



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Airport Facility Use Rates, Fees, & Charges	Board Meeting Date October 9, 2018	Agenda Number 10
Dept: Administrative Office Contact: Bonnie Rich Phone: 209/754-6025	Supervisorial District Number District 1	Consent Agenda
Published Notice Required? No Public Hearing Required? No		Estimated Time: 0
Type of Document? Resolution PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Adopt a Resolution establishing updated Facility Use Rates, Fees, & Charges for use of land and facilities at the Maury Rasmussen Field - Calaveras County Airport, effective October 1, 2018. This requires a 4/5th vote of the Board.

DISCUSSION/SUMMARY:

County Code Section 12.28.080 requires the County to establish a schedule of fees and charges for the use of the airport and its facilities. The Airport Manager reviews and evaluates the airport fees on an annual basis. These fees are subject of various Federal statutory requirements, including the “Anti-Head Tax Act” 49 U.S.C. §1513 et seq., which prohibits certain types of fees that discriminate against interstate commerce but expressly authorizes an airport to levy or collect “reasonable rental charges, landing fees, and other service charges from aircraft operators”. 49 U.S.C. §1513 (b). Additionally, 49 U.S.C. §40116(e)(2), as applicable to county operated airports, authorizes the County to charge “reasonable rental charges, landing fees, and other service charges from aircraft operators for using airport facilities of an airport owned or operated by [the County].”

Rental charges are “reasonable” if they are based on a fair approximation of the use of airport facilities, are not excessive in relation to the benefits conferred, and do not discriminate against interstate commerce. Fees cannot be imposed to cover the costs associated with an upgrade after the upgrade is complete.

The Federal Aviation Administration (FAA) and the Office of the Secretary of Transportation (OST) have established a Rates and Charges Policy that is the official FAA policy on airport rates. The proposed fees are for ground leases, various hangar types and sizes, Office space, and tie-downs and have not been increased since October 29, 2013 (Board of Supervisors Agenda Item #14). The fee increases represent a 3% to 5% increase for range of space available. The fees are apportioned according to duration of use (car/trailer parking fees), or size, location and type (e.g. hangar) fees and are imposed equally on all users for a particular use. The fees proposed are intended to cover costs of maintaining existing service levels, do not generate excessive revenues, and are therefore statutorily “reasonable”. Most of the hangar tenants have been renting for a long time. The Airport Manager has notified the tenants of a pending fee increase and has not received any complaints about this.

The Airport Manager has conducted an informal study of the fees currently charged at surrounding airports. Each airport has different facilities for rent, which makes it difficult to make a straight-line comparison; however, in comparing the proposed rates to similar categories and or hangar sizes at both Amador and Tuolumne airports, the proposed increase in airport fees are within the comparative range.

As an incentive for lessees to pay rent quarterly, which reduces the impact on staff and helps ensure a consistent revenue stream, the airport offers a discount rate to lessees who choose to prepay quarterly instead of paying monthly. The discounted monthly rates is shown in the last column of the chart that follows. The quarterly prepaid discount rate is 3% off the cumulative total of three (3) months of rent. The following chart shows the current fee, the proposed fee, and the quarterly pre-pay discount rate for each of the leases affected by the proposed fee increase.

Rate increases charged by public agencies are exempt under CEQA Guideline Section 15273 when increases are for the purpose of meeting operating expenses or funding capital improvements necessary to maintain service within an existing service area. No expansion of the existing area of the airport is planned, and the increased hangar fees are necessary to maintain existing service levels at the airport.

A 4/5 vote of the Board is required in order for the County to utilize the Gov Code 25536(a) exemption, which allows the County to establish rates for leasing airport property without being subject to the general leasing requirements of the Government Code, which are more restrictive and would require the County to, at a minimum, amend all existing leases.

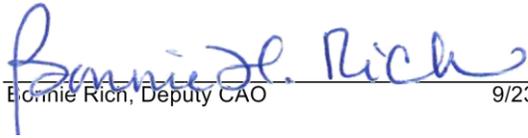
FINANCING:

The fees are used to finance the operations of the airport. The airport is an enterprise fund and must fund its own operations. This increase will help maintain the self-sufficiency of the airport and also maintain a source of revenue to fund on-going maintenance. There is no Net County General Fund cost or impact. Revenues are deposited into *Org Key: 11201660/Airport; Object Code: 4305/Rents, Concessions (Non-General Fund/Enterprise Fund Revenues)*.

ALTERNATIVES:

The Board could chose not to approve the fee increases; however, staff does not recommend this since if the airport is not self-sufficient, it will require contributions from the General Fund to support the airport operation.

APPROVED BY:



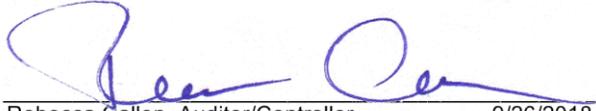
Bonnie Rich, Deputy CAO

9/23/2018



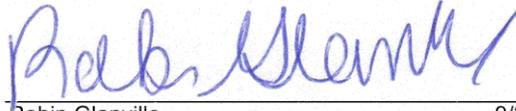
Julie Moss-Lewis, Deputy County Counsel

9/24/2018



Rebecca Callen, Auditor/Controller

9/26/2018



Robin Glanville

9/27/2018



Tim Lutz, County Administrative Officer

10/1/2018

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
October 9, 2018

Resolution
No. (ID # 3968)

**RESOLUTION ADOPTING RATES AND CHARGES FOR
THE USE OF LAND AND FACILITIES AT THE MAURY
RASMUSSEN FIELD - CALAVERAS COUNTY AIRPORT,
EFFECTIVE OCTOBER 1, 2018.**

WHEREAS, County Code §12.28.080 requires the County to establish “a schedule of fees and charges for the use of the airport and its facilities” and the Airport Manager reviews and evaluates airport fees on an annual basis; and

WHEREAS, pursuant to 49 U.S.C. §1513 (b), the Airport may levy or collect “reasonable rental charges, landing fees, and other service charges from aircraft operators”; and

WHEREAS, The Airport has established fees for airport use and facilities; and

WHEREAS, There has not been an increase in Airport Fees in five (5) years; and

WHEREAS, this Resolution shall serve as the “*Fee Schedule as approved by the Board of Supervisors*” as set forth in each facility use and lease agreement.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors finds that the fees set forth herein are reasonable and necessary to recover the cost of providing the use of the Airport facilities and do not unjustly discriminate against any users of the facilities.

BE IT FURTHER RESOLVED, that the fee increase is exempt from the California Environmental Quality Act (Pub Res. Code §21000 et seq.) under CEQA Guidelines, §15273(a)(1) as the fee increases are for the purpose of meeting operating expenses and under CEQA Guidelines §15273(a)(4), as all capital projects to be funded using the increased fees will be necessary to maintain service within existing services areas;

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby dispenses with any competitive solicitation process pursuant to approval and adoption by a 4/5th vote under Government Code Section §25536(a).

BE IT FURTHER RESOLVED, that the rate and charge increases at the Maury Rasmussen Field – Calaveras County Airport, effective October 1, 2018, shall be levied in the amounts set forth in Exhibit “A”, marked “Airport Lease Fees and Rates Effective October 1, 2018.

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk