



July 14, 2022

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

NOTICE is hereby given that the regular meeting of the Legal, Government and Environmental Affairs Committee will be held Monday, July 18, 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:

(818) 862-3332

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

REGULAR MEETING  
OF THE  
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE  
Burbank Room  
Monday, July 18, 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.*



*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.*



*The following activities are prohibited:*

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



*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.*



*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

Monday, July 18, 2022

1. Roll Call
2. Staff Announcement: AB 23
3. Approval of Agenda
4. Public Comment
5. Approval of Minutes

a. June 20, 2022

*[See page 1]*

6. Items for Approval

a. Approval of Additional Appropriations and Extension  
Professional Services Agreement – RS&H California, Inc.

*[See page 3]*

***Staff seeks a recommendation from the Legal, Government and Environmental Affairs Committee to the Commission to approve a Fourth Amendment to the Professional Services Agreement with RS&H California, Inc. that provides additional appropriations in the amount of \$269,663 and extends the term for four-months to December 31, 2022. The purpose of the proposed Fourth Amendment is to provide for additional support for the Environmental Impact Statement litigation related to the Replacement Passenger Terminal Project.***

7. Items for Information

a. Committee Pending Items

*[See page 11]*

8. Adjournment

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

**MONDAY, JUNE 20, 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 11:20 a.m., by Commissioner Agajanian.

**1. ROLL CALL**

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

**Absent:** Commissioner Williams

**Also Present:** Staff: Frank Miller, Executive Director; John Hatanaka, Senior Deputy Executive Director; Patrick Lammerding, Deputy Executive Director, Planning and Development  
  
Authority Counsel: Terence R. Boga of Richards, Watson & Gershon

**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 Gabel-Luddy moved approval of the agenda, seconded by Commissioner Agajanian. There being no objection, a voice vote was taken to accommodate the Commissioners participating via teleconference. The motion was approved (2-0, 1 absent).

**4. Public Comment**

There were no public comments.

**5. Approval of Minutes**

**a. June 6, 2022**

Commissioner Gabel-Luddy moved approval of the minutes of the June 6, 2022 meeting, seconded by Commissioner Agajanian (via teleconference). There being no objection, a voice vote was taken to accommodate the Commissioners participating via teleconference. The motion was approved (2-0, 1 absent).

## **6. Items for Approval**

### **a. Approval of Amendments to Professional Services Agreements Replacement Passenger Terminal Program**

With the assumption of program management duties by Jacobs Project Management Co. ("Jacobs") for the Replacement Passenger Terminal ("RPT") Program in May of this year, Staff, Jacobs, Support Consultants and the Airlines serving Hollywood Burbank Airport have been working with a renewed effort with a goal to complete the RPT Program as early as financially feasible. In conjunction with this effort, Staff sought a Committee recommendation to the Commission to amend six current Professional Services Agreements with the consultants listed in the staff report to continue their services assisting Staff and Jacobs to maintain the momentum to move the RPT Program forward. The services these consultants provide include strategic planning consulting, outreach and support services, financial feasibility and advisory services, airline coordination, and technical service support related to the next phase of development for the RPT Program in FY 2023.

#### **Motion**

Commissioner Gabel-Luddy moved approval of Staff's recommendation, seconded by Commissioner Agajanian (via teleconference).

#### **Motion Approved**

There being no objection, a voice vote was taken to accommodate those participating via teleconference. The motion was approved (2-0, 1 absent).

## **7. Items for Information**

### **a. Committee Pending Items**

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

## **8. Adjournment**

There being no further business, the meeting was adjourned at 11:28 a.m.

**STAFF REPORT PRESENTED TO THE  
BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY  
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE  
JULY 18, 2022**

**APPROVAL OF ADDITIONAL APPROPRIATIONS AND EXTENSION  
PROFESSIONAL SERVICES AGREEMENT  
RS&H CALIFORNIA, INC.**

Presented by John T. Hatanaka  
Senior Deputy Executive Director

**SUMMARY**

Staff seeks a recommendation from the Legal, Government and Environmental Affairs Committee (“Committee”) to the Commission to approve a Fourth Amendment, copy attached, to the Professional Services Agreement (“Agreement”) with RS&H California, Inc. (“RS&H”) that provides additional appropriations in the amount of \$269,663 and extends the term for four-months to December 31, 2022. The purpose of the proposed Fourth Amendment is to provide for additional support for the Environmental Impact Statement (“EIS”) litigation related to the Replacement Passenger Terminal (“RPT”) Project.

**BACKGROUND**

On April 16, 2018, the Commission approved the Agreement with RS&H to assist the Federal Aviation Administration (“FAA”) with the preparation of an EIS for a replacement 14-gate passenger terminal building, aircraft parking apron and connector taxiways, and ground access and automobile parking. The FAA subsequently directed RS&H to perform additional tasks resulting in Amendment No. 1, which expanded the scope of services to be performed and increased the compensation. Amendment Nos. 2 and 3 extended the original expiration date to accommodate anticipated close-out activities. The Agreement currently is scheduled to expire on August 31, 2022.

The source of funding for the Agreement is from an Airport Improvement Program (“AIP”) grant with local matching funds provided through an approved Passenger Facility Charge (“PFC”) application. The AIP grant had a term of four years and was scheduled to expire in August 2021.

In May 2021, the FAA issued its Final EIS and Record of Decision (“ROD”) for the RPT Project. Shortly thereafter, the City of Los Angeles filed a federal court lawsuit against the FAA challenging the EIS and ROD. The lawsuit designated the Authority as a real party in interest, but the Authority has been redesignated as an intervenor.

Due to this lawsuit, the FAA notified staff on October 23, 2021 of its decision to extend the period of performance of the AIP grant to October 2022. This decision maintains access to the remaining funds to allow RS&H to support the FAA during the EIS litigation.

The proposed Fourth Amendment is for approval of an increase in compensation and an extension of time. This additional compensation and time in the project schedule comes at the FAA’s request to allow RS&H to provide additional litigation support activities. The proposed Fourth Amendment will extend the expiration date to December 31, 2022.

## FUNDING

The funding for the EIS has been through an AIP grant in the amount of \$2,417,700 which was received in Federal Fiscal Year 2017 with the local required matching funds in the amount of \$582,300 provided through an approved PFC application. Together the amount of funding for the EIS was \$3,000,000. RS&H was initially authorized an amount of \$2,811,801 and, through Amendment No. 1, RS&H was authorized an additional \$47,564 for a total of \$2,859,365. The proposed Fourth Amendment increases the compensation by \$269,663 for a revised total of \$3,129,028.

The balance available through the initial grant and local match from the approved PFC application is \$140,737 and is insufficient to cover the additional compensation by \$128,926. At the request of the local FAA Airports District Office, a separate grant application under the available Infrastructure and Investment Jobs Act/Bipartisan Infrastructure Law will be submitted for the balance of funding. In the interim, it is proposed that the shortfall in funding be through Authority reserves in order to ensure that RS&H's litigation support services are provided in a timely manner.

## STAFF RECOMMENDATION

Staff seeks the Committee's recommendation to the Commission for approval of the proposed contract amendment with RS&H for a four-month term extension and a \$269,663 compensation increase for litigation support services as requested by the FAA and authorize the President to execute the same.



369 Pine Street, Suite 610  
San Francisco, California 94104  
415.780.4600

29 June 2022

Mr. John Hatanaka  
Burbank-Glendale-Pasadena Airport Authority  
2627 Hollywood Way  
Burbank, California 91505

RE: Contract Amendment 4

Dear John:

This letter is a request to execute Amendment No. 4 ("Fourth Amendment") to the 16 April 2018 Professional Services Agreement ("Agreement") executed by the Burbank-Glendale-Pasadena Airport Authority ("Authority"), a California joint powers agency, and RS&H California, Inc. ("Consultant"), a California corporation.

***Background***

The City of Los Angeles, California (Petitioner) is challenging the Federal Aviation Administration's (FAA's) Record of Decision (ROD) in the Proposed Replacement Passenger Terminal Environmental Impact Statement (EIS) at the Bob Hope "Hollywood Burbank" Airport. The lawsuit is being heard in the U.S. Court of Appeals for the Ninth Circuit. While the petitioner may challenge any component of the EIS during litigation, initially the Petitioner specifically raised issues with the sufficiency of the FAA's project description, alternatives, air quality, transportation, health impacts, and noise and vibration, environmental justice, socioeconomics, and cumulative analyses contained in the EIS. As part of the legal challenge, the FAA submitted a certified administrative record to the court and all of the parties. This administrative record is a massive document, containing thousands of pages of data. The Petitioner submitted their written brief containing all of their arguments on 25 January 2022. With Consultant assistance, the FAA and Department of Justice (DOJ) legal team prepared and submitted an FAA response brief on 27 April 2022. The parties supported their arguments with specific reference to the administrative record. Oral arguments are expected to be heard by the court in 2022.

In order to adequately prepare a response brief and prepare DOJ for oral argument, the FAA required the assistance of the technical experts with specific knowledge and expertise of the analyses that went into preparing the EIS as well as experience in finding and interpreting responsive documents located



in the administrative record. The level of technical expertise and time required was not available within the FAA. The Consultant has provided the experts who wrote and developed the Proposed Replacement Passenger Terminal EIS, performed the analyses to help the FAA defend the EIS, and compiled the administrative record for the FAA. Without this technical expertise, the FAA attorneys would not have had adequate technical support in preparing and making arguments in the briefs and at oral hearing(s), potentially jeopardizing the case and which may ultimately lead to a loss in court.

### ***General Scope and Deliverables for Litigation Support***

The Consultant<sup>1</sup> shall provide the following services within the context of a time and materials tasking / contract with a designated not to exceed cost amount.

- Compile the administrative record for FAA review
- Read the Petitioners' brief in the case of City of Los Angeles, California v. FAA, which included arguments raised by the Petitioner.
- Participate in litigation strategy meetings with the FAA and DOJ attorneys, and environmental protection specialists.
- Provide technical expertise, including interpretation, on the EIS.
- Help draft response language to develop FAA's response to petitioners' brief.
- Review and research the administrative record to provide specific responsive sources of data for reference and interpretation in the FAA's response brief.
- Provide detailed explanations of the EIS particularly about the technical analyses and methodologies.
- Review and comment on the draft FAA brief on an expedited basis.

### ***General Scope and Deliverables for Oral Argument Support***

The Consultant shall provide the following services within the context of a time and materials tasking / contract with a designated not to exceed cost amount.

- Participate in oral argument preparation with DOJ and FAA.

### ***Required Expertise***

The prime consultant<sup>2</sup> has provided experts with the following qualifications either directly or through its subconsultants.

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<sup>1</sup> The Consultant consists of experts from the EIS Team: RS&H California, Inc; Environmental Science Associates, Gibson Transportation Consulting Inc., and Consensus.

<sup>2</sup> The Prime Consultant is RS&H California, Inc.

- Project Manager must have minimum 25 years aviation NEPA experience.
  - Must have performed a minimum of 5 years of project manager duties for FAA environmental projects.
  - Past experience coordinating and consulting with the FAA on the NEPA process.
- NEPA Technical Expert must have minimum 10 – 15 years aviation NEPA experience.
- Senior Noise and Air Quality Modeling Expert with a minimum of 5 years of AEDT modelling experience for FAA projects.
- Transportation Expert must have a minimum of 10 years experience with transportation projects.
- Senior Scientist Expert must have a minimum of 10 years aviation NEPA experience.
- Public Outreach Expert must have a minimum of 10 years experience coordinating outreach efforts associated with transportation projects.

### ***Extension of the Term of the Agreement***

The term of the Agreement should be extended through the end of 2022 (31 December 2022) to accommodate support on oral arguments and to complete project close-out activities.

### ***Level of Effort/ Cost Estimate***

<i>Role</i>	<i>Labor Hours</i>	<i>Labor Rate</i>	<i>Cost</i>
<i>Litigation Support Work Performed to Date (Prior to 27 April 2022)</i>			
	647.25		\$151,063
<i>Projected Hours Oral Argument Support (To Occur After 27 April 2022)</i>			
<i>Project Manager</i>	100	\$415	\$41,500
<i>NEPA Technical Expert</i>	100	\$242	\$24,200
<i>Administrative Record Expert</i>	60	\$118	\$7,080
<i>Senior Scientist/ Analyst</i>	40	\$300	\$12,000
<i>Noise/Air Quality Modeling Expert</i>	80	\$300	\$24,000
<i>Transportation Expert</i>	20	\$250	\$5,000
<i>Public Outreach Expert</i>	10	\$300	\$3,000
<i>Clerical</i>	20	\$91	\$1,820
<i>Subtotal for Projected Hours</i>			\$118,600
<b><i>Grand Total</i></b>			<b>\$269,663</b>

Mr. John Hatanaka  
29 June 2022  
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The Consultant is available to provide these services at the request of the FAA and DOJ. If you have any questions regarding this Fourth Amendment, please do not hesitate to contact me.

Sincerely,

**RS&H CALIFORNIA, INC.**

A handwritten signature in blue ink, appearing to read "J Full", is positioned below the company name.

David J. Full, AICP  
Vice President – Aviation

**AMENDMENT NO. 4 TO  
PROFESSIONAL SERVICES AGREEMENT**  
(Burbank-Glendale-Pasadena Airport Authority / RS&H California, Inc.)

This Amendment No. 4 (“Fourth Amendment”) to the April 16, 2018 Professional Services Agreement (“Agreement”) executed by the Burbank-Glendale-Pasadena Airport Authority (“Authority”), a California joint powers agency, and RS&H California, Inc. (“Consultant”), a California corporation, is dated August 15, 2022 for reference purposes.

**RECITALS**

A. The parties executed the Agreement to provide for the Authority’s engagement of Consultant as an independent contractor to assist the Federal Aviation Administration (“FAA”) in preparing an environmental impact statement (“EIS”) for a replacement 14-gate passenger terminal building (no more than 355,000 square feet), aircraft parking apron and connector taxiways, and ground access and automobile parking facility.

B. The FAA subsequently directed Consultant to perform additional tasks and approved additional compensation for Consultant, and Consultant completed such work.

C. The parties have executed the following amendments to the Agreement (collectively, “Prior Amendments”)

1. An Amendment No. 1 to memorialize the expanded scope of services and compensation increase specified by the FAA.

2. An Amendment No. 2 to extend the term by six months to October 31, 2021 to accommodate project close-out activities.

3. An April 5, 2021 Amendment No. 3 to extend the term by ten months to August 31, 2022 to accommodate project close-out activities.

D. The parties desire to amend the Agreement to extend the term by four months and increase the contract amount to provide for Consultant’s performance of litigation support services.

**NOW, THEREFORE**, the parties agree as follows:

**1. Amendment of Section 1.** Paragraph C of Section 1 (“Definitions”) of the Agreement is amended to read as follows:

“C. “Contract Amount”: \$3,129,028.”

**2. Amendment of Section 1.** Paragraph E of Section 1 (“Definitions”) of the Agreement is amended to read as follows:

“E. “Expiration Date”: December 31, 2022.”

3. **Effective Date.** This Fourth Amendment shall be effective upon execution.

4. **Preservation of Agreement.** Except as expressly modified by this Fourth Amendment, all of the provisions of the Agreement (as amended by the Prior Amendments) shall remain unaltered and in full force and effect. In the event of a conflict between the provisions of this Fourth Amendment and the provisions of the Agreement (as amended by the Prior Amendments), the provisions of this Fourth Amendment shall control.

**TO EXECUTE THIS FOURTH AMENDMENT,** the parties have caused their authorized representatives to sign below.

**RS&H California, Inc.**



☐ Chairperson ☒ President ☐ Vice President



☒ Secretary ☐ Asst. Secretary  
☐ Chief Finance Officer ☐ Asst. Treasurer

[Pursuant to California Corporations Code Section 313, both signature lines must be executed unless the signatory holds at least one of the offices designated on each line.]

**Burbank-Glendale-Pasadena Airport Authority**

\_\_\_\_\_  
President

Approved as to form:

\_\_\_\_\_  
Richards, Watson & Gershon  
A Professional Corporation

**BURBANK-GLENDALE-PASADENA AIRPORT AUTHORITY  
LEGAL, GOVERNMENT AND ENVIRONMENTAL AFFAIRS COMMITTEE  
JULY 18, 2022**

**COMMITTEE PENDING ITEMS**

**Future**

1. Airport Rules and Regulations Revisions
2. Update - Sustainable Aviation Fuel Utilization
3. Replacement Passenger Terminal Coordination with City of Burbank
4. Landscape Contractor Equipment Update
5. Restricted Land Covenant - Adjacent Parcel; RWQCB