

Oregon Aviation Board Teleconference January 7, 2010, 2 p.m.

Hosted by Gregg Dal Ponte – Interim Director for the Dept. of Aviation

Attendees: Chris Cummings, ODA Planning & Projects Manager; Mitch Swecker, ODA State Airports Manager; Craig Bonney, ODOT; Renee' Stryker, ODA secretary.

Board members via phone: Mark Gardiner, Board Chair; Chris Corich, Vice-Chair; members: Jack Loacker, Nan Garnick, Steve Beckham, Joe Smith, and Larry Dalrymple.

This meeting was called together by Gregg Dal Ponte for the board to approve two items; the justification for temporary rule making and the proposed temporary rules.

Gregg: two emails were sent to the Oregon Aviation Board (OAB) members in preparation for this teleconference; the justification for temporary rule making and the proposed temporary rules. Additionally an email from Chris Cummings identified candidates for proposed membership on the Aurora Master Plan Advisory Committee (PAC). Individuals were selected by Chris Cummings and Gregg Dal Ponte.

Gregg explained to the board the temporary rulemaking process. Temporary rules are adopted by the Board and filed with the Secretary of State. The rules will be valid for a period of 180 days and this will allow processing of suspended agreements/leases. The Oregon Department of Aviation (ODA) is only requesting to change a few rules that require immediate revisions under temporary rulemaking.

It is very obvious all ODA rules need to be reviewed and updated to reflect current business practices. This has not apparently been done since 2004. Starting with an inventory, the process of reviewing all ODA agency administrative rules will take a considerable amount of time. This needs to be a priority and commenced immediately by the agency.

It is Gregg's recommendation to adopt these temporary rules. The statutes state there must be a justification in order to proceed.

Larry Dalrymple joined the teleconference at approx. 2:15 pm.

Larry was updated by Mark on the discussion of the justification and the adoption of the temporary rule making.

ORS 183.335 Notice; content; public comment; temporary rule adoption, amendment or suspension; substantial compliance required.

(5) Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule **without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable**, if the agency prepares:

- (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
 - (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
 - (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;
 - (d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; and
 - (e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS 183.534.
- (6)(a) A rule adopted, amended or suspended under subsection (5) of this section is temporary and may be effective for a period of not longer than 180 days. The adoption of a rule under this subsection does not preclude the subsequent adoption of an identical rule under subsections (1) to (4) of this section.

Motion: To approve the temporary rulemaking as recommended.

Motion to approve Jack Loacker
Second the motion Nan Garnick
All in favor

Mark: the temporary rules passes.

Steve: asked if there will be any ramification or results from these temporary rules. Gregg said no, these temporary rules will conform current select agency business practices to the requirements of OAR.

Mark: The adoption of these temporary rules will address business practices, which presently, technically are illegal since they do not conform to existing administrative rule. Since we are conforming the temporary rules to existing business practice, it will be business as usual, but it will be done on a legitimate basis.

The group discussed the Aurora Master Advisory Plan public advisory committee. The board briefly discussed the list of members. It is thought to be a diverse group of advisors.

Chris Cummings emailed a list of prospective advisory committee members this morning to board members, persons who were interested and had applied, along with Chris and

Gregg's proposed list of members. There appears to be quite a variety of stakeholders included.

No action required by the committee for the Aurora Master Plan Advisory committee.

Mark: - Information items

Waldo Lake: It comes to ODA's attention from the State Marine Board is acting to amend rules to no longer allow gasoline powered engines and only allow electric motors. This will preclude the use of this lake by seaplanes under other than emergency situations. At this time it is believed after speaking with Department of Administrative Services (DAS) and Department of Justice (DOJ) that the ODA need not be involved in this hearing.

Mulino Airport Hangars: It has been determined the older hangars at the Mulino State Airport are no longer structurally sound and are not economically restorable, it would not be cost-effective to provide substantial repairs as they are over 50 years old. They are to be demolished and a notice has gone out to the current tenants.

Gregg explained there are 15 tenants that are being evicted who are currently paying \$125 per month. The new hangars are \$275 per month if paid 12 months in advance and there are 16 available for lease. Six of the current tenants being displaced have already reserved six of the new hangars to lease.

At this time ODA has no funds to develop this site. The agency has had two offers from contractors who are interested in developing this property on their "dime" to demolish, and with one interested party offering to build new hangars at their expense, with a 30 year ground lease. They also propose to purchase the new hangars owned by ODA so as to become the provider of hangar rentals at the site, relieving ODA of the responsibility.

There was discussion on the new hangars and the \$275 per month lease amount being substantially higher than the older wooden hangars. Is this reasonable? This is believed to be a reasonable path forward to explore. No action required by the committee for the Mulino State Airport Hangars.

Gregg informed the board regarding the 2007 Aurora appraisal. The firm who provided the appraisal in 2007 advised Gregg "that the firm did not appraise the value of land that is subject to the TLM holding leases." He said that they advised him they were asked to provide an appraisal for "property on which a hangar is or could be built".

The next OAB meeting will be February 25, 2010, from 10 a.m. to 4 p.m. at the Public Utilities Commission Building located at the corner of Marion and Capitol Streets, Salem, in the large hearing room.

Mark has been in contact with DAS Human Resource Department regarding the hiring of a new ODA Director. He informs the group there is a good pool of candidates and he will be meeting with Human Resources to review applicants.

Meeting adjourned at 2:35 p.m.

attachments (3)

- Justification for temporary rules
- Copy of temporary rules
- List of proposed membership for the Aurora Master Plan advisory committee

Approved teleconference minutes Jan. 7, 2010

GD/rs