

#### **PDSC MEETING AGENDA**

**DATE:** 1/10/2024 **TIME:** 3:30-5:00 PM

**LOCATION:** Zoom

**RE:** Planning and Development Subcommittee

#### **PDSC Objectives:**

• Support the implementation of the 2023-2024 Strategic Plan and the 2020 Airport Master Plan

- Provide ongoing support and input on specific plans and proposals for the development of Airport property
- Provide input on other business development efforts as appropriate

#### **PDSC Agenda Items:**

- 1) Meeting Minutes December 6, 2023 (5 min.)
- 2) Airport Governance Study (60 min.)
- 3) Airport Commission Survey (20 min.)
- 4) Open Discussion (5 min.)

Join Zoom Meeting

Wednesday, January 3, 2023 – 3:30 p.m.

https://us06web.zoom.us/j/97011482750?pwd=V1pVVHdrMXZibzlyZ3RFanpRK2NIZz09

Meeting ID: 970 1148 2750

Passcode: 465261 One tap mobile

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#### **MEETING RECORD**

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**DATE:** 12/6/2023

**TIME:** 3:31-4:51 p.m.

**RE:** Planning and Development Subcommittee Meeting (PDSC)

**ATTENDEES:** Tom Fleming, Diane Jones, Scott Schorling, Rick Turley, Troy Bliss, Josh

Birks, Aaron Ehle, Dave Ruppel, Kate Morgan, Stephen Hayne, Conrad

Cichos, Philip Glasgow

#### Begin Meeting Record 12/6/2023

#### Agenda Item #1:

#### Meeting Minutes from November 1, 2023

• Motion by Board Member Jones to approve the minutes as amended. Motion seconded by Board Member Fleming. All present Board Members voted unanimously to approve the minutes as amended.

#### Agenda Item #2:

#### Preparation for 12/14 Airport Commission Land Use and Leasing Policy Recommendation

- Members of the PDSC reviewed the Land Leasing Policy and Land Use Plan PowerPoint to be presented to the Airport Commission.
  - o Emphasis should be placed on explaining how a new guiding document for Airport development would be more effective than the existing documents.
  - The FAA must designate any changes in land use from aeronautical to nonaeronautical.
  - The goal of this presentation is for Commissioners to provide a clear path forward and eliminate ambiguity in the development process. Staff seeks support from the Commission to proceed with a clear leasing policy.
- Members of the PDSC reviewed the Private Leasing and Disposition Strategy PowerPoint to be presented to the Airport Commission.
  - Properties used for aviation-related businesses may require a different development process and incentive structure than non-aviation businesses. Land designations can help determine appropriate development incentives.
  - A consultant brokerage firm that specializes in airport disposition may be able to provide contracted services at the Commission's direction which clarify the airport approval process and increase exposure of properties for their ideal uses to potential developers.

#### Agenda Item #3:

#### **Airport Commission Survey**

• Board Members were requested to review the survey questions and provide feedback to staff after the meeting due to time constraints.



#### **MEETING RECORD**

#### Agenda Item #4:

#### **Open Discussion**

- Stephen Hayne, representative of the Lear Earhart Hangar Association, presented the 101-hangar development proposed for Site B and requested information on how to proceed.
  - The Commission must provide direction regarding the development approval process before the proposal can be formally reviewed and granted any assurances.
  - o Infrastructure development of site C is cost-prohibitive for some projects. Multiple builders may be able to collaborate on the development of site C to make it more affordable.

#### **End Meeting Record**





# NORTHERN COLORADO REGIONAL AIRPORT

4900 Earhart Rd • Loveland, Colorado 80538 (970) 962-2850 • FAX (970) 962-2855 • TDD (970) 962-2620

**ITEM NUMBER**: 2

MEETING DATE: January 3, 2024

PREPARED BY: Aaron Ehle

#### TITLE

Airport Governance Study

#### RECOMMENDED PDSC ACTION

Discuss the governance study report

#### **SUMMARY**

The governance of Northern Colorado has taken several forms over the years. The current Airport Commission model has been in effect since the Intergovernmental agreement (IGA) was updated in 2015. The Cities have recently conducted a governance study to assess the effectiveness of this model and to explore alternatives.

The Governance Study Board, which consists of two City Council members from each city, is expected to meet early in 2024 to evaluate the study's conclusions and determine the next steps.

#### **ATTACHMENTS**

Governance Study Report BizWest Article Coloradoan Article



TO: Fort Collins City Council

**Loveland City Council** 

Kelly DiMartino, Fort Collins City Manager Steve Adams, Loveland City Manager Carrie Daggett, Fort Collins City Attorney Moses Garcia, Loveland City Attorney

FROM: Dan Reimer, Special Counsel to Cities on Airport Matters

DSR LLC

DATE: October 30, 2023

SUBJECT: Airport Governance

#### I. Introduction

The Northern Colorado Regional Airport ("Airport" or "FNL") is owned jointly by the Cities of Loveland and Fort Collins ("Cities"), managed by the Northern Colorado Regional Airport Commission ("Commission"), and operated by a professional airport staff, led by an Airport Manager.

The current allocation of responsibility has been in place since 2015. In the sixty-year history of the Airport, multiple approaches to airport governance have been employed, adjusted and abandoned. In each of these approaches, the Cities have been supported by a separate entity, alternately referred to as a board, ad hoc committee, airport authority, steering committee and, most recently, a commission, to provide some level of responsibility to, for example, enter into agreements, promulgate rules, develop budgets and expend funds. Nevertheless, the Cities consistently have reserved for themselves the roles of owner, operator, proprietor and sponsor of the Airport.

The Cities wish to revisit Airport governance. A longstanding concern with joint ownership is that, regardless of the precise scope of day-to-day responsibilities delegated to a commission or staff, it remains cumbersome to seek and obtain approval from both Cities on policy-level and "big ticket" items. Also of concern is the fact that the current approach necessarily means that decision-making and information about the Airport is widely and unevenly dispersed among elected officials and staff of the two cities, members of the Commission, and the professional Airport staff. This has led to continuing debate about the appropriate allocation of responsibility and whether those asked to make decisions are up-to-speed and fully equipped to do so.

#### II. Short History

The Cities jointly acquired roughly 1,000 acres of private property in 1964 to construct the Airport, which opened in 1965. The property remains owned by the Cities jointly.<sup>1</sup>

The chronology and sequence of Airport governance can be summarized as follows:

- **1965 1979** Airport managed with assistance of Airport Board, including representatives of Fort Collins, Loveland and Larimer County
- **1979 1983** Airport managed with assistance of Ad Hoc Committee, consisting of two council members and city managers of each city
- **1983 1990** Airport managed with assistance of Airport Authority; however, Cities reserved considerable decision-making responsibilities (unlike how other airport authorities operate in the State)
- 1990 2015 Airport managed with assistance of Steering Committee, with representation by both Cities
- 2015 2023 Airport managed with assistance of seven-member Commission, pursuant to the Amended and Restated Intergovernmental Agreement for the Joint Operation of the Fort Collins-Loveland Municipal Airport (Jan. 2015), as amended

Although the Airport governance structure appears variable, governance of FNL has retained the same two essential elements: (1) policy-making and big-ticket decision-making reserved to the two City Councils, including decisions as to the disposition of Airport property jointly owned by the Cities; and (2) some delegation of responsibility and advisory services from a distinct body, with representation by the Cities and sometimes other stakeholders.

#### III. Short Survey of Trends in Airport Governance

Across the U.S., airports are owned and operated by a multiplicity of government types, at the state, regional and local level. There are two summary reports on this topic published by the Transportation Research Board of the National Academies of Sciences:

- 1. Airport Cooperative Research Program, Legal Research Digest 7, <u>Airport Governance and Ownership</u> (2009).
- 2. Airport Cooperative Research Program, Research Report 245, <u>Guide to Evaluating Airport</u> Governance Structures (2022).

<sup>&</sup>lt;sup>1</sup> Real property acquired after 1979 is held in equal (50/50) proportion by the Cities; however, real property acquired prior to 1979 is held one-third by Loveland and two-thirds by Fort Collins.

These reports provide a breakdown on how airports across the country are governed. There is a companion <u>website</u> to Research Report 245 that provides governance information for more than 3,000 airports.

In very short summary, there is no particular pattern; airports are governed by a variety of public entities regardless of size, geography or other attributes. Colorado is a microcosm of this national phenomenon. Some airports in the state are owned by a municipality, including Denver International Airport and Colorado Springs Airport. Some airports are owned by a county, including Eagle County Regional Airport and Aspen/Pitkin County Airport. Some airports are owned by a special purpose airport authority, including Grand Junction Regional Airport and Centennial Airport. Two airports are owned jointly by a County and City (Durango-La Plata County and Salida Harriet Alexander Field), although in both instances the city operates the airport.

The principal debate on the subject of airport governance among academic researchers and airport professionals is whether airports governed by a special-purpose entity (airport authority, port authority or special district) are more efficient and otherwise superior to airports governed by a general-purpose entity (county or city).

The academic research, including studies cited in the two TRB publications, indicates that there is no "best" airport governance model. Nevertheless, there is a persistent belief that special-purpose entities like airport authorities can provide distinct advantages. Commonly cited advantages include a dedicated and focused governing body, reduced political influence, greater flexibility in hiring professional staff and setting compensation, and more flexibility in contracting and procurement to meet market demands.

There are three discernable trends in airport governance over the last twenty-five years.

- 1. Most of the completed changes in governance involved transfer from a general-purpose government to a special-purpose airport authority. Examples include the creation of the Syracuse Regional Airport Authority, Connecticut Airport Authority, Des Moines Airport Authority, Wayne County Airport Authority, and Allegheny County Airport Authority.
- 2. There have been several contested efforts by state legislatures to forcibly regionalize the governance of airports located in large metropolitan areas. Such efforts have occurred in Atlanta, Georgia; Charlotte, North Carolina; Jackson, Mississippi; and Nashville, Tennessee.
- 3. Very few airports in the U.S. have been privatized, notwithstanding Congressional support for privatization. The only airport to privatize in recent years is the Luis Muñoz Marin International Airport in San Juan, Puerto Rico. This issue is discussed below in the discussion of available options for FNL.

#### IV. Identification of Continuing Concerns

In order to identify the nature and extent of concerns with the current governance structure, I conducted interviews with each of the seven City Councilmembers from the City of Fort Collins (September 6-7, 2023) and nine City Councilmembers from the City of Loveland (September 13 and 15, 2023).

Notes from the sixteen Councilmember interviews are attached at **Attachment B**. While it is not surprising that there was not unanimity among sixteen elected officials, the following key points came across in the interviews:

- 1. There appears to be consensus that the current governance structure is not working. Both Cities agree that Loveland has greater influence over Airport-related matters and that Loveland derives greater benefit from the Airport. And, a common refrain during the interviews was that the Cities are very different, resulting in different views on the Airport and approach to Airport matters.
- 2. The two cities do not (currently) have a shared vision for the future of the Airport. This is manifest primarily in only modest belief by Fort Collins about the prospects for commercial passenger service and greater interest in use of the Airport as a multi-modal transit hub. Loveland representatives generally were more optimistic about the prospects for the Airport, including commercial passenger service.
- 3. There is a desire to change the governance structure. There was virtually no support for the status quo alternatives, summarized below. City Council members appear very open to a change, including through detailed examination of available options and further engagement in the process. Some Council members observed that this is not the highest priority item in the community, which may make it difficult to find the time and resources necessary to make a change.
- 4. There was no immediate consensus on an alternative governance structure. Admittedly, these interviews occurred before Council members had been presented with available options (including this memorandum). However, there was some interest in delegating responsibility to a dedicated board (the airport authority and special district options summarized below). There was some interest in transferring the Airport to Loveland, but no interest in transferring the Airport to Fort Collins.

#### V. Options, Transfer Process and End State

At various points, the Cities have received internal and external recommendations on the best or most efficient approach to governance, some of which have led to changes, as summarized above. The current effort avoids recommendations and instead focuses on the options, the mechanics of transfer, and a discussion of the conditions after transfer, to help the Cities reach their own conclusions on a path forward.

The attached matrix (**Attachment A**) organizes the options into five groups: (A) maintaining the current structure, (B) creating an airport authority, (C) transferring to one general-purpose government, (D) creating a special district, and (E) privatizing the Airport or aspects of it.

To supplement the matrix, the following information is offered on the five options:

#### A. Maintain Current Structure

The Cities can continue to operate the Airport in accordance with the 2015 Intergovernmental Agreement, as amended in 2016 and 2019. Alternatively, the Cities could revisit and amend the Intergovernmental Agreement to reallocate responsibility among the Cities, Commission and Airport staff, based on recent experiences and identified concerns with the current allocation of responsibility.

This option further would permit the Cities to make changes outside the IGA. For example, the noted concern with a lack of information and input could be addressed through more regular briefings, joint information meetings by the two City Councils, etc. And, concerns with Airport management could be addressed by increasing the Airport budget, increasing staff, etc.

#### B. Airport Authority

The Colorado Public Airport Authority Act, C.R.S. Section 41-3-103 – 41-3-108, authorizes municipalities, counties and combinations (such as two municipalities) to create a separate political subdivision to own, operate, manage and improve airports. Airport authorities have virtually all of the hallmarks of political subdivisions, including the power to contract, sue-and-be-sued, hold property, incur debt and issue bonds. Importantly, airport authorities have no power to impose taxes. The originating local governments have the power to appoint members to the governing body (comprised of 5 to 9 members) and also retain the power to dissolve an airport authority that they created.

In the last legislative session, the Colorado Legislature enacted and the Governor signed HB 23-1156, which included extensive updates to the Public Airport Authority Act that clarified and altered the powers of airport authorities. While not expressly intended to make airport authorities more attractive as an airport governance model, HB 23-1156 does enhance certain advantages of airport authorities.

Airport authorities largely are independent of their originating local governments. There is one important caveat: the FAA requires originating local governments to serve as co-sponsors for purposes of the terms, conditions and assurances of grant agreements for planning and improving airports. The essential reason is that the FAA must be assured, in the event the originators dissolve the airport authority, that there will be an entity responsible for continuing to operate the airport, complete unfinished work, and satisfy the other contractual obligations. The FAA's power to make such a demand was challenged and upheld in a case involving the Grand Junction Regional Airport Authority. The legal and practical consequences of co-sponsorship are untested.

The process for transferring the Airport to an airport authority would include the following steps:

i. The Cities would enter into an intergovernmental agreement to create an airport authority. That entity would establish Bylaws and other governing documents.

<sup>&</sup>lt;sup>2</sup> Walker Field, Colorado, Public Airport Authority v. Adams, 606 F.2d 290 (10th Cir. 1979).

- ii. The Cities and the newly created airport authority would enter into an assignment and assumption agreement by which the airport authority would assume the real and personal property, assets and liabilities associated with the Airport, including the obligations under FAA grant agreements. Most likely, the Cities would enter into a separate real estate transaction to transfer their respective interests in Airport real property to the newly-created airport authority. Typically, there is no money paid by the newly created airport authority for the real and personal property and other assets of the Airport.
- iii. The airport authority would have to apply to the FAA for a new Airport Operating Certificate to accommodate commercial passenger service, consistent with the current Airport plans.
- iv. The airport authority would have to hire or contract for its own support services (e.g., human resources, legal, law enforcement, etc.).

As reflected in the matrix, there are three permutations of an airport authority:

- i. The Cities could establish a "true" airport authority created under the Colorado Public Airport Authority Act, similar to the other four airport authorities in the state, which would include transfer of ownership of the Airport and full decision-making authority.
- ii. The Cities could reestablish a municipal authority, consistent with the governance structure during the period 1983 to 1990. Under that approach, the Cities would not transfer ownership of the Airport to the airport authority and would retain decision-making authority for policylevel and big-ticket items.
- iii. The Cities could lobby the Colorado legislature for a further amendment to the Colorado Public Airport Authority Act that would make it possible for the Cities to avoid serving as co-sponsors, and create an airport authority under the amended law. This might be possible if, for example, the originating local governments were prohibited from dissolving an airport authority that they created. The precise details of such a statutory amendment have not been fully explored; however, preliminary discussions with FAA officials suggest that there may not be any way to amend the Act that will satisfy FAA.

#### C. Transfer to One General Purpose Government

In some ways, the most straightforward option is for one city to transfer its ownership interest in the Airport to the other city. The City of Loveland would be a good candidate since (i) it currently provides most of the central support services for the Airport, and (ii) the Airport is located in the City of Loveland and surrounded by Loveland neighbors. The City of Fort Collins would be a good candidate since (i) it is the larger of the two cities, (ii) it has a larger staff and budget, and (iii) its residents may be users of the Airport and/or affected by Airport operations. As a third choice, the Cities could divest of the Airport altogether and transfer the Airport to Larimer County, which represents the broader constituency of Airport users and those impacted by the Airport.

In any of these approaches, the Cities would transfer ownership of the Airport, which currently is held jointly by the Cities. Typically, no money is paid when transferring airports from one public entity to another, in part because sale proceeds are considered airport revenue under federal law and FAA policy and thus must be used exclusively for airport purposes. The Cities would enter into an assignment and assumption agreement, as necessary to transfer the Airport to an airport authority. Unlike an airport authority, the city divesting its share of the Airport would be able to relinquish its obligations to the FAA. The single entity made responsible for holding the Airport would have to provide for staffing (likely through the creation of a Department of Aviation) and administrative support (human resources, finance, legal, etc.).

The obvious downside with this option is that it would leave either or both cities with less representation in the governance and management of the Airport. There may be ways to mitigate this risk, such as creating an advisory committee, with regional representation.

#### D. Special District

In some states, the state legislature both provides for local governments to establish special-purpose airport authorities and also creates special-purpose entities to govern specific airports. This has not been the experience in Colorado; however, I am not aware of any legal impediment that would prohibit the Colorado Legislature from doing so.

Establishing a special district through Airport-specific legislation would (i) allow the legislature to compose the governing body in a way that best reflects the longstanding interests of the Cities; (ii) delegate specific powers to the district, such as the power to impose taxes, not available to airport authorities; and (iii) possibly constitute the district in such a way that FAA would not require the Cities to remain co-sponsors.

#### E. Privatization

It is possible to privatize portions or all of an airport. There are two summary reports on this topic published by the Transportation Research Board.

- 1. Airport Cooperative Research Program, Report 66, <u>Considering and Evaluating Airport Privatization</u> (2012).
- 2. Airport Cooperative Research Program, Research Report 227, <u>Evaluating and Implementing Airport Privatization and Public-Private Partnerships</u> (2021).

As reflected in the matrix, there are three permutations of this option:

i. *Private airport manager*. The Cities could contract with a private company to manage the Airport. The Cities would remain co-sponsors, and both the Cities and Commission would retain oversight. However, this option might allow the Cities to delegate further responsibility to the private airport manager than currently provided to Airport staff.

- ii. Management agreement and lease. This option is similar in that it entails contracting with a private company to manage the Airport. However, the Cities further would lease portions of the Airport to the private company to allow that entity to also be responsible for developing and operating specific facilities. This might be a way, for example, for a private company to assume responsibility to construct and operate a new passenger terminal.
- iii. *Full privatization*. Federal law provides a mechanism for local governments to sell or lease airports to private entities, known as the Airport Investment Partnership Program. The advantage of privatizing under the Program, as compared to other approaches to privatization, is that it allows the airport owner to transfer sponsorship to the private entity and to extract revenue from the sale or lease of the airport. Interest in the Program has been low, in part because full privatization strips the airport owner and community of control over a vital transportation and economic asset. Most communities to consider changes in governance have opted for a less dramatic approach, including creation of airport authorities and contracting with private entities for less than full control.

#### VI. Conclusions and Recommendations

Based upon the work and analysis performed to date, the conclusions and recommendations of the project team, comprised of the consultant and Cities Staff, are as follows:

- 1. The analysis yielded twelve (12) viable options for go-forward governance of the Airport.
- 2. Based on the history of the Airport and perspectives shared to date, the options recommended for continued evaluation are: (i) Airport Authority, (ii) Special District, and (iii) Fort Collins divestiture.
- 3. The Cities should refine alternatives and identify an option for consideration and adoption by the City Councils.
- 4. Further coordination between the Cities could include joint meetings of both City Councils or meetings among Council-appointed representatives. These discussions could be supported by Cities Staff, a facilitator or mediator, and myself.
- 5. The Cities should develop a public participation plan to solicit input from key stakeholders, including the Airport Commission, Airport tenants and community members.



# Attachment A Menu of FNL Governance Options

No.	Option	Description	Examples	Pros	Cons
	Maintain Current Structure				
1.A	Status Quo	Maintain current governance structure, meaning Cities continue to own FNL and set policy, with certain powers delegated to the Commission and Airport staff, pursuant to the 2015 Intergovernmental Agreement, as amended	FNL Today	Stability and consistency     Recognizes that some perceived problems can be addressed outside IGA (e.g., transparency and communication)	Not likely to address core concerns with efficiency and political accountability
1.B	Amend 2015 IGA	Execute third amendment to IGA to adjust powers of Cities and Commission.  Potential amendments include (1) withdrawing powers delegated to Commission, (2) expanding powers delegated to Commission, or (3) abolishing Commission and reestablishing advisory committee (as used historically).	FNL (1979 – 1983 and 1994 – 2015)	<ul> <li>Allows         rebalancing of         obligations while         maintaining         stability</li> <li>Flexible; allows         variety of         adjustments to         expand or         contract         Commission's         powers</li> </ul>	Not likely to address core concerns with efficiency and political accountability

No.	Option	Description	Examples	Pros	Cons
	Airport Authority				
2.A	"True" Airport Authority	Cities form Airport Authority pursuant to C.R.S. § 41-3-102 as a separate political subdivision and abolish Commission; Cities remain co-sponsors for purposes of federal grant agreements	GJT, APA, TEX, GXY	<ul> <li>Increased efficiency</li> <li>Definitive solution to joint ownership</li> <li>Retains influence by Cities, through board member appointments</li> </ul>	<ul> <li>Loss of direct control</li> <li>Cities would remain cosponsors</li> <li>Loss of financial backstop for Airport</li> </ul>
2.B	Municipal authority	Cities retain ownership but delegate responsibility to Commission or newly-created entity to serve as the Cities' agent for operating and improving the Airport	FNL (June 1983 – May 1990)  Many states expressly permit municipal commissions (see e.g., lowa Code § 330.17 – 330.24)	<ul> <li>Increased         efficiency         through         additional         delegation</li> <li>Cities retain         some measure         of control</li> </ul>	Tried in the past and rejected
2.C	Authority pursuant to proposed revised Act	Cities lobby for change in Colorado Public Airport Authority Act that would allow Cities to transfer ownership and control to an Airport Authority without Cities also having to serve as co-sponsors	N/A	Theoretical means of allowing Cities to avoid obligations of co-sponsors	Many uncertainties (political support, FAA support)

No.	Option	Description	Examples	Pros	Cons
	Transfer to One General Purpose Government				
3.A	Transfer to City of Loveland	Options for transfer: (1) Fort Collins transfers all interest in Airport to Loveland and parties terminate IGA, or (2) Cities amend IGA to delegate full responsibility to Loveland to operate and improve Airport. Loveland could govern and manage Airport directly or with support of advisory committee, as reflected in other options.	DEN, COS, LMO, BDU, SBS, PUB	<ul> <li>Resolves joint ownership</li> <li>Increased efficiency</li> <li>Reflects that Loveland currently provides more administrative support</li> <li>Reflects that Airport is located in Loveland</li> <li>Airport neighbors also are located in Loveland</li> </ul>	<ul> <li>Eliminates Fort Collins' control and influence</li> <li>No likely financial gain for Fort Collins</li> </ul>
3.B	Transfer to City of Fort Collins	Same options for transfer as above, only directed to Fort Collins rather than Loveland	DEN, COS, LMO, BDU, SBS, PUB	<ul> <li>Resolves joint ownership</li> <li>Increased efficiency</li> <li>Fort Collins is larger of two cities</li> <li>Fort Collins has larger administration to support the Airport</li> </ul>	<ul> <li>Does not recognize Loveland's historical and currently active role in managing and supporting Airport</li> <li>Loveland would retain taxing and land use jurisdiction</li> <li>Neighbors in Loveland might feel loss of representation</li> </ul>

No.	Option	Description	Examples	Pros	Cons
3.C	Transfer to Larimer County	Cities transfer property ownership and control to Larimer County	EGE, ASE, MTJ, BJC, CFO, RIL	<ul> <li>Reflects regional interest in Airport</li> <li>County has had representation historically</li> <li>Avoids fight over which city would assume control</li> </ul>	<ul> <li>County is not presently part of airport governance</li> <li>County has no experience managing airport</li> <li>Suffers from some of same problems as transfer to Fort Collins</li> </ul>
			Special District		
4	Creation of Special District by Colorado Legislature	Colorado Legislature creates special district, with particular powers (rather than create airport authority under Public Airport Authority Act)	Truckee Tahoe Airport (CA), Monterey Regional Airport (CA)	<ul> <li>Might allow for novel structure to address some or all perceived problems with status quo and other options</li> <li>Might be means to convey taxing power to airport district</li> </ul>	<ul> <li>Untested in Colorado</li> <li>Uncertain advantages over airport authority created under current law</li> </ul>
			Privatization		
5.A	Private Airport Manager	Cities amend or terminate IGA and contract with a private airport manager to operate the Airport; Cities would remain cosponsors and remain responsible for improving the Airport	Los Angeles County (CA) airports, Teterboro Airport (NY), Bob Hope Airport (CA)	<ul> <li>Delegates         control to         professional         airport         management         firm</li> <li>Might enhance         tenant and         community         confidence</li> <li>Might limit         Cities' financial         risk</li> </ul>	Significant loss of control

No.	Option	Description	Examples	Pros	Cons
5.B	Management Agreement and Lease	Cities amend or terminate IGA and enter into (1) a management agreement with a private entity to manage the Airport, and (2) a lease with the same private entity to improve and operate portions of the Airport (e.g., a new passenger terminal); Cities would remain cosponsors	Tweed-New Haven Airport (CT) U.S. Virgin Islands (planned)	Means to address both governance and new terminal	<ul> <li>Limited         experience         with model in         the U.S.</li> <li>Significant loss         of control</li> </ul>
5.C	Full Privatization	Cities transfer (by sale or lease) Airport to private entity to manage and improve the Airport under Airport Investment Partnership Program; private entity becomes cosponsor	Luis Muñoz Marin International Airport, San Juan, Puerto Rico	<ul> <li>Cities can extract revenue from Airport</li> <li>Limits future contributions</li> <li>Improves performance and efficiency by relying on professional airport operator</li> <li>Transfer sponsorship</li> </ul>	<ul> <li>Limited interest and support in U.S.</li> <li>Significant loss of control</li> </ul>

# Attachment B City Council Interview Notes

City of Loveland	City of Fort Collins
<ol> <li>Key Themes:         <ol> <li>The current governance structure is not working</li> <li>Airport is an asset to the community, but governance structure makes it difficult to realize potential</li> <li>Support for commercial passenger service and planned new terminal</li> <li>Loveland derives greater benefits from Airport than Fort Collins</li> <li>Cities (and City Councils) are very different</li> </ol> </li> </ol>	<ul> <li>Key Themes:</li> <li>1. Current governance structure is not working</li> <li>2. City of Loveland has greater control/influence</li> <li>3. Cities (and city councils) are very different</li> <li>4. Uncertain vision for Airport (perhaps lack of vision)</li> </ul>
<ol> <li>Other Comments:</li> <li>Differing views about prospects for air service development (e.g., likely destinations, intrastate service, ability to market Northern Colorado as destination)</li> <li>Disappointment in the lack of coordination and consensus on the Cities' financial contributions to the new terminal</li> <li>Some disappointment in virtual tower and Landline</li> <li>Uncertain vision (or lack of vision) about Airport's future</li> <li>Airport currently serves largely private interests but efforts should be made to enhance public benefit</li> <li>Need for more marketing and messaging about services and benefits of the Airport</li> <li>Fort Collins has less incentive to invest in Airport</li> <li>Some concern that Loveland City Council members, who do not also serve on the Airport Commission, are not fully up-to-speed on Airport matters</li> </ol>	<ol> <li>Other comments:</li> <li>Lack of confidence that commercial passenger service is a realistic goal</li> <li>Interest in transit hub (intercity bus, rail, etc.)</li> <li>Disappointment in Landline (to date), including lack of approval to bypass security screening at DEN</li> <li>Disappointment in virtual tower (to date), including disappointment in the lack of a contingency plan if virtual tower is not approved</li> <li>Disappointment in process for new hangar development, including lack of competitive solicitation</li> <li>Concern that City Council is not provided regular and adequate information</li> <li>Concern that differences in how Cities operate (coupled with the structure of the IGA) give Loveland greater control over management of Airport</li> <li>Concern that Airport currently is serving largely private interests (who may not be paying their fair share) and belief that public benefits of Airport should be maintained and</li> </ol>

City of Loveland	City of Fort Collins
	<ol> <li>Only bring in City Council when required under 2015 IGA or need money</li> <li>Loveland derives financial benefit from tax revenue (the extent of which is unclear), but Fort Collins does not</li> <li>Loveland has disproportionate control through land use, zoning and building jurisdiction</li> <li>Airport does not provide direct benefit to Fort Collins</li> <li>Might benefit from broader community participation (e.g., Windsor)</li> <li>Airport, like the region, is growing and would benefit from more professional management</li> <li>Cities are not aligned in positions on and support for growth (commercial and residential)</li> </ol>
<ol> <li>Comments on Governance:         <ol> <li>Support for transfer to Loveland</li> <li>Support for airport authority</li> <li>Some support for special district, including ability to give entity taxing power and make governing body an elected position</li> <li>Some support for private airport manager</li> <li>Some support for multi-step process (e.g., transfer to Loveland, followed by creation of authority, advisory board or private manager)</li> <li>No support for transfer to Fort Collins</li> <li>Some concern with Fort Collins continuing to play a role in Airport governance</li> </ol> </li> <li>Need to study options         <ol> <li>Need better understanding of composition of new governing body (authority or district)</li> <li>Need better understanding of financial issues, including whether Fort Collins would/could be compensated in some way if Airport is transferred to Loveland</li> </ol> </li> </ol>	Comments on Governance:  1. No consensus  2. Some support for airport authority (but not uniform)  a. NOTE: There was considerable interest in understanding the composition of an airport authority's governing body, including whether elected officials, city staff and/or Airport staff could serve as airport commissioners  3. Some support for transfer to Loveland, but also some opposition  4. No support for transfer to Fort Collins  5. No interest in privatization  6. No support for "Do Nothing"  7. Need to study options



GOVERNMENT & POLITICS | BY DALLAS HELTZELL |
DECEMBER 27, 2023 | 3:19:05 PM

# Study presents options for Northern Colorado airport governance



Airplanes are tied down on an apron at the Northern Colorado Regional Airport. Dallas Heltzell/BizWest

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LOVELAND – A study of how Northern Colorado Regional Airport is governed recommends either creation of an airport authority, formation of a special district or the withdrawal of the city of Fort Collins as a partner in favor of control by Loveland.

The 15-page report, compiled by Denver-based Daniel S. Reimer LLC after interviews with airport stakeholders and officials from the cities of Fort Collins and Loveland, which coown the airport, was sent to the cities' mayors, city managers, city attorneys and council members on Oct. 30 and released to BizWest on Tuesday.

The three final recommendations were selected out of 12 "viable options" in the report, which ranged from leaving the current governance model in place to full privatization.

The cities need to discuss and select the option they favor, Reimer told BizWest on Wednesday, adding that it was not the consultant's job to dictate one of the choices.

The report was ordered last summer after months of contention among members of the two city councils and the airport's governing commission itself over issues such as the safety of general-aviation hangars, construction of a \$22 million terminal without scheduled passenger airline service having been secured, alleged preferential treatment for one commercial tenant over another, and whether to stick with an experimental remote



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air-traffic control system or construct a traditional bricks-and-mortar tower. Also creating conflict is the fact that, even though both cities own the airport, it lies within the city limits of Loveland, which has land-use and building-code jurisdiction and benefits from taxation.

About the only thing the city officials the consultant interviewed could agree on, the report said, was that the current governance model isn't working.

Since adoption of an intergovernmental agreement in January 2015, Northern Colorado Regional Airport has been governed by a seven-member commission consisting of government and citizen representatives of both cities. With input from the airport's professional staff, the commission can make general decisions about the facility's operation but must get approval from both city councils for major expenditures.

A longstanding concern with joint ownership by Fort Collins and Loveland, the report noted, is that, "regardless of the precise scope of day-to-day responsibilities delegated to a commission or staff, it remains cumbersome to seek and obtain approval from both cities on policy-level and 'big ticket' items. Also of concern is the fact that the current approach necessarily means that decision-making and information about the airport is widely and unevenly dispersed among elected officials

and staff of the two cities, members of the commission, and the professional airport staff. This has led to continuing debate about the appropriate allocation of responsibility and whether those asked to make decisions are upto-speed and fully equipped to do so."

The consultant outlined various permutations of the three recommended options:

#### **Airport authority**

The cities could abolish the current commission and create an airport authority as a separate political subdivision, but remain cosponsors for purposes of federal-grant agreements. The advantages would be increased efficiency, a definitive solution to joint ownership, and continued influence by the cities through appointments of board members. The disadvantages to the cities would be loss of direct control and financial backstop.

Another variable would be creating a "municipal authority," which was imposed at the airport in 1983 but rejected by 1990. Under this model, the cities would retain ownership but delegate responsibility to the newly created entity for operating and improving the airport.

A third option, the consultant said, would be for Fort Collins and Loveland to lobby for a change in the Colorado Public Airport Authority Act that would allow the cities to transfer

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ownership and control to an airport authority without having to serve as co-sponsors. The report acknowledged that this option would present many uncertainties, including whether the Federal Aviation Administration would support it.

The airport authority would have to apply to the FAA for a new Airport Operating Certificate to accommodate commercial passenger service, consistent with the current Airport plans.

The airport authority would have to hire or contract for its own support services such as human resources, legal support and law enforcement, the consultant said.

#### **Special district**

Under a blueprint currently being used by airports in the California cities of Monterey and Truckee but untested so far in Colorado, the state Legislature could be asked to create a special district with taxing powers, rather than an airport authority as outlined in current state law.

"Establishing a special district through airportspecific legislation would allow the Legislature to compose the governing body in a way that best reflects the longstanding interests of the cities," Reimer wrote, and "delegate specific powers to the district, such as the power to impose taxes, not available to airport the district in such a way that the FAA would not require the cities to remain co-sponsors."

#### **Fort Collins divestiture**

In what the consultant called "in some ways, the most straightforward option," one city could transfer its ownership interest in the airport to the other city. The city of Loveland would be a good candidate, the report said, since it currently provides most of the airport's central support services, and the facility is within Loveland's city limits and surrounded by Loveland neighbors.

Other options in this model would be for the cities to turn the airport over to Fort Collins, which is the larger of the two cities and has a larger staff and budget, or to divest themselves of the airport altogether and transfer authority to Larimer County, "which represents the broader constituency of airport users and those impacted by the airport." The consultant noted, however, that the county "is not presently part of airport governance" and "has no experience in managing" the facility.

Turning the airport over to Fort Collins, he wrote, "does not recognize Loveland's historical and currently active role in managing and supporting" the airport." He noted that even with Fort Collins ownership, "Loveland would retain taxing and land-use jurisdiction" and that "neighbors in Loveland might feel loss of representation."

Reimer wrote that "in order to identify the nature and extent of concerns with the current governance structure," he conducted interviews with each of the seven Fort Collins City Council members on Sept. 6 and Sept. 7, and nine Loveland council members on Sept. 13 and Sept. 15. He noted that "there appears to be consensus that the current governance structure is not working," and that "both cities agree that Loveland has greater influence over airport-related matters and … derives greater benefit from the airport."

He wrote that the cities don't have a shared vision for the facility's future, with Fort Collins officials seeing it more as a multimodal transit hub and Loveland leaders expressing more optimism about the airport's ability to attract the return of scheduled commercial passenger service.

"There was virtually no support for the status quo" but also "no immediate consensus on an alternative governance structure," Reimer wrote, adding that "some council members observed that this is not the highest priority item in the community, which may make it difficult to find the time and resources necessary to make a change."

He said "there was some interest in transferring the airport to Loveland, but no interest in transferring the airport to Fort Collins."

The cities jointly acquired roughly 1,000 acres of private property in 1964 to build the airport, which opened in 1965. For its first 14 years, it was managed with the assistance of a board including representatives from Fort Collins, Loveland and Larimer County. In 1979, that structure was converted to an ad hoc committee consisting of two council members and city managers of each city, and in 1983 the airport was managed with assistance of an airport authority - but unlike how other airport authorities operated in the state, the cities reserved considerable decision-making responsibilities. From 1990 until the current form of governance was established in 2015, the airport was managed by a "steering committee" with representation from both cities.

"A longstanding concern with joint ownership is that, regardless of the precise scope of dayto-day responsibilities delegated to a commission or staff, it remains cumbersome to seek and obtain approval from both cities on policy-level and 'big ticket' items," Reimer wrote, "Also of concern is the fact that the current approach necessarily means that decision-making and information about the airport is widely and unevenly dispersed among elected officials and staff of the two cities, members of the commission and the professional airport staff. This has led to continuing debate about the appropriate allocation of responsibility and whether those asked to make decisions are un-to-speed and

fully equipped to do so."

Reimer's report concluded that Fort Collins and Loveland should "refine alternatives and identify an option for consideration and adoption by the city councils. Further coordination between the cities could include joint meetings of both city councils or meetings among council-appointed representatives. These discussions could be supported by cities' staff, a facilitator or mediator, and myself."

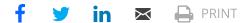
Reimer also recommended that "the cities should develop a public participation plan to solicit input from key stakeholders, including the airport commission, airport tenants and community members."

Each of the cities appointed two members to a "governance committee" to study the report. The Loveland City Council chose Mayor Jacki Marsh and new council member Troy Krenning, both of whom also were named to the airport commission. Fort Collins' council chose council member Julie Pignataro and Mayor Jeni Arndt, who has been chairing the commission meetings since former chair Don Overcash lost his bid Nov. 7 to remain on the Loveland council.

"The idea was to have a smaller group of individuals from each city, and not necessarily that they had to be board members," Loveland City Manager Steve Adams told BizWest on Wednesday. "They will work along with their staffs to talk about those next steps, including how to proceed and how to start involving the airport's stakeholders and the public."

Adams, who manages administrative services provided by the City of Loveland to the airport,, said interim airport manager David Ruppel and his staff will work in January to get a meeting set up with the four-member committee "to try to talk about those next steps, then they'll go back and talk to their individual councils. Maybe it would be a joint meeting with the two cities, but overall just helping us with the public-participation plan, and including the commission itself, tenants and community members – all the people who had been at our airport commission meetings.

"I'm excited for the next steps here," Adams said.



#### **Dallas Heltzell**



Dallas has been with BizWest since 2012 and in Colorado since 1979, having worked at the Longmont Times-Call, Colorado Springs Gazette, **Denver Post** and Public News Service. A Missouri native and Mizzou School of Journalism grad, Dallas started as a sports writer and outdoor columnist at the St. Charles (Mo.) Banner-News, then went to the St. Louis Post-Dispatch before fleeing the heat and humidity for the Rockies. He's a proud St. Louis Cardinals and Missouri Tigers fan and Longmonter who loves the outdoors, good restaurants,
our Northern
Colorado
mountain
communities,
his big
backyard and
living in a
region that's
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# Should Fort Collins pull out of the regional airport? Report says there may be support



#### **Pat Ferrier**

Fort Collins Coloradoan

Published 3:01 p.m. MT Dec. 27, 2023 | Updated 3:02 p.m. MT Dec. 27, 2023

Long-term management of Northern Colorado Regional Airport is once again a hot potato, but a new study ordered by the cities of Loveland and Fort Collins, which co-own the facility, makes one thing clear: The two parties lack a shared vision for the airport's future, but neither believes the way it's been run since 2015 is working.

Today, the airport is run by a seven-member commission comprised of two officials and one citizen from each city, along with one jointly appointed citizen. Day-to-day management is overseen by an airport director and small staff. City councils maintain control over major airport decisions including budget and finances.

From interviews with a combined 16 city council members in September, report author Daniel Reimer of DSR LLC, special counsel to the cities on airport matters, said all agreed Loveland has greater influence over and gets more benefit from the airport that is within its city limits.

The report listed a dozen viable options for changes in airport governance but narrowed them to three recommendations for further study, including having Fort Collins divest from the airport, essentially ceding it to Loveland.

It will be up to a four-member governance subcommittee to evaluate and recommend an option to would bring to the commission and city councils. Mayor Jacki Marsh and council member Troy Krenning are representing Loveland on the committee; Fort Collins Mayor Jeni Arndt and Council member Julie Pignataro are representing Fort Collins.

Loveland and Fort Collins have been working on three priorities for the airport: development of a remote air traffic control tower, widening a runway and expanding the terminal, Loveland City Manager Steve Adams said.

"They're all underway, so we're headed for the path of the (airport) as a commercial opportunity for Loveland and the northern region," he said. While Fort Collins has supported those efforts, "there's maybe a different vision" between the two cities.

With two of the three projects ready for completion next year, it's time to work on the governance model, Adams said.

The two cities have struggled over the airport's 60-year history of joint ownership to find a governance structure that works. Four different models have been put in place, with the most recent adopted in 2015 with an amendment to the intergovernmental agreement that gives the cities joint management authority.

They've disagreed in the last year over contributing \$1 million each for construction of a new terminal, support for regularly scheduled commercial air service, their levels of disappointment over a virtual air traffic control tower that has failed to come to fruition, and concerns city council members do not get regular and adequate information.

Whether the two cities can find a common vision remains to be seen. With new commission and council members, "we're starting fresh in many perspectives," Fort Collins City Manager Kelly DiMartino said. An extended airport commission meeting has been scheduled in January, "when we will start to get a better sense of that."

Loveland's representation on the airport commission has changed recently with the Nov. 7 election of three new city council members. Adams and former Mayor pro-tem Don Overcash had served on the commission for several years and supported the terminal and remote tower. Overcash lost his race for mayor and no longer serves on council, which also meant he could not serve on the commission. Adams was ousted from the commission when council voted in November on new committee assignments.

Loveland resident Curt Burgener, Marsh and Krenning, who is also a pilot, represent Loveland. Marsh and Krenning could bring a different perspective to the airport commission than Overcash and Adams, who were staunch supporters of the airport and its vision for the future.

Fort Collins resident and pilot Mick Williams, Arndt and DiMartino represent Fort Collins. Jerry Stooksbury, jointly appointed by both cities, also serves on the commission.

Marsh and Arndt were not immediately available for comment on this story.

Krenning said he does not support the airport's governance structure, construction of the new \$22 million terminal for an airport that has no commercial air service or the virtual tower project that has failed to win approval from the Federal Aviation Administration as of yet. The existing governance structure "still leaves most of the major decisions to the city councils, which is a very tedious and inefficient way of conducting business," Krenning said.

He doesn't necessarily favor a Fort Collins divestiture, although he understands "Fort Collins' frustration," he said. "The more partnerships Loveland and Fort Collins have the better it is for both communities," he said.

Krenning said he would support a public/private partnership or airport authority that had members that could make decisions including the ability to hire an airport manager. The airport is currently managed by David Ruppel, a consultant with Aviation Management Consulting Group, hired as interim manager in June after the resignation of airport manager Jason Licon.

Fort Collins City Council member Kelly Ohlson has said "it's time to divorce ourselves from the airport. Not a bad divorce, a good divorce and just let it be a Loveland thing," he told the Coloradoan earlier this year. "It's a Loveland airport no matter what you call it," he said.

### Recommendations favor airport authority, divestiture

Here's a look at the report's three primary recommendations and the pros and cons outlined in the report:

**Create an airport authority:** All property would be transferred to the authority. Airport authorities are largely independent of their originating local government, but the FAA requires local governments to be co-sponsors for grant agreements for planning and improving airports in case the airport authority is dissolved so there will be an entity responsible for continuing to operate the airport, complete unfinished work, and satisfy the other contractual obligations.

Create a special district to manage the airport: Establishing a special district through airport-specific legislation would allow the Colorado General Assembly to compose the governing body in a way that best reflects the longstanding interests of the cities; delegate specific powers to the district, including the power to levy taxes that not available to airport authorities; and possibly constitute the district in such a way that FAA would not require the cities to remain co-sponsors. Airport special districts are untested in Colorado and the report said it is uncertain of the advantages compared to an airport authority.

Have Fort Collins divest itself from the airport, in essence ceding it to Loveland. Loveland would be an obvious choice to take over operations since the 1,000-acre facility is within the city and it already provides services. It would resolve joint ownership issues, increase efficiency, and acknowledge the city already provides most administrative support. But it would eliminate Fort Collins' control and influence over the airport and would not likely provide any financial gain for Fort Collins.

When the property was annexed into Loveland in 1992, Loveland took on the cost of administration, including airport employees, so it gets all the sales and use tax revenue from the airport.

Fort Collins reaps no direct financial benefit from the airport, but the airport hasn't cost the city anything for four years, until a \$1 million request earlier this year to make up a funding gap for a new airport terminal.

The airport operates on revenue coming from rates and fees charged to airport users, land leases, and federal and state grant programs.

The cities commissioned the study to help them revisit the governance structure that they say makes it cumbersome to get approval from both councils on policy-level and big-ticket items. The report also cited concerns about the dissemination of information to elected officials and staff and whether those asked to make decisions are up-to-speed and equipped to do so.

In the 60-plus years the cities have owned the airport, governance has changed several times, but with each iteration a board, steering committee or commission has been in place to help develop policies, budgets and oversee expenses.

But the cities have never wavered on their role as the airport's owner and operator.

# Other options exist

**Maintain or amend the intergovernmental agreement** to reallocate responsibility among the cities, commission and airport staff, based on concerns with the current allocation of responsibility. Maintaining the status quo has virtually no support from either city.

**Transfer the airport to the city of Loveland or Fort Collins**. There was some interest among council members from both cities in transferring the airport to Loveland but no interest in transferring it to Fort Collins. If there were to be a transfer, one city would transfer ownership to the other.

**Transfer the airport to Larimer County:** It would reflect regional interest in the airport and would avoid a fight over which city would assume control. On the other hand, Larimer County has no experience managing an airport and is not currently part of airport governance.

**Privatize all or parts of the airport.** The cities could contract with a private company to run the airport or sell or lease the airport to private entities entirely.

# **Northern Colorado Regional Airport history**

The cities jointly acquired roughly 1,000 acres of private property in 1964 to build the airport, which opened in 1965 as Fort Collins/Loveland Municipal Airport.

From 1965 to 1979 the airport was managed with help from an airport board, including representatives of Fort Collins, Loveland and Larimer County.

From 1979 through 1983, an ad-hoc committee was formed to run the airport. The committee consisted of two council members and city managers from Loveland and Fort Collins. In 1983 the airport authority was formed and remained in place until 1990. Despite the airport authority, the cities kept their "considerable" decision-making authority.

From 1990 through 2015 a steering committee was formed with representation by both cities. The steering committee became the current seven-member commission under a revised intergovernmental agreement for the joint operation of the airport.



# NORTHERN COLORADO REGIONAL AIRPORT

4900 Earhart Rd • Loveland, Colorado 80538 (970) 962-2850 • FAX (970) 962-2855 • TDD (970) 962-2620

**ITEM NUMBER**: 3

**MEETING DATE:** January 3, 2024

**PREPARED BY:** Tom Fleming and Diane Jones

#### TITLE

Airport Commission Survey

#### **RECOMMENDED PDSC ACTION**

Provide input on survey

#### **SUMMARY**

The last few years have been very eventful for the Airport and the composition of the Airport Commission has changed recently. The purpose of this survey is to better understand the priorities of the Commissioners and to help guide staff and the PDSC.

#### **ATTACHMENTS**

**Draft Survey** 

# Survey for Airport Commission (DRAFT)

1)	and leadin does the v a. b. c.	t's vision statement is "Northern Colorado Regional Airport: sparking innovative transportation g economic development, training, research, and education throughout the region." How well ision statement capture the aspiration for the ideal state for the Airport?  Captures it well  Could use some revision  Don't understand it
2)	What do y	ou see as the top 3 "keys to success" for the airport in the near and medium terms?
	a.	
	D.	
	c.	
21	10 +h 0 0	
3)		ent airport budget adequate for what you see as achieving your top priorities?  Yes
	b.	No
	C.	Unsure
	Ex	planation:
4)		al is commercial air service to the Northern Colorado community as a whole?
		Not crucial at all.
		"Nice to have," but not overly important.
	C.	Important, but not "crucial."
	u.	Yes, Commercial service is <u>critical</u> and extremely important to our community.
5)	Is the curre	ent airport staffing adequate to carry out operations and key elements of the Strategic Plan?
	a.	Yes
	b.	No
	C.	Unsure

	V	Vhat are your ideas for creating additional resources for staffing needs?
	-	
6)	and worl	ible/prudent to pursue parallel paths on potential solutions for air traffic control (ATC): testing king toward certifying the Digital Tower system and examining the construction and operation of a all air traffic control tower?
	а	. Yes
	b	o. No
	E	xplanation:
7)	Strategic	Airport Master Plan identified general land uses and their locations on airport property. The Plan calls for a more defined and detailed land use plan. What level of detail would you prefer to
	_	ding airport land uses?
		. Keep at a <b>broad</b> level with general descriptions
	b	Define specific types of facilities/uses by location
	C	. Something else: