



## ACI-NA Legal Affairs Spring Conference May 4 – 7, 2016 • The Nines • Portland, OR

### Host Airport



### Sponsors



#### Wednesday, May 4, 2016

- 8:00am – 5:00pm **Registration**  
*Nines Ballroom Foyer (6<sup>th</sup> floor); The Nines*
- 9:30am – 12:00pm **Steering Group Meeting (Steering Group Members only)**  
*Gallery 1 & 2; The Nines*
- 12:45pm – 5:00pm **GENERAL SESSION**  
*\*All General Session Presentations will take place in the Fashion/Culture Ballroom\**
- 12:45pm – 1:00pm **Welcome and Introduction -- Moderator: Tom Devine, ACI-NA General Counsel;**  
*Speakers: Wendy Hain, Assistant General Counsel, Port of Portland, Portland International Airport ; Vince Granato, Chief Operating Officer, Port of Portland.*
- 1:00pm – 1:30pm **FAA Perspective on Big Picture Issues – Moderator: Tom Devine, ACI-NA General Counsel;**  
*Speaker [Eddie Angeles, FAA, Associate Administrator for Airports](#). FAA Reauthorization, including PFCs and AIP issues, drones, land use, and more.*
- 1:30pm – 2:30pm **Airport Development Part I: Legal Counsel Roles and Issues in Financing Transactions, and Airport Development Projects**  
**1:30-1:35pm Intro by Moderators** *Emily Neuberger, Senior Vice President & General Counsel, Wayne County Airport Authority, Detroit Metro Airport; Jeff Letwin, Partner, Saul Ewing LLP (Outside General Counsel, Allegheny County Airport Authority – Pittsburgh International Airport).*
- 1:35-2:00pm** [David Y. Bannard \(Partner, Foley & Lardner\); and Cindy Nichol \(CFO, Port of Portland\)](#). Legal counsel roles and issues in the issuance of Airport Revenue Bonds for airport capital development;

**2:00-2:15pm** [Brandon Davis \(Attorney, Nossaman LLP\)](#). LAX LAMP program;

**2:15-2:30pm** [Carlene McIntyre, Assistant General Counsel Port Authority of New York and New Jersey](#) LaGuardia Airport P3 redevelopment project.

2:30pm – 2:45pm

**Break**  
*Nines Ballroom Foyer; The Nines*

2:45pm – 4:00pm

**Airport Development Part II: Legal Counsel Roles and Issues in Financing Transactions, Large Capital Improvement Programs and Airport Hotel Projects**

**2:45-3:15pm** [Ann Morgan \(Partner, Fenmore Craig Jones Vargas, outside general counsel, Reno Tahoe Airport Authority\)](#) and [Tina Iftiger \(Vice President of Economic Development, Reno Tahoe Airport Authority\)](#) Reno Tahoe Airport development project;

**3:15-3:30pm** [Steve Michoulas \(Director, Legal Services & Legal Counsel, Vancouver Airport Authority\)](#) Vancouver Non-Aeronautical Development project;

**3:30-3:45pm** [Paul Tomme \(Legal Counsel, Dallas/Fort Worth International Airport\)](#) DFW hotel financing;

**3:45-4:00pm** [Brian Sadek \(Assistant General Counsel, Wayne County Airport Authority\)](#) DTW Westin Hotel refinancing and renegotiation of Starwood Hotel Management.

4:00pm – 5:00pm

**Litigation Update (Closed Session. No one representing interests adverse to airports on topics being discussed may attend during that discussion) – Moderator: Joseph F. Messina, Divisional Deputy City Solicitor, City of Philadelphia Law Department, Philadelphia International Airport.** Dallas [Love Field](#)-related cases, Tampa PFC litigation, Phoenix Next Gen litigation ([Eric Pilsk, Kaplan Kirsch & Rockwell](#)), Part 16 [skydiving cases](#) ([David Y. Bannard, Foley & Lardner, Eric Pilsk, Kaplan, Kirsch & Rockwell](#)); [Mocek v. City of Albuquerque](#) (10<sup>th</sup> Circuit case affirming the qualified immunity dismissal of lawsuit against arresting Aviation police officers, and discussing retaliatory arrests and First and Fourth Amendment concepts in an airport forum) ([Peter Pierotti, Assistant City Attorney, Aviation, Albuquerque International Sunport](#)); *implications for other airports of FAA's position on the reversion of federal interest, the implications of grant amendments, and the duty to enter into long term leases in ongoing litigation involving Santa Monica; the settlement of the LA/ONT case and related PFC issues* (Scott P. Lewis, Anderson & Kreiger).

5:30pm – 7:00/pm

**Welcome Reception sponsored by Miller Nash Graham & Dunn LLP**  
111 SW Fifth Avenue, Suite 3400 | Portland, OR 97204

*The reception will be held just four blocks away at the landmark **U.S. Bancorp Tower**, referred to as "Big Pink" due to its unique coloring. Please proceed up the middle bay of elevators to the law offices of our sponsor [Miller Nash Graham & Dunn LLP](#) on the 34th floor.*



**Thursday, May 5, 2016**

7:30am – 12:00pm

**Registration**  
*Nines Ballroom Foyer (6<sup>th</sup> floor); The Nines*

7:30am – 8:00am

**Continental Breakfast**  
*Nines Ballroom Foyer; The Nines*

8:00am – 8:30am

**Legislative Update: ACI-NA Perspective** *Speaker: Tom Devine, ACI-NA General*

*Counsel.* FAA Reauthorization, security legislation, and more.

- 8:30am – 10:00am **Airport Revenue Use Part I** – Moderator Daniel S. Reimer, Assistant General Counsel, Denver International Airport. Speakers: Scott Lewis, Anderson & Kreiger; Randy Fiertz, Manager of FAA's Northwest Mountain Region - Airports Division; Joelle Briggs, Manager, Seattle Airports District Office, FAA. Revenue Use and Self-Sustaining requirements for commercial development agreements, property acquisition, usage, leasing, and disposal. When can you do a voluntary transaction and buy a piece of land that someone offers you that is near the airport? What are the implications regarding compatible uses, land banking, etc.?
- 10:00am – 10:15am **Break**  
*Nines Ballroom Foyer; The Nines*
- 10:15am – 11:15am **Airport Revenue Use Part II** – Moderator: Wendy Hain, Assistant General Counsel, Port of Portland, Portland International Airport. Speakers: T.J. Roskelly, Partner, Anderson Kreiger; Leila Lahbabi, Senior Assistant City Attorney/Airport Attorney, Charlotte Douglas International Airport; Kristen Rectenwald Sr. Assistant City Attorney, Aviation Practice Group, City of Atlanta Department of Law; Randy Fiertz, Manager of FAA's Northwest Mountain Region - Airports Division. How do the Revenue Use requirements apply to payments in lieu of taxes (PILOTS), settlement of lawsuits; payments of project mitigation measures, stormwater fees and leases for USO or Police Protection?
- 11:15am – 12:00pm **FAA Update** Moderator Louisa Goldstein. Speaker: Randy Fiertz, Manager of FAA's Northwest Mountain Region - Airports Division - enforcement issues, staffing concerns. FAA response to A4A letter on per turn fees. Possible Rates and Charges Policy changes. Status of ACI-NA initiatives on incentives and land use, and other issues.
- Noon **Adjourn for the day**

## Friday, May 6, 2016

- 8:00am – 4:00pm **Registration**  
*Nines Ballroom Foyer (6<sup>th</sup> floor); The Nines*
- 8:00am – 9:00am **Continental Breakfast**  
*Nines Ballroom Foyer; The Nines*
- 9:00am – 10:15am **Legal Issues in Hiring Airport CEOs** – Moderator: Nancy McNair; Speakers Sheryl Bregman, Airport General Counsel, Office of the San Francisco City Attorney San Francisco International Airport; [Debra A. Braga, Chief Legal Officer, Jacksonville Aviation Authority](#); Ann Morgan, Partner, Fennemore Craig Jones Vargas (Outside General Counsel, Reno Tahoe Airport); [Tom Anderson, General Counsel Metropolitan Airports Commission, Minneapolis-St. Paul International Airport](#), and search firm representative. Many airport CEO positions have recently become, or are anticipated to become, open in the near future. This session will discuss the methods for filling positions and the involvement of airport lawyers, covering topics such as how can airports conduct searches/negotiations in light of Open Meetings Act and state/local Open Records/Sunshine Act requirements?
- 10:15am – 10:30am **Break**  
*Nines Ballroom Foyer; The Nines*
- 10:30am – 12:00pm **Cyber Security** – Moderators: Ann Morgan, Partner, Fennemore Craig Jones Vargas (Outside General Counsel, Reno Tahoe Airport); Breton K. Lobner, General Counsel, San Diego County Regional Airport Authority. Speakers: Marty Mueller, Director of IT, Reno-Tahoe Airport Authority. Cautionary tales for airport attorneys concerning cyber security – measures to protect the airport from breaches and how to respond if there is a breach.

- 12:00pm – 1:30pm **Lunch**  
*Design 1 & 2 Ballrooms; The Nines*
- 1:30pm – 2:45pm **Airport Legal Ethics Interactive Session Part I - Speakers Peter Pierotti, Assistant City Attorney, Aviation, Albuquerque International Sunport; Tim Karaskiewicz, General Mitchell International Airport, Office of the Milwaukee County Corporation Counsel; Dave Mackey Partner, Anderson & Kreiger.**
- 2:45pm – 3:00pm **Break**  
*Nines Ballroom Foyer; The Nines*
- 2:45pm – 4:00pm **Airport Legal Ethics Interactive Session Part II - Speakers Peter Pierotti, Assistant City Attorney, Aviation, Albuquerque International Sunport; Tim Karaskiewicz, General Mitchell International Airport, Office of the Milwaukee County Corporation Counsel; Dave Mackey Partner, Anderson & Kreiger.**
- 4:00pm – 5:00pm **Airport Law Roundtable (Closed Session. No one representing interests adverse to airports on topics being discussed may attend during that discussion) - Moderator: Tim Abbott, Assistant County Attorney, Dade County (Miami International Airport): Safety Management Systems, [Title VI Issues: Contract compliance](#), non-aeronautical use of hangars, ATC Metroplex issues, [Stormwater litigation](#); proposed new IRS definition of “[Political Subdivision](#)” – impact on tax exempt status of some airport bonds; open carry -- guns & dope, [other](#) issues**
- 5:30pm – 6:30pm **Reception hosted by the Port of Portland**  
Join ACI-NA and the Port of Portland in **The Nines Ballroom Prefunction on the 6<sup>th</sup> Floor** for a unique cocktail experience at the host airport reception. The evening will be filled with food, drinks and a chance to network with your peers.

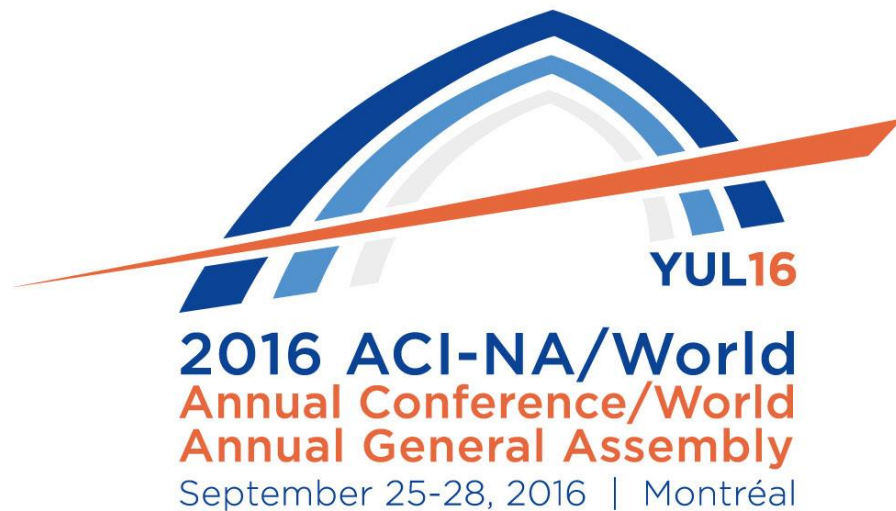


**Saturday, May 7, 2016**

- 8:00am – 10:00am **Registration**  
*Nines Ballroom Foyer (6<sup>th</sup> floor); The Nines*
- 8:00am – 8:30am **Continental Breakfast**  
*Nines Ballroom Foyer; The Nines*
- 8:30am – 10:00am **Airline Rates and Charges - Moderator: Pablo Nuesch, Partner, Spiegel & McDiarmid. Speakers: Susana Carbajal, Assistant Director, Austin-Bergstrom International Airport; David Y. Bannard, Partner, Foley & Lardner; Scott Lewis, Partner, Anderson & Kreiger; [Peter Kirsch, Partner, Kaplan Kirsch & Rockwell](#). Smaller airports seeking to negotiate a use and lease agreement with a per turn fee for low frequency carriers are getting vigorous push-back from legacy carriers. What is the impact of [FAA's recent response](#) to the [A4A letter](#) on this issue? How can airports reasonably accommodate different airlines operating under vastly different business models? Discussion of the Austin P3 project for an ultra-low cost carrier terminal. Legal and policy reasons for airports to consider rates by ordinance/resolution if airlines won't agree to reasonable terms in an agreement.**
- 10:00am – 10:45am **TSA Update - Moderator: Robert Watson Senior Vice President & CLO, Metropolitan Nashville Airport Authority; Speaker: Francine Kerner, Chief Counsel, Transportation Security Administration. Topics include insider threat: employee/concessionaire screening, enforcement of Real ID laws, TSA regulation by Security Directives, and other airport security issues.**

- 10:45am – 11:00am **Break**  
*Nines Ballroom Foyer; The Nines*
- 11:00am – 12:30pm **Unmanned and Unregulated Aeronautical Vehicles** - Moderator: Tom Anderson, General Counsel Metropolitan Airports Commission, Minneapolis-St. Paul International Airport. Speakers Jonathan Cross, Senior Attorney for Airport Certification, FAA Office of the Chief Counsel; Eric Smith, Partner, Kaplan, Kirsch & Rockwell. The role of airports in addressing unmanned aeronautical vehicle issues: What to do when FAA asserts jurisdiction but does not regulate to ensure safety? Pre-emption, jurisdiction, local police powers, FAA's B4UFLY app, and more. Who is entitled to make the rules and who enforces them?
- 12:30pm **Conference Adjourns**

**Mark your calendars!**



<http://annual.aci-na.org>