

Marin County Aviation Commission
Minutes of August 2, 2018 Meeting
7pm – Room 329
Marin Civic Center, San Rafael, CA

Commission Chair: Humphrey Ogg

Commission Vice-Chair: Louis Franecke

Commissioners Present at Roll Call: Louis Franecke, Richard Nave,
Humphrey Ogg, Zev Rattet, Douglas Watt

Commissioners Absent at Roll Call: Thomas Engdahl, Marius Nelsen,

Staff Present: Dan Jensen (Airport Manager)
Ann Hearty (Recording Secretary)

The Chair gaveled the meeting to order at 7:01 pm.

1. Chair Announcements –Chair Ogg welcomed all in attendance and noted that Commissioners Engdahl and Nelsen had excused absences from this meeting.
2. Minutes of the June 7, 2018, Meeting – Chair Ogg asked if the members had an opportunity to review the minutes. **M/s Franecke/Rattet to approve the minutes as presented.** The Chair asked for any public comment, but no one from the public spoke.
Vote: Aye – Franecke, Nave, Ogg, Rattet, Watt
Nay – None
Absent – Engdahl, Nelsen
Motion Passed, 5/0
3. Airport Manager's Report and Comments
 - a. Aircraft/Airport – Incidents and Accidents: Mr. Jensen reported that on July 7 at 12 pm, a tandem pair of jumpers coming in to land got mixed up with a dust devil at approximately 20 feet above the ground, which stalled the canopy. He went on to say the pair made a hard landing and the passenger complained of back pain. The Airport Manager stated that emergency services were called and the passenger was transported to the hospital by ambulance for x-rays.

Vice Chair Franecke mentioned he was forwarded an anonymous letter claiming that the skydive operation was conducting hook turns below 500 feet, which was not recommended by the United States Parachute Association. He wondered if this could have been a hook turn gone awry. Mr. Jensen said that the dust devil had

been verified, reported in writing to the Airport Manager by the operator, and the owner is required to notify the United States Parachute Association, which then goes to the FAA. Mr. Franecke requested that Mr. Jensen follow up with the FAA and get a copy of the incident report.

4. Presentations

- a. Marin County Fire Operational Information – Mark Brown spoke on behalf of CalFire and detailed the mission and practical operations of air support for firefighting efforts throughout Marin County. His metric was CalFire is committed to getting aircraft to any scene within 20 minutes and suppressing any fire at 10 acres or less. He indicated that Marin's private fields are too close to population centers for CalFire's fleet, but Gness can be utilized on an as-needed basis. He indicated that CalFire has used Gness fueling. Both the Commission and CalFire re-affirmed their commitment to help each other for the good of the County.
- b. Seaplane Adventures – Aaron Singer – Absent
- c. Richardson Bay Environmental Protection Association – Lee Reynolds, a resident of Strawberry Flats, brought to the attention of the Commission that she has observed Seaplane Adventures ignoring noise mitigation measures, flying low over houses, and buzzing nesting seabirds. She also noted that she has reported them flying paying passengers in unregistered, uninsured craft. Bruce Corcoran, a resident of Strawberry, agreed that Seaplane Adventures was not operating safely and he had also reported them to the Federal Aviation Administration (FAA). He expressed surprise that the operator exceeding the regulations of his use permit had not come to the Aviation Commission, since it was discussed at the Planning Commission. Sophie Kim, a resident of Strawberry, relayed that Seaplane Adventures had become louder and more aggressive over the last five years to the point that when her family is enjoying the water around their home, they do not feel safe. The Airport Manager offered that these incidents should be run through the Oakland FSDO. Vice Chair Franecke mentioned that FAA regulations embody maintenance and permitting parameters, as well as jurisdiction over landing patterns, crafts, and noise standards. **Chair Ogg said they had already been reported and made a motion that unsafe, uninsured, unregistered flights for hire should be investigated by the County and followed up with the FAA.**

M/s Ogg/Rattet. The Chair asked for any public comment, but no one from the public spoke.

Vote: Aye – Franecke, Nave, Ogg, Rattet, Watt

Nay – None

Absent – Engdahl, Nelsen

Motion Passed, 5/0

5. Unfinished Business - Corporate Leases: Mr. Jensen asked that the Commission conduct a second review of the revised DRAFT lease. Commissioner Rattet confirmed that the requested changes had been incorporated as directed. Commissioner Watt noted that Section 5 should specify that the leasee will receive a written response from the County within 30 days of requesting an extension. Mr. Ogg responded that the items Daniel Davids commented on at the June meeting had not been sufficiently addressed. **Chair Ogg made a motion that the lease not be accepted and revisions should return to the Commission for a vote of approval.** The Chair asked for any public comment. Mr. Mercer inquired if the Commission is sunsetted and this is the forum, what now?

M/s Ogg/Rattet.

Vote: Aye – Franecke, Nave, Ogg, Rattet, Watt

Nay – None

Absent – Engdahl, Nelsen

Motion Passed, 5/0

Chair Ogg asked if there was any unfinished business that had not already been discussed; hearing none, he moved onto the next item.

6. New Business – Aviation Commission Sunset

Mr. Franecke indicated that a week and a half ago, it became known that this Commission was to be sunsetted. He declared there was no communication from County staff or the BOS to the Commission; that the members were to be stonewalled because DPW thought it was a good thing. He stated that Supervisor Arnold called him and asked that he support a reboot of the Commission. He responded that he would not. He thought it egregious that the Commission wasn't even consulted and a letter was written by Commissioner Engdahl, supporting the decision. When vice Chair Franecke challenged the author, his response was it was inappropriate for GFCOA to spend as much time as they have going directly to the Supervisors. He also opined that he feels that the DPW felt the Aviation Commission was a nuisance and felt put out that they (DPW) had to attend meetings. Vice Chair then said that if

DPW thinks we are a nuisance then we must be doing our job. Mr. Franecke indicated that he and Chair Ogg attended the BOS Meeting and stated that it was ill-advised to reboot the Commission, especially since they were not consulted, which he found insulting and disingenuous. Chair Ogg stated he would like to know why the revisions of the by-laws and Charter could not be accomplished with the existing commission in place.

Commissioner Watt commented the Commission serves at the request of the BOS; if they want to change the charter, they are the boss and if we are not welcome, Commissioners have other things to do. Commissioner Rattet agreed with Mr. Watt's reasoning. He noted that he had enjoyed serving and the chance to meet others who chose to be of service. Commissioner Nave agreed that the worst thing was, that no one talked to them about it, specifically that Mr. Rojas, the Director of DPW, did not make the effort to contact them. The Airport Manager assured the Commission that he never thought or said the Aviation Commission was a nuisance and he had enjoyed staffing the Commission.

The Chair asked for any public comment. Ken Mercer shared the Commission's concern that no one talked to them and stated he looked forward to the Commission's reconstitution. Bruce Corcoran said he found it alarming and unwise that the expertise exists, but the BOS summarily refused to renew the charter. He was troubled that the sunset matter was put on consent with no notice to the general public. He voiced his concern what happens now, since he didn't think DPW could handle such matters as being an advocate to deal with the FAA. He found the whole matter appalling and hoped the Commission is reconstituted quickly.

Chair Ogg stated it had been a pleasure to serve with his fellow commissioners to steer the community and the aviators in a manner that was fair and balanced in the interests of both. He noted that when Bill Gness set up the charter in 1964, he had the foresight to see that such expertise would be needed. He insisted that the Commission advocated for everyone, including DPW. He cited that for some, such as Richard Nave, volunteering for the betterment of the community has lasted 51 years and delivered his civic duty as did all of the commissioners who have served on the commission. He said he was perplexed that only one of the five Supervisors discussed the sunset with the Commissioners; they never said thank you for the years of service and civic duties that the commissioners had devoted. He concluded that he was

disappointed; however, he accepted this and looked forward to the next chapter.

M/s Ogg/Franecke that the Chair, Vice Chair, and Airport Manager be empowered to approve the August 2, 2018, minutes prior to August 15 on behalf of the Commission.

**Vote: Aye – Franecke, Nave, Ogg, Rattet, Watt
Nay – None
Absent – Engdahl, Nelsen
Motion Passed, 5/0**

Chair Ogg asked if there was any new business that had not already been discussed; hearing none, he moved onto the next item.

7. Aviation Commissioner Reports and Comments – Chair Ogg asked if there were any reports and comments that had not already been discussed; hearing none, he moved onto the next item.
8. Liaison Committee - Chair Ogg asked if there was any Liaison business that had not already been discussed; hearing none, he moved onto the next item.
9. Open Time – A member of the public, Peter Ferrarese pointed out that the similarities of what is going on in Washington is blatantly happening right here in Marin. He thanked each Commissioner for his service.
10. Adjourn – Chair Ogg asked for a motion to adjourn.
M/s Ogg/Franecke

The Chair gaveled the meeting adjourned at 8:50 p.m.