



February 17, 2022

CANCELLATION NOTICE OF A REGULAR MEETING
AND
CALL AND NOTICE OF A SPECIAL MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
OF THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY

NOTICE is hereby given that the Airport Authority administration offices will be closed on Monday, February 21, 2022, in observance of President's Day. Therefore, the regular meeting of the Legal, Government and Environmental Affairs Committee scheduled for Monday, February 21, 2022, at 9:30 a.m., or immediately following the Commission meeting, in the Burbank Room of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505, has been cancelled.

NOTICE is hereby given that a special meeting of the Legal, Government and Environmental Affairs Committee will be held Tuesday, February 22, 2022, at 9:30 a.m., or immediately following the Commission meeting, in the Burbank Room of Hollywood Burbank Airport, 2627 N. Hollywood Way, Burbank, California 91505.

Pursuant to Government Code Section 54953(e), members of the Committee may participate in this meeting via teleconference. In the interest of maintaining appropriate social distancing, a physical location is not being provided for the public to attend or comment. Members of the public may observe the meeting telephonically and may offer comment in real time through the following number:

Dial In: (818) 862-3332

Terri Williams, Board Secretary
Burbank-Glendale-Pasadena Airport Authority

SPECIAL MEETING
OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE

Burbank Room
Tuesday, February 22, 2022
9:30 a.m., or Immediately Following
the Conclusion of the
Commission Meeting

As a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

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The public comment period is the opportunity for members of the public to address the Committee on agenda items and on airport-related non-agenda matters that are within the Committee's subject matter jurisdiction. At the discretion of the presiding officer, public comment on an agenda item may be presented when that item is reached.

When in-person attendance or participation at meetings of the Commission is allowed, members of the public are requested to observe the following rules of decorum:

- *Turn off cellular telephones and pagers.*
- *Refrain from disorderly or boisterous conduct, including loud, threatening, profane, or abusive language, clapping, whistling, stamping, or other acts that disrupt or otherwise render unfeasible the orderly conduct of the meeting.*
- *If you desire to address the Committee during the public comment period, fill out a speaker request card and present it to the Board Secretary.*
- *Confine remarks to agenda items or to airport-related non-agenda matters that are within the Committee's subject matter jurisdiction.*
- *Limit comments to five minutes or to such other period of time as may be specified by the presiding officer.*

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The following activities are prohibited:

- *Allocation of speaker time to another person.*
- *Video presentations requiring use of Authority equipment.*

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Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the Authority to the Committee less than 72 hours prior to that meeting are available for public inspection at Hollywood Burbank Airport (2627 N. Hollywood Way, Burbank) in the administrative office during normal business hours.

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In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Board Secretary at (818) 840-8840 at least 48 hours prior to the meeting.

A G E N D A

Tuesday, February 22, 2022

1. Roll Call
2. Staff Announcement: AB 23
3. Approval of Agenda
4. Public Comment
5. Approval of Minutes
 - a. February 7, 2022 **[See page 1]**
6. Items for Approval
 - a. TBI Airport Management Cost Reimbursement **[See page 3]**

Staff seeks the Committee's recommendation to the Commission for approval of a wages and payroll cost reimbursement for TBI Airport Management, Inc. in connection with a lawsuit settlement.
7. Items for Information
 - a. Committee Pending Items **[See page 5]**
8. Closed Session
 - a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(California Government Code Section 54956.9(d)(1))
Name of Case: City of Los Angeles v. FAA et al. (Case No. 21-71170)
9. Adjournment

**MINUTES OF THE REGULAR MEETING OF THE
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY**

MONDAY, FEBRUARY 7, 2022

A regular meeting of the Legal, Government and Environmental Affairs Committee was called to order on this date in the Burbank Room, 2627 N. Hollywood Way, Burbank, California, at 11:50 a.m., by Commissioner Agajanian.

1. ROLL CALL

Present: Commissioners Agajanian (via teleconference),
Williams (via teleconference) and Gabel-Luddy

Absent: None

Also Present: Staff: Frank Miller, Executive Director;
Patrick Lammerding, Deputy Executive Director,
Planning and Development

Authority Counsel: Terence R. Boga of Richards,
Watson & Gershon and Tom Ryan of McDermott,
Will & Emery

2. Staff Announcement: AB 23

The Assistant Board Secretary announced that, as a result of the convening of this meeting of the Legal, Government and Environmental Affairs Committee, each Committee member in attendance is entitled to receive and shall be provided \$200.

3. Approval of Agenda

Commissioner Williams moved approval of the agenda, seconded by Commissioner Gabel-Luddy.

There being no objection, a voice vote was taken to accommodate the Commissioners participating via teleconference. The motion was approved (3-0).

4. Public Comment

There were no public comments.

5. Approval of Minutes

a. January 18, 2022

Commissioner Gabel-Luddy moved approval of the minutes of the January 18, 2022, special meeting, seconded by Commissioner Williams. There being no objection, a voice vote was taken to accommodate the Commissioners participating via teleconference. The motion was approved (3-0).

6. Items for Information

a. Committee Pending Items

Staff informed the Committee of future pending items that will come to the Committee for review.

7. Closed Session

The meeting recessed to closed session at 11:59 a.m. to consider the items listed on the closed session agenda, and to confer with legal counsel.

**a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(California Government Code Section 54956.9(d)(1))**

Name of Case: City of Los Angeles v. FAA et al. (Case No. 21-71170)

The meeting reconvened to open session at 12:13 a.m. with all three Commissioners present. No reportable action was taken on the presented item.

8. Adjournment

There being no further business, the meeting was adjourned at 12:14 a.m.

**STAFF REPORT PRESENTED TO THE
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
FEBRUARY 22, 2022**

TBI AIRPORT MANAGEMENT COST REIMBURSEMENT

Presented by Stephanie Griffin
General Counsel, TBI Airport Management Inc.

SUMMARY

Staff seeks a Legal, Government and Environmental Affairs Committee (“Committee”) recommendation to the Commission for approval of a wages and payroll cost reimbursement for TBI Airport Management, Inc. (“TBI”) in connection with a lawsuit settlement.

BACKGROUND

TBI performs airport management services for the Authority pursuant to an April 6, 2020, Fourth Amended and Restated Agreement for Airport Management Services (“Agreement”). The Agreement provides for the Authority’s reimbursement of wages and payroll taxes paid by TBI for personnel at the Airport. The Agreement also provides for the Authority’s reimbursement of reasonable attorney fees and costs paid by TBI to defend litigation filed by third parties arising out of operations at the Airport, and the Authority’s reimbursement of 50% of any amounts paid by TBI to settle such litigation with the Authority’s prior approval.

In 2019, Barbara Felder, a TBI employee in the Operations Department, commenced a class and representative action (“Lawsuit”) to recover damages under several different wage and hour provisions of the Labor Code, as well as civil penalties under California’s Private Attorney General Act (“PAGA”). The class represented by Felder consists of 17 current and former hourly non-exempt employees who held any position in the Operations Department at the Airport during the period March 13, 2015, through February 28, 2018. The primary underpinning of these claims is the allegation that employees were required to take “on-duty” meal and rest breaks but were not compensated as required under the Labor Code by receiving premium pay of one hour of pay at their regular rate for each day that meals and rest breaks are missed. It was also alleged TBI failed to calculate overtime properly, by failing to include shift and lead pay premiums when calculating overtime. These claims are not covered by insurance.

TBI engaged outside legal counsel to vigorously defend the Lawsuit, which it views as lacking merit. TBI also undertook an independent audit of its HR practices in 2021 to ensure that it is engaging in best practices relative to such claims going forward. Ultimately, TBI was able to leverage the lack of evidentiary support for the claims, the effect of the pandemic on the aviation industry, and recent favorable judicial decisions to arrive at a settlement on very favorable terms that limits the out-of-pocket costs and expenses associated with the defense of the Lawsuit. The Court approved settlement of the matter in the gross amount of \$100,000, exclusive of payroll taxes. A settlement administrator will be engaged to process the settlement and distribute it proportionally to each of the 17 class members.

The \$100,000 settlement will be distributed in the following order of priority:

- \$37,751.83 to Plaintiffs' counsel in attorneys' fees and costs;
- \$5,000 to Ms. Felder for her service as class representative;
- \$2,500 to the settlement administrator as fees for services;
- \$1,500 to the Labor and Workforce Development Agency;
- \$53,248.17 distributed to the employee class members in equal share, with 1/3 allocated to wages, 1/3 allocated to interest, and 1/3 allocated to penalties, with \$500 allocated to PAGA members.

COST REIMBURSEMENT REQUEST

TBI is seeking reimbursement for 50% of the settlement amount to be paid to the employee class members in the Lawsuit, amounting to roughly \$26,624.08. Additionally, TBI is seeking reimbursement for all associated payroll taxes, which will be determined once the settlement is processed. TBI will be responsible for all of its other expenses incurred because of the Lawsuit, including the remaining settlement amounts (\$73,375.92) and its own attorneys' fees and costs incurred in defense of the matter.

STAFF RECOMMENDATION

Staff seeks a Committee recommendation to the Commission for approval of a wages and payroll cost reimbursement for TBI, approximately \$26,624.08, as well as all associated payroll taxes, in connection with the settlement of the Lawsuit.

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE
FEBRUARY 22, 2022**

COMMITTEE PENDING ITEMS

Future

1. Annual Noise CPI Increase
2. AQMD – AQIP Compliance Report; Airport Authority Fleet Management
3. Restricted Land Covenant - Adjacent Parcel; RWQCB