

Sanchez, Rodzandra (COE)

From: Diaz-Greco, Gilma M. (COE)
Sent: Tuesday, April 18, 2017 1:26 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: INQ 17-115 Norman Hegedus, Section Chief, MDAD; Liaison Noise Abatement Advisory Board (Sunshine Law, Section 286.011)

[INQ 17-115 Hegedus](#)

From: Hegedus, Norman A. (Aviation) [<mailto:NHEGEDUS@miami-airport.com>]
Sent: Tuesday, April 18, 2017 1:25 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Agostino, Daniel J. (Aviation) <DAgostino@miami-airport.com>; Craven, Lonny (Aviation) <LCRAVEN@miami-airport.com>; Lee, Cynji (Aviation) <CLee@miami-airport.com>; Turay, Radia (COE) <Radia.Turay@miamidade.gov>; Perez, Martha D. (COE) <perezmd@miamidade.gov>; Diaz-Greco, Gilma M. (COE) <Gilma.Diaz-Greco@miamidade.gov>; Sanchez, Gerald (CAO) <Gerald.Sanchez@miamidade.gov>; Kirtley, Eddie (CAO) <Eddie.Kirtley@miamidade.gov>
Subject: RE: INQ 17-115 Norman Hegedus, Section Chief, MDAD; Liaison Noise Abatement Advisory Board (Sunshine Law, Section 286.011)

Mr. Centorino,

Your reply is appreciated and I will be sharing the information during the upcoming scheduled meeting on April 19, 2017 with the members of the Noise Abatement Advisory Board for MIA.

Thanks again for your detailed explanation as I am sure it will prove to be extremely helpful to the NAAB members.

Regards,

Norman A. Hegedus

Section Chief - Airside Operations for General Aviation Airports (GAA), Aircraft Noise and Environmental Planning / Wildlife Control

Miami-Dade Aviation Department

305-876-0464 **MIA**

305-342-0559 **Cell**

305-869-3908 **Fax**

NHegedus@Miami-airport.com

“Delivering Excellence Every Day”

From: Centorino, Joseph (COE) [<mailto:Joseph.Centorino@miamidade.gov>]
Sent: Tuesday, April 18, 2017 11:59 AM
To: Hegedus, Norman A. (Aviation)
Cc: Agostino, Daniel J. (Aviation); Craven, Lonny (Aviation); Lee, Cynji (Aviation); Turay, Radia (COE); Perez, Martha D. (COE); Diaz-Greco, Gilma M. (COE); Sanchez, Gerald (CAO); Kirtley, Eddie (CAO)
Subject: INQ 17-115 Norman Hegedus, Section Chief, MDAD; Liaison Noise Abatement Advisory Board (Sunshine Law, Section 286.011)

Mr Hegedus:

This is in response to a recent issue raised by you in your role as liaison to the Nuisance Abatement Advisory Board to the Miami-Dade Aviation Department regarding the requirements of the Sunshine Law when a board member initiates e-mail or other written correspondence intended to be seen by other members of the board.

The Florida Sunshine Law, Section 286.011, Florida Statutes, and the judicial decisions interpreting that law, put significant restrictions on private person-to-person communications between members of any public board about matters that will foreseeably come before the board. The law applies not only to all local elected and quasi-judicial boards, but also to all advisory boards to local government, even where the board in question has no decision-making authority.

Although the law has been interpreted to prohibit all oral communications between board members on such matters, there have been opinions that have provided a means for members to communicate legally in writing, either by email or by written letter or through other written documentation, provided that two requirements are met. First, any such written communication should be provided to the clerk of the board, so that the communication may be maintained as a public record and be available on request by anyone. Second, no board member may respond directly to such a communication from another board member.

Because these communications sometimes create unanticipated problems, I have always recommended that they be done sparingly. In situations where a board member wishes to bring information to the attention of other board members, I have recommended that the communications be sent by the board member only to the clerk for distribution to the entire board, to avoid any question regarding whether the same material was sent to board members.

The Miami-Dade Commission on Ethics provides monthly ethics training at our office for all advisory board members in the County, all of whom are required by County Resolution to receive such training. The training includes the Sunshine and Public Records Laws. If there are any members of the Nuisance Abatement Advisory Board who have not yet attended the training, I suggest that they do so as soon as possible. The schedule for the training can be found on the Commission website at ethics.miamidade.gov.

If you have any further questions, please feel free to contact me at any time.

Sincerely,

Joe Centorino

Joseph M. Centorino

Executive Director and General Counsel
Miami-Dade Commission on Ethics and Public Trust
19 W. Flagler Street, Suite 820
Miami, FL 33130
Tel: (305) 579-2594
Fax: (305) 579-0273
ethics.miamidade.gov



From: Hegedus, Norman A. (Aviation) [<mailto:NHEGEDUS@miami-airport.com>]
Sent: Monday, April 17, 2017 1:40 PM
To: Centorino, Joseph (COE) <Joseph.Centorino@miamidade.gov>
Cc: Agostino, Daniel J. (Aviation) <DAGostino@miami-airport.com>; Craven, Lonny (Aviation) <LCRAVEN@miami-airport.com>; Lee, Cynji (Aviation) <CLee@miami-airport.com>
Subject: FW: Recall Re: Upcoming Noise Abatement Advisory Board Meeting Wednesday April 19, 2017 @ 6:00 PM
Importance: High

Good afternoon Mr. Centorino,

I am following up to the voice mail I just left you reference communications by email between the members of the Noise Abatement Advisory Board (NAAB) for Miami International Airport (MIA). As the NAAB Liaison, would it be possible for you to read the few emails below/attached and advise if there is a violation of the Sunshine Law or a violation of the County of Ethics?

As the Board Liaison, I frequently sent meeting reminders, agendas, minutes, and informational materials to the board members such as the emails below dated March 8 and April 12, 2017. In this case, a board member replied to my email on April 17, 2017 (also below) with questions and comments to a report that I provided to the board members for their review in order for them to be prepared and have the information before the next upcoming meeting on April 19th, 2017.

The Chair of the Board, replied to the email and communicated to the Board member (see attached), and on another email reply to all the board members (see below), requesting that the NAAB member **“DO NOT SEND ANY FORM OF CORRESPONDENCE DIRECTLY TO ANY BOARD MEMBER. IT IS A VIOLATION OF THE COUNTY CODE OF ETHICS FOR YOU TO COMMUNICATE IN ANY FORMAT OR THROUGH A 3RD PARTY ON ANY ISSUE THAT MAY COME BEFORE THE BOARD FOR ACTION. Just send whatever communication you may have directly to Norman and he will decide on whether or not to forward it to the rest of the Board.”**

Subsequently, the board member called me stating that he spoken to the Director of Ethics in downtown and he was advised that there was not a violation of the code of ethics, and the only thing it was needed was for the **Clerk of the Board** to send an email stating **“not to reply to the email that he sent in error”**. (The member also sent me an email making this request, please see attached).

As you well aware I am not the Clerk of the Board and I am just the Board Liaison. Can I send a reply email to all the members asking them not to reply to the NAAB member’s email or it needs to come from the Clerk of the Board?

I also need your opinion as it relates to email correspondence between the board members, and I will make sure to include the information provided by your office in the upcoming NAAB meeting on April 19th, 2017.

Thanks in advanced.

Regards,

Norman A. Hegedus

Section Chief - Airside Operations for General Aviation Airports (GAA), Aircraft Noise and Environmental Planning / Wildlife Control

Miami-Dade Aviation Department

305-876-0464 **MIA**

305-342-0559 **Cell**

305-869-3908 **Fax**

NHegedus@Miami-airport.com

"Delivering Excellence Every Day"

From: Frank Rollason [<mailto:FRollason@nbvillage.com>]

Sent: Monday, April 17, 2017 12:03 PM

To: brian gilderman; Hegedus, Norman A. (Aviation)

Cc: frollason@Comcast.net; jarce@virginiagardens-fl.gov; vgcouncilman@aol.com; Pyatt, Ken (Aviation); hviridon@bellsouth.net; cmazzola@bellsouth.net; Juan.Fuentes@faa.gov; Murphy, Jim (Aviation); Agostino, Daniel J. (Aviation); Bob.Hildebidle@faa.gov; Craven, Lonny (Aviation); William K; kayceedee@aol.com; Quintero, Tony (Aviation); Colas, David (Aviation); Hernandez, Loyda R. (Aviation); Garcia, Vicky (Aviation); Quintana, David (Aviation); Fuller, Savitri (Aviation); Montiel, Ricardo (Aviation); Mejias, Nelson (Aviation); Spicer, Jonathon (Aviation); Lee, Cynji (Aviation); Deblois, Jenny (Aviation)

Subject: RE: Recall Re: Upcoming Noise Abatement Advisory Board Meeting Wednesday April 19, 2017 @ 6:00 PM

Importance: High

Brian, I don't think you are getting my drift. PLEASE DO NOT SEND ANY FORM OF CORRESPONDENCE DIRECTLY TO ANY BOARD MEMBER. IT IS A VIOLATION OF THE COUNTY CODE OF ETHICS FOR YOU TO COMMUNICATE IN ANY FORMAT OR THROUGH A 3RD PARTY ON ANY ISSUE THAT MAY COME BEFORE THE BOARD FOR ACTION. Just send whatever communication you may have directly to Norman and he will decide on whether or not to forward it to the rest of the Board.

Thanks, Frank.

Frank Rollason, Village Manager
North Bay Village
1666 Kennedy Causeway, Ste 300
Tel: 305-756-7171 Ext 21
Fax: 305-756-7722
Mobile: 305-299-7300
frollason@nbvillage.com
www.nbvillage.com

Do your part in keeping our planet "Green", minimize paper usage. Thank you! - North Bay Village.
North Bay Village is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: brian gilderman [<mailto:bgilderman@hotmail.com>]

Sent: Monday, April 17, 2017 11:09 AM

To: Hegedus, Norman A. (Aviation)

Cc: Frank Rollason (frollason@Comcast.net); jarce@virginiagardens-fl.gov; Jorge Arce (vgcouncilman@aol.com); Pyatt, Ken (Aviation); (hviridon@bellsouth.net); cmazzola@bellsouth.net; Juan.Fuentes@faa.gov; Murphy, Jim (Aviation); Agostino, Daniel J. (Aviation); Bob.Hildebidle@faa.gov; Craven, Lonny (Aviation); William K; kayceedee@aol.com; Quintero, Tony (Aviation); Frank Rollason; Colas, David (Aviation); Hernandez, Loyda R. (Aviation); Garcia, Vicky (Aviation); Quintana, David (Aviation); Fuller, Savitri (Aviation); Montiel, Ricardo (Aviation); Mejias, Nelson (Aviation); Spicer, Jonathon (Aviation); Lee, Cynji (Aviation); Deblois, Jenny (Aviation)

Subject: Recall Re: Upcoming Noise Abatement Advisory Board Meeting Wednesday April 19, 2017 @ 6:00 PM

The previous email was sent in error. Please disregard
Thank you

Brian Gilderman

Sent from my iPhone please excuse typos.

On Apr 17, 2017, at 8:34 AM, Brian Gilderman <bgilderman@hotmail.com> wrote:

Norman,

Thank you for the report. Below are some questions/observations.

1. As discussed with you and other MIA officials, South Florida's dominant weather pattern is a southeast flow. It is my understanding that test data was compiled starting in August 2016. Why was this data not used for comparison? The months chosen for the report do not reflect the dominant weather pattern and therefore cannot be used to extrapolate an appropriate conclusion for the year as a whole.

2. It seems the scope of the study has changed. We are now looking at the year 2000 data as a comparison and, as mentioned above, the data used for comparison consists of the months December, January and February. This is surprising as I asked for data relating to altitude of aircraft, and the effect of heading change on such but was told the scope was set and no other data sets could be looked at. Will it now be possible to get that information?

3. In past conversations with the lead author of the report, MIA officials, FAA officials, my own testimony at previous NABB meetings as a citizen and a Board member, this report still does not address or discuss the main issue:

By changing the east bound heading (from 090 to 095) the north bound traffic now shifts east over Biscayne Bay and therefore closer to Miami Beach and the surrounding barrier islands. In so doing, the North bound traffic creates a more pronounced and new noise contour over Miami Beach and the barrier islands. This fact is also shown by the markedly downward number of new flyovers of not only Bay Point but Morningside. In fact, Morningside will receive at least 50 percent less flyovers with the 095 heading then in 2000.

This has been my premise all along. The new heading will shift north bound traffic east and closer to Miami Beach and the barrier islands causing an increase in aircraft noise over these areas.

I was advised the report would address this. It has not. Please let me know when this data will be available.

4. In looking at the data listed on the Table 1, one can see the change in departures over Bay Point. However, all aircraft are allowed to make their North bound turn once at 5 miles or 4000 feet. Pilots still can control there flight paths and cause there aircraft to fly over Bay Point regardless of which heading is used.

5. The author states MIA implemented noise abatement procedures in the mid-90s (although I have received other data that this was actually implemented in the 80's). This procedure included a preferred flight path of 090. I have asked for the rational of this change but was told no records exist. I have surmised that this was done because Bay Point lies in the flight path of the North runways and since it is a well established and prosperous neighborhood, they were able to exercise their influence in deviating aircraft in a preferred departure heading (090) away from them.

In 2016, after much lobbying and correspondence from Bay Point, MIA has instituted this study to see the effects of Magnetic Declination and how they can change the flight paths of aircraft again over Bay Point.

6. The study seems to suggest that if the five degree correction were used they would cause a course correction larger than necessary. In fact, the study is using the year 2000 as a baseline or preferred heading year even though the 090 departure heading was implemented 15 years prior. This implies that there was little to no movement caused by magnetic declination of the actual departure heading for at least 15 years. Therefore by using 095 as a course correction, MIA would be over compensating for Magnetic Declination and it would take many years for it to eventually "catch up" if at all.

While I will not argue the effects of Magnetic Declination on this preferred flight path, I will assert that any heading change that causes aircraft flight paths to move from one neighborhood to another is against public policy and in violation of Federal law.

As the only representative of Miami Beach and the barrier islands on the NABB, I strongly object to any change from the current departure headings until another solution, besides the five degree change in heading, is vetted. The author of the study seems to justify this in the conclusion section by suggesting a waypoint for aircraft to head to rather than a course heading correction is the preferred corrective action.

I apologize in advance for any grammar or spelling mistakes. I am traveling with limited cell/internet service and only have a phone. I will be at the meeting and will probably add more comments.

Thank you.
Brian Gilderman

On Apr 12, 2017, at 3:04 PM, Hegedus, Norman A. (Aviation) <NHEGEDUS@miami-airport.com> wrote:

Good afternoon to all listed,

This is a friendly reminder that The Noise Abatement Advisory Board (NAAB) will be meeting on **Wednesday April 19th, 2017 @ 6:00 PM**. The meeting will be held at the Miami-Dade Aviation Department's Aircraft Noise & Environmental Planning Office located at 5600 NW 36 Street, Suite 533, Miami Florida 33166.

Please find attached for your review the Meeting Minutes for the January 18th, 2017 meeting. Please send me your changes if any, before Monday April 17th, 2017.

Also find attached for your review the Final report for the MIA Corrected Departure Headings Test Analysis for the east flow departure flight tracks as a result of magnetic declination (180 day test vs previous existing conditions).

Additionally, as per my last email the Federal Aviation Administration (FAA) will be providing a presentation to the NAAB members reference the South Florida MetroPlex Project and entertain questions that the NAAB members may have.

The Agenda for the upcoming meeting will be sent by email a few days before the meeting takes place.

Please be so kind to reply to this email if you will be able to attend.

I look forward to see each of you next week.

Regards,

Norman A. Hegedus

*Section Chief - Airside Operations for General Aviation Airports (GAA),
Aircraft Noise and Environmental Planning / Wildlife Control*

Miami-Dade Aviation Department

305-876-0464 **MIA**

305-342-0559 **Cell**

305-869-3908 **Fax**

NHegedus@Miami-airport.com

“Delivering Excellence Every Day”

From: Hegedus, Norman A. (Aviation)

Sent: Wednesday, March 08, 2017 4:01 PM

To: 'Frank Rollason (frollason@Comcast.net)'; 'jarce@virginiagardens-fl.gov'; 'Jorge Arce (vgcouncilman@aol.com)'; Pyatt, Ken (Aviation); ' (hviridon@bellsouth.net)'; 'cmazzola@bellsouth.net';

'Juan.Fuentes@faa.gov'; Murphy, Jim (Aviation); Agostino, Daniel J. (Aviation); 'Bob.Hildebidle@faa.gov'; Craven, Lonny (Aviation); 'William K'; 'kayceedee@aol.com'; Quintero, Tony (Aviation); 'Frank Rollason'; 'brian gilderman'

Cc: Colas, David (Aviation); Hernandez, Loyda R. (Aviation); Garcia, Vicky (Aviation); Quintana, David (Aviation); Fuller, Savitri (Aviation); Montiel, Ricardo (Aviation); Mejias, Nelson (Aviation); Spicer, Jonathon (Aviation); Quintero, Tony (Aviation); Murphy, Jim (Aviation); Lee, Cynji (Aviation); Deblois, Jenny (Aviation)

Subject: Upcoming Noise Abatement Advisory Board Meeting
Wednesday April 19, 2017 @ 6:00 PM

Importance: High

Greetings to all listed,

The Noise Abatement Advisory Board (NAAB) meeting originally scheduled for Wednesday March 15th, 2017 is being re-scheduled for **Wednesday April 19th, 2017 @ 6:00 PM**. The meeting will be held at the Miami-Dade Aviation Department's Aircraft Noise & Environmental Planning Office located at 5600 NW 36 Street, Suite 533, Miami Florida 33166.

The reason for re-scheduling the date for the NAAB meeting is because Miami-Dade Aviation Department (MDAD) has not received from the Acoustical and Land Use Consultant the Final Report for the comparison and analysis of the east flow departure flight tracks as a result of magnetic declination (180 day test vs previous existing conditions). Additionally to the final report not being ready, the Federal Aviation Administration (FAA) would be available to provide to the NAAB members a presentation reference the South Florida MetroPlex Project and entertain questions that the NAAB members may have.

In the next couple of weeks I will email each of you for your review the last Meeting Minutes for the January 18th, 2017. At that time I will request from the NAAB members to provide changes if any, before the April 19th, 2017 meeting.

The meeting agenda for the upcoming meeting will be sent by email a few days before the meeting takes place.

Please be so kind to reply to this email if you will be able to attend.

Regards,

Norman A. Hegedus

Section Chief - Airside Operations for General Aviation Airports (GAA),

Aircraft Noise and Environmental Planning / Wildlife Control

Miami-Dade Aviation Department

305-876-0464 **MIA**

305-342-0559 **Cell**

305-869-3908 **Fax**

NHegedus@Miami-airport.com

"Delivering Excellence Every Day"

<MIA Corrected Heading Test Analysis 180-Day Report_041017.pdf>

<MIA NAAB MEETING MINUTES 01-18-17.pdf>