

Update to Airport Users on Leasing, Lease Payments, and Items before the Board of Supervisors March 2023

Airport staff are eager to communicate with airport users on some of the items we are currently working on to help increase transparency and communications. This update will briefly discuss leasing, lease payments, and upcoming items at the Board of Supervisors. As always, if you have any questions or concerns related to airport activities, please email airportoperations@edcgov.us.

Leasing

Many airport users have received communications from staff regarding renewal of their leases or entering into a lease for the first time. Staff are working diligently to cure this backlog and look forward to expeditiously getting all hangar users into a current lease. For reference, the lease process is as follows:

- Communication from staff requesting insurance information to comply with Risk Management
- Staff will send the lessee a copy of the lease for review
- During lessee review, staff are working to prepare each lease to go to the Board of Supervisors (Board) for their approval
- The lessee signs the lease and it is attached to the agenda item that goes to the Board
- The Board approves the lease; it is signed by the Chair of the Board; and ultimately the completed lease is sent back to the lessee

Upon insurance approval, the lead time for staff to bring a lease to the Board is currently a month. This gives time for staff to draft the staff report, prepare the exhibits to the Board item, and meet all internal review deadlines before it is placed on the Board Planning Calendar. We would ask that lessees work diligently to provide all insurance documentation in a timely manner so Risk Management can complete review through the Ebix system the County utilizes. Also, as a reminder, the Airport Ground Lease for Portable Hangars is a non-negotiable document on an individual basis. Staff will consider changes to the ground lease template on an annual basis, collectively with the Airports Advisory Committee, in conjunction with County Counsel and the Board. As a reminder, gate access devices may be deactivated if airport users are on the airport without a current lease or are in arrears on lease payments. For reference to this policy, please see the "Security Gate Access Department Policy and Procedure" document attached to this notification.

Lease Payments

Timely submittal of lease payments is critical to the ongoing operations at our County airports. As a reminder, you will receive communications from County Fiscal staff about your payments due on July 1st of each year. This coincides with the commencement of the County's Fiscal Year budget. Some airport users have received notices that unpaid lease payments are being referred to Revenue Recovery staff with the County. As a way to encourage compliance with payments, staff have been waiving penalty fees on these late payments but this will not continue indefinitely. We encourage those users in arrears to work with Revenue Recovery as soon as possible to bring their accounts current. Similar to those who are outside a lease, staff may deactivate gate access devices for lack of timely payment of money due on leases.

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Upcoming Items to the Board

Delegated Authority for Leases

As outlined earlier in this update, currently all airport leases need approval by the Board. To better streamline the leasing process, staff will be going to the Board for conceptual approval of an amendment to the leasing process to delegate authority to staff to sign leases in place of the Board. Under this plan, a County Counsel reviewed template will be sent to the Board for approval once per year. Once approval has been granted the execution of those leases can be done by staff. This will save at least a month in processing time for leases. Staff expect this item to go before the Board in April 2023.

F-10 Policy

The County's F-10 Policy governs minimum standards for commercial aeronautical activities and airport rules and regulations. This policy has not been updated since 1994. Staff have been working on a draft update to the F-10 Policy and are completing a review of the draft with County Counsel. Upon completion of this review, staff will present the updated F-10 Policy to the Airports Advisory Committee for comment. After that process is complete, it will be brought to the Board for their consideration and approval.



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AIRPORTS - SECURITY GATE ACCESS
DEPARTMENT POLICY AND PROCEDURE

Effective Date: August 1, 2014

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Approved By: Steven M. Pedretti, Director
Community Development Agency

Signature: *Steven M. Pedretti*

I. BACKGROUND:

The purpose of this policy is to:

1. Implement Federal Aviation Administration security requirements for general aviation airports.
2. Protect the Air Operations Area from unauthorized vehicle incursions except for legitimate purposes of Aeronautical Activity.
3. Provide enhanced security of tenant aircraft and hangars during restricted access hours.
4. Control vehicle ingress and egress during restricted access hours.
5. Provide for uniform implementation at each of the County's Airports.

Authority for the implementation, oversight and enforcement of this Airports – Security Gate Access Department Policy and Procedure (Policy), resides with the Director of the Agency with responsibility for administration of the County's Airports (Airport Administration), his/her designee, or successor.

II. POLICY

- A. A valid Airport Lease, Sublease, Rental, Fixed Base Operator Agreement or Special Use Permit (collectively "Agreement") must be in effect and on file with Airport Administration prior to the issuance of any access device.
- B. An initial access device may be individually issued to each person named on an Airport Agreement at the commencement of tenancy/issuance.
- C. Device(s) may be issued to a Commercial Operation or Flying Club.
 1. Verification of employment via employer authorization shall be required for each employee prior to issuance of device(s).
 2. Flying Clubs must provide a roster, including list of members and names of officers and directors, to be revised on a semiannual basis.
- D. No access device shall be issued to any tenant who is sixty (60) days or more delinquent in payment of rent, lease, tie-down or any other fees (collectively "Fees") related to the County's Airports.
 1. Access device(s) shall be suspended without notice for any tenant who is delinquent sixty (60) days or more in the payment of Fees.
 2. Access device(s) will be reactivated within five (5) business days of County receipt of payment in full for all Fees.



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- E. No access device shall be issued to a tenant lacking a valid Certificate of Insurance ("Certificate") meeting County insurance requirements.
 - 1. A valid Certificate must be on file with Airport Administration at all times.
 - 2. Access device(s) shall be suspended without notice for any tenant who fails to provide a renewed Certificate on or before the expiration date of an existing certificate on file.
 - 3. Access device(s) will be reactivated within five (5) business days of County receipt of an acceptable Certificate.
- F. Subject to County Ordinance 18.04.070, willful tampering of County property or obstruction of access gates may result in immediate and permanent revocation of Airport access device(s).
- G. Access device(s) are issued and assigned to individual users.
 - 1. Device(s) shall not be loaned nor given to any other person for any purpose, including, but not limited to, transfer of ownership or shared use of a hangar or aircraft. Should such action occur, access will be immediately revoked.
 - 2. Tenants must disclose in writing to Airport Administration all aircraft housed in, and users of, hangar spaces.
- H. Device(s) shall be deactivated immediately upon cancellation of tenancy, including sale of a hangar, termination of an Agreement, or separation of employment with an Airport business entity.
- I. The cost for initial issuance and/or replacement of a lost, damaged, or demagnetized access device shall not exceed the actual cost of issuing said device.
- J. This Policy supersedes any prior or existing Airport Administration access device policy, procedure, or implementation form.
 - 1. A credit or refund for a device issued under a pre-existing policy, procedure, or implementation form will be issued under the following conditions:
 - a. Applicant has a prior application/agreement on file with Airport Administration, or can otherwise produce such a record, that imposed a conditional requirement of deposit upon prior device issuance.
 - b. A deposit was paid by the applicant for a previously issued device. Applicant has proof of payment on file with Airport Administration, or can otherwise produce a verifiable record.



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- c. No refund or credit has yet been issued to the applicant, or is in the process thereof, in relation to said deposit.
 - d. Request for refund/credit is submitted in writing, with supporting documentation as applicable.
 2. Upon receipt of written request, Airport Administration will verify applicant eligibility and:
 - a. A credit for outstanding access device deposit(s) shall be applied towards the cost of new device issuance. Request for credit must accompany submission of Application for new access device.
OR
 - b. A refund for outstanding access device deposit(s) shall be issued to the original payee.
OR
 - c. Airport Administration shall notify applicant in writing should the request be declined in consideration of the conditions set forth herein.
 3. Any access device credit/refund issued will satisfy all County obligations under prior device issuance.

III. DEFINITIONS

Terminology used herein is consistent with existing County policy, ordinance, or regulation; for the purpose of this document, the following additional definitions are applicable:

A. Air Operations Area

All areas in which aircraft movements take place, including but not limited to taxiways, runways, loading ramps, aprons and tie-down areas, located inside the Airport perimeter fence.

B. Access Device

Any electronic card, remote control, or other automatic or passive regulator which operates security gate lock mechanism(s).

C. Restricted Access Hours

Posted hours that vehicle access gates are not open to the general public. Vehicle entry limited to access device holders to conduct Airport business.



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IV. PROCEDURE:

- A. Upon receipt of a fully executed Airport Lease, valid Sublease, Rental, Fixed Base Operator Agreement or Special Use Permit (collectively "Agreement"), Agreement holder may request an access device (Application):
1. At the Airport Administration Office. Located at the Placerville Airport, Applications may be picked up during regular business hours.
 2. By appointment. Applicants may schedule an appointment with the Airport Administration designee to meet at the Georgetown Airport, subject to availability.
 3. By request. An Application may be mailed, emailed or faxed to the applicant.
- B. Requests for access device(s) to be made to Airport Administration in writing through submission of one Application per person requesting to receive the device(s), and payment of applicable charge(s).
- C. Action upon application:
1. Upon receipt of a completed Application, Airport Administration will verify that Applicant meets all minimum standards defined herein.
 2. Payment of additional charge(s), if required, must be made in full prior to issuance of an access device.
 3. Devices will only be issued during regular business hours and must be directly issued, in person, to the approved Applicant.
 4. The County may deny any access device request ("Application") if, in its opinion, it finds one or more of the following:
 - a. Availability
 - i. There is insufficient type and/or quantity of access device(s) requested by the applicant at the time completed Application is received by Airport Administration.
 - a) Airport Administration shall first offer alternate device(s) should preferred device(s) be unavailable.
 - b) Airport Administration shall maintain in stock a minimum of at least five (5) of the lowest-cost access device Airport Administration offers.
 - ii. There is insufficient type and/or quantity of access device(s) to accommodate the issuance of at least one (1) device of similar type and quantity per valid County Airport Agreement.



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b. Misrepresentation

Applicant or agent has supplied the County with false or misleading information or has misrepresented any material fact in his/her application or in supporting documents; or has failed to make full disclosure on his/her application or in supporting documents.

c. Noncompliance and/or History of Violations

Applicant or agent does not currently comply with the Policy as described herein and/or has record of violating these minimum standards or any other rules and regulations applicable to the County Airports.

5. Discretion to determine the type and number of access device(s) issued resides with Airport Administration.
- D. A copy of the Policy described herein must be maintained at the Airport Administration Office and made available for applicant review prior to issuance of any access device.
- E. Completed Applications and supporting documentation will be kept on file at the Airport Administration Office.
 1. Airport Administration will maintain a roster of all devices, the date(s) issued, and to whom as applicable.
 2. Applicants must initial next to date of issuance as acknowledgement of receipt.
- F. Requests for replacement access device(s) subject to the same Application process as initial issuance. Written justification for request and payment of applicable charges(s) must be received prior to issuance of replacement access device(s).
- G. Noncompliance with the Policy described herein may result in immediate deactivation of access device(s) issued to the offending party. Prior to deactivation, Airport Administration shall undertake the following:
 1. Provide a courtesy notice to device holder, in writing, of noncompliance issues and a timeline and process for correction.
 - a. Device holders thirty (30) or more days delinquent in payment of Fees shall be notified that access shall be suspended without notice for any tenant who is delinquent sixty (60) days or more.



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- b. Device holders who have not provided Airport Administration with a renewed Certificate of Insurance a minimum of fifteen (15) days prior to the expiration of the current Certificate on file shall be notified that access shall be suspended without notice for any tenant who fails to provide a renewed Certificate by the expiration date of an existing certificate on file.
 - c. Flying Clubs who have not revised or otherwise confirmed accuracy of current roster on file by the semiannual anniversary date shall be notified that access device(s) may be deactivated. Privileges may be revoked should a history of noncompliance (three or more occurrences) be identified following effective date of Policy.
2. Access may be immediately revoked, without notification, should device holders violate any provision in Policy sections II) F or II) G.
 3. Prior to any access device deactivation due to noncompliance issue(s), Airport Administration must have written approval on a case by case basis from the Airport Administration Director, his/her designee, or successor.

V. RESPONSIBLE DEPARTMENT

Community Development Agency, Administration and Finance, or successor department responsible for administration of the County's Airports.

VI. REFERENCES

Board of Supervisors Policy F-10, as applicable.