



BOARD OF SUPERVISORS

County of Dane

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TTY: Call Wisconsin Relay 7-1-1



December 1, 2023

Dear Airport Director Kim Jones, County Lobbyist Springer, Corporation Counsel Pabellon, and Assistant Corporation Counsel Tutwiler

On November 13, 2013, the Personnel and Finance Committee, without objection from the Airport Director Kim Jones, voted to postpone a resolution approving the Airport Joint Use Agreement (AJUA) to allow the County Board to get additional details and make formal contract modification requests. We request the following additional details and modifications.

1. The AJUA should be modified to explicitly state that only Fluorine Free Foam (F3) will be used in all firefighting activity and training. On 9/13/2023, the Federal Aviation Administration (FAA) stated "there are F3 foam(s) that currently meet Military Specification (MIL-SPEC) that can now be used on Part 139 airports."^[1] The F3 foam has also been confirmed to be available by authorized vendors.^[2]
2. The airport and county will fulfill an Open Records Request for all emails with a subject line containing AJUA (case insensitive) to/from Amy Tutwiler, Kim Jones, Michael Dunlop and Carrie Springer from 11/15/2021 forward.
3. The Airport will work with the Air Force to complete the Joint Use Agreement Annual Share Calculation Worksheet^[3] (if applicable) and provide the results to the County Board.
4. The AJUA will be modified as follows:
 1. Release and indemnification paragraph (8b) shall exclude the release of the military and indemnification by the county for any claims related to existing and future PFAS contamination caused by military use and fire fighting service.
 2. Release and indemnification shall exclude the release of any claims and indemnification by the county for claims related to any military negligence in its operations out of the Dane County Regional Airport.
 3. Fair Compensation to the county for the substantial use of the airport and the associated costs to human, environmental, and community health.
 4. Renegotiate Termination paragraph 11 to remove any damages to the County in the event of contract termination or provide equal protection to the County in the event of the Air Force terminating the agreement.

The Personnel and Finance Committee will reconvene on 12/18/2023. We request to have these additional details no later than 12/15/2023 to allow the committee to consider the responses. We also request the Airport and Corporation Counsel to begin negotiations on contract modifications prior to the meeting as well.

Sincerely,
Yogesh Chawla, County Board Supervisor District 6
Heidi Wegleitner, County Board Supervisor District 2
Sarah Smith, County Board Supervisor District 24
Jacob C Wright, County Board Supervisor District 17
Michele Ritt, County Board Supervisor District 18

[1] https://www.faa.gov/sites/faa.gov/files/part_139_cert_alert_23_07_F3_Release.pdf

[2] <https://qpldocs.dla.mil/search/parts.aspx?qpl=4513¶m=QPL-32725&type=256>

[3] https://static.e-publishing.af.mil/production/1/af_a3/publication/afi10-1002/afi10-1002.pdf