her.

Mr. Magoon, Board Counsel, proposed to provide a Findings and Conclusions Report ("FCR") that will take the proposed findings and conclusions of Airport Staff along with modifications to address the concerns raised by each of the voting Board members today; and that he will submit said FCR to the Board with the next Board Packet which will be delivered on or about October 7, 2011, the Friday prior to the October 13, 2011 meeting. He further stated that assuming the Board accepts his FCR, the decision of the Board at that time would be final.

Mr. Jason Schultz, Attorney for Epic asked for permission to ask for a clarification from the Chair. She obliged. He stated that he felt that there were issues raised today that were not raised at the public hearing.

Chair Beckman responded that her comments were all related to the official documents including the transcript and the exhibits provided at the hearing.

Mr. Shultz advised that it was not his understanding at anytime during the hearing that the quality of Epic's work was under question and that he was lead to believe by the six issues that were raised at that hearing that it was about them responding to paperwork requests for information for the Airport; and that there had been no evidence on the record that Epic's work was in anyway subpar. He then mentioned that today Chair Beckman referred to sloppy work and then stated that if she were referring to the paperwork that would be a contested issue, but if she was referring to the actual work on aircraft that would be something he objects to.

Chair Beckman responded that the paperwork she saw as part of the application process was below par in terms of sloppiness, accuracy and completeness and all her comments were directed to the paperwork.

Mr. Magoon commented to Mr. Schultz that that the FCR and the Board's concerns will be tied into the record.

Mr. Schultz said he was specifically concerned about Commissioner's Sharpe's comments about the safety of the surrounding neighborhoods which he does not believe was part of the record and would like to establish his objections to that.

Chair Beckman identified page 47 of the transcript of the 9/8/11 hearing as addressing concerns about safety.

Mr. Magoon advised Mr. Schultz that he will ensure that a copy of the FCR will be provided to him at the same time it is delivered to the Board.

There was no vote on the original motion from Commissioner Doubek.

Commissioner Sharpe moved to continue final consideration of the matter of the proposed termination of Epic's AUS to the October 13, 2011 regular Board meeting which starts at 3:30 p.m. Commissioner Doubek seconded the motion. Motion carried (4-0-1). Commissioner Bockenfeld abstained.

Adjournment

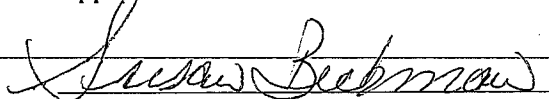
The meeting adjourned at 12:13 p.m.

Susan Beckman

Execution of Documents

Gwen Balk

Approved:


Susan Beckman, Chair