

## ORDINANCE NO. 10239 (N.S.)

## AN ORDINANCE TO AMEND PART VIII, CUSTOMS USER FEES, OF THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is in the public interest to continue to provide user fee customs services at McClellan-Palomar Airport. Section 85.422 of the San Diego County Code of Regulatory Ordinances authorizes the Board to adopt a Schedule of Rates and Charges and Use Control Policy for County Airports. The amendment made by this ordinance is intended to revise Part VIII, Customs User Fees, of the Schedule of Rates and Charges and Use Control Policy for County Airports to allow for the recovery of costs incurred by the County to provide user fee customs service at McClellan-Palomar Airport.

Section 2. Amend Part VIII, Customs User Fees, of the Schedule of Rates and Charges and Use Control Policy for County Airports to read in its entirety as follows:

**PART VIII  
CUSTOMS USER FEES**

Section 1. **Application:** Customs User Fees shall apply to all local, itinerant, scheduled, non-scheduled or miscellaneous flight operations landing at McClellan-Palomar Airport requiring customs clearance.

Section 2. **Regular/Non-Regular Hours:** The regular hours for customs user fee service shall be determined by the Director of Airports and posted on the County of San Diego Airports Website.

Section 3. **Fee Schedule:** Customs User Fees shall be based on aircraft weight, rounded off to the nearest 1,000 pound figure. All charges shall be based on the maximum allowable takeoff weight established by the Federal Aviation Administration for the specific make and model of aircraft, including increases in permitted takeoff weight by reason of certain modifications to the aircraft. Effective beginning January 1, 2013, the fees by weight are:

<u>Aircraft Weight/Category</u>	<u>Regular Rate</u>	<u>Non-Regular Rate</u>
Up to 7,500 lbs	\$75	\$150
7,501 lbs to 14,000 lbs	\$300	\$600
14,001 lbs to 20,000 lbs	\$400	\$800
20,001 lbs to 27,500 lbs	\$500	\$1,000
27,501 lbs to 35,000 lbs	\$625	\$1,250
35,001 lbs to 75,000 lbs	\$750	\$1,500
Over 75,000 lbs	\$1,500	\$3,000
Any Aircraft with Capacity for		

15 Passengers or More      \$2,000      \$4,000

Section 4. **Payment:** Charges for Customs User Fees shall be paid prior to clearing Customs unless credit arrangements have been approved by the Director of Airports.

Section 5 **Cost of Living Adjustment:** The Fee Schedule provided for in Part 3 shall be adjusted as of the first (1st) anniversary of the effective date of January 1, 2013, and thereafter every year on such date unless otherwise amended (each such one-year period is referred to herein as a "COLA Period"), to reflect any increase or decrease in the purchasing power of the dollar. The fee adjustment to be effective during each COLA Period shall be determined by use of the following formula; provided, however, that the fees determined by the following formula shall be rounded to the nearest five dollars (\$5.00).

$$F=A (B/C)$$

Wherein:

"F" equals the adjusted Fee Schedule for the COLA Period for which the Fee Schedule is being adjusted;

"A" equals the Fee Schedule set forth in Part 3 (FEE SCHEDULE);

"B" equals the monthly Consumer Price Index, as hereinafter defined, for the month of September immediately preceding the commencement of the COLA Period for which the Fee Schedule is being adjusted; and

"C" equals the monthly Consumer Price Index, as hereinafter defined, for the month of September immediately preceding the effective date of the Customs Fees.

**Consumer Price Index.** The consumer price index which shall be used as the source for the Consumer Price Index numbers shall be that published by the United States Department of Labor, entitled United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the Los Angeles Riverside-Orange County, CA Area, all items of the index entitled "Consumer Price Index for All Urban Consumers" for the Los Angeles Riverside-Orange County, CA Area (1982-84 = 100). In the event that such index is not published for the Los Angeles Riverside-Orange County, CA Area, then another comparable index or source of such information generally recognized as authoritative shall be substituted by the Director of Airports.

Section 3. This ordinance shall take effect and be in force no less than thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary thereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 5<sup>th</sup> day of December, 2012.



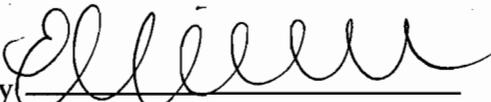
RON ROBERTS  
Chairman, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater-Price, Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 5<sup>th</sup> day of December, 2012.

THOMAS J. PASTUSZKA  
Clerk of the Board of Supervisors

By 

Elizabeth Miller, Deputy



No. 10239 (N.S.)

12-05-2012 (2)