

Meeting Date: 12/14/16 (18)

ORDINANCE NO. 10453 (N.S.)

AN ORDINANCE TO AMEND 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 amend the Schedule of Rates and Charges and Use Control Policy for County of San Diego Airports (Schedule). 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 includes the following: to increase fuel flowage, landing, and transient aircraft storage fees, to introduce storage fees for vehicles providing ground support to transient aircraft, and to include a waiver for promotional activities to support the development of airport services. This ordinance also amends certain language to make the Schedule more responsive to airport business needs, which includes, being able to charge market rate for services when needed, providing a cost of living adjustment to McClellan-Palomar Airport vehicle parking fees, removing an exemption from landing fees for commercial aircraft that are operating exclusively for carrying company executives, and adjusting the method by which fees for processing leases or licenses of County airport property are charged. In addition, this ordinance updates language and references in certain provisions for clarity and consistency.

Section 2. Amend the Ordinance as attached hereto as Attachment B.

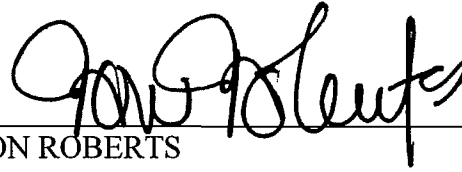
Section 3. The amended Ordinance shall take effect and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By



PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 14th day of December, 2016.



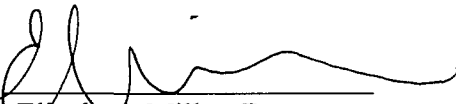
RON ROBERTS
Chairman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, D. Roberts, R. Roberts, Horn

ATTEST my hand and the seal of the Board of Supervisors this 14th day of December, 2016.

DAVID HALL
Clerk of the Board of Supervisors

By 
Elizabeth Miller, Deputy



Ordinance No. 10453 (N.S.)

12/14/16 (18)

**SCHEDULE OF RATES AND CHARGES
AND
USE CONTROL POLICY
FOR COUNTY OF SAN DIEGO AIRPORTS**

P A R T I

GENERAL

- Section 1. Purpose: In accordance with Section 85.422 of the County Code, the Board of Supervisors hereby adopts the following Schedule of Rates and Charges and Use Control Policy applicable to activities at County of San Diego airports. These airports are: Agua Caliente Springs Airstrip, Borrego Valley Airport, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, McClellan-Palomar Airport, Ocotillo Airport, and Ramona Airport.
- Section 2. Enforcement Responsibility: The Director of Airports and Airport Managers shall post on the County's website and enforce the Schedule of Rates and Charges and Use Control Policy.
- Section 3. Interpretation: In the event that an interpretation of any Part or Section herein contained is required, the Director, County of San Diego, Department of Public Works, shall have full and final authority to render such interpretation.
- Section 4. Authority to Waive Rates and Charges: The Director of Airports may, at his/her discretion, waive these rates and charges during emergencies, special public events and charitable fund-raising events, or to temporarily assist in promoting the development of airport services for a period not to exceed 30 days for each event. To qualify for a waiver, special public events and charitable fund-raising events must promote aviation or airport related activities, be open to the general public, and be operated on a cost recovery basis only. In the case of emergencies, the Director of Airports may waive these rates and charges when in the Director of Airport's judgment the waiver will facilitate a response to the emergency. Waivers for the development of airport services may be provided when there is a need for the services to support aviation activities at an airport and the waiver would help to overcome barriers to entry for the provision of the services.
- Section 5. Market Rate Pricing: At any County operated airport where the County provides services and where the same or substantially similar services are provided by private businesses, the County may establish a market rate for its services. Market rates shall be established by the Airports Director using criteria designed to ensure County pricing structures are comparable to prices that would reasonably

be expected in a fair and open market.

Section 6. Payment: Unless otherwise provided, it shall be the responsibility of the owners and operators of any aircraft or businesses using the airport to arrange for the payment of any charges due the County of San Diego under this Schedule. While the County is not required to assess separate charges from owners and operators for single activities such as a landing fee, the owner and operator shall each be deemed to separately owe the charge to the County. The County may collect the charge from either the owner or operator, or partially from both.

Section 7. Definitions: Unless in the context in which the term is used a different meaning is evident, the following terms shall have the definitions ascribed to them when they are used in this document:

“Airport” or “Airports” means and refers to those airport facilities operated by the County and includes Agua Caliente Springs Airstrip, Borrego Valley Airport, Fallbrook Community Airpark, Gillespie Field, Jacumba Airport, McClellan-Palomar Airport, Ocotillo Airport, and Ramona Airport.

“Airport Managers” means and refers to the managers of each Airport operated by the County.

“Board of Supervisors” means and refers to the Board of Supervisors of the County.

“Charge” means and refers to a charge or fee established by this Schedule. The terms fee and charge are used interchangeably in the Schedule, and will generally be referred to as a charges; although, the term fee is occasionally used for this purpose.

“County” means and refers to the County of San Diego, a political subdivision of the State of California.

“County Code” means and refers to the San Diego County Code of Regulatory Ordinances as amended from time to time by the Board of Supervisors of the County.

“Director” means and refers to the Director, County of San Diego, Department of Public Works, or his/her designee.

“Director of Airports” means and refers to the Director of County of San Diego operated Airports appointed by the Director, Department of Public Works, or such other County official responsible for making the appointment. The Director of Airports may delegate responsibilities assigned to him/her by this Schedule.

"Fiscal Year" means the County of San Diego fiscal year which runs July 1 to June 30.

"Lease" means and refers to a right to exclusive use of County Airport property pursuant to a negotiated lease agreement approved in accordance with Part VI of this Schedule.

"License" means and refers to a non-exclusive right to use County Airport Property pursuant to a negotiated license agreement approved in accordance with Part VI of this Schedule. Licenses of County Airport property are personal to the licensee and may not be assigned, transferred or sublet.

"Maximum Take-off Weight (MTOW)" means the maximum take-off weight of an aircraft type as identified by the Federal Aviation Administration (FAA) Type Certificate Data Sheet (TCDS), or if a TCDS is not available, by manufacturer data. MTOW does not mean the actual weight of an aircraft on any given day.

"Permit" means and refers to permission granted in accordance with Part VII of this Schedule to conduct an activity on County Airport property subject to the payment of an established Charge or reimbursement for costs.

"Schedule" means and refers to this Schedule of Rates and Charges and Use Control Policy adopted by the Board of Supervisors of the County in accordance with Section 85.422 of the County Code.

P A R T I I

AIRCRAFT AND SUPPORT VEHICLE STORAGE

- Section 1. Aircraft and Support Vehicle Outdoor Storage Rates: Aircraft may be stored at tie-down spaces and support vehicles at designated vehicle spaces owned and operated by the County at an Airport on either a transient or long term basis. Transient use shall mean and refer to storage at an established daily rate with no designated space for no more than 30 days. The Director of Airports may require a permit for transient use. Long term storage shall mean and refer to uses that occur for a period of more than 30 days with a designated space provided at an established monthly rate. A license or lease shall be required for all long-term storage.
- Section 2. Transient Rates: Rates for spaces offered by the County on a transient basis shall be based on the MTOW of the aircraft and support vehicles shall be charged a rate per axle and shall be as follows per space:

	Fixed-Wing and Helicopters (Maximum Take-off Weight)		Support Vehicles
Category	0-12,499lbs	12,500lbs and upwards	Per axle
Borrego, Fallbrook, Gillespie, Ramona and desert airports	\$5.00	\$1.00 per 1,000lbs	\$2.50 per axle
Palomar	\$7.00	\$1.25 per 1,000lbs	\$3.50 per axle

- Section 3. **Rates for Long-Term Storage:** Rates for designated spaces offered by the County on a long-term basis shall be for up to a maximum of \$250 per month to reflect the typical rate for similarly sized and situated non-County spaces at the Airport to which the rate applies. The Director of Airports shall set the rate and cause the established long-term rate to be posted on-line for each Airport with long-term spaces available.
- Section 4. **Monthly Rates for Long-Term Storage:** Monthly rates shall apply only to long-term storage in areas made available by the County upon advance approval of the Director of Airports pursuant to a license or lease.
- Section 5. **Daily Rates for Transient Storage:** Daily rates for transient storage shall only apply to aircraft or support vehicles parked at an airport overnight. The daily rates set forth in this Schedule shall not apply to spaces leased or licensed to a party by the County.
- Section 6. **Payment for Storage:** Payment for storage at County-operated areas is due and payable to the Airport Manager in full before departure from Airport property, unless a different payment time is established by permit, license or lease, in which case, payment shall be made in accordance with the terms of the agreement. Advance payment may be required as a condition of issuance of an agreement.

PART III LANDING FEES

- Section 1. Application: Landing fees shall apply to all commercial activities for each landing made at an Airport. Commercial activities subject to the payment of landing fees shall include (i) Part 121 operations, regardless of aircraft weight or base location of the aircraft; and (ii) any transient aircraft with a MTOW of 12,500lbs or more, used in a commercial or money making venture whether such activity ultimately generates a profit or not (e.g. air taxi, hauling passengers or freight). Notwithstanding the foregoing, separate landing fees shall not be required for commercial activities where the fee is collected as part of a monthly charge pursuant to a license, lease, permit or other agreement with the County.
- Section 2. Landing Charges: For commercial activities, a fee of \$1.00 per thousand pounds (lbs), rounded off to the nearest 1,000lb figure. All charges shall be based on the MTOW for the aircraft type. The landing fee shall be due and owing for each landing of the aircraft. This means that multiple landing fees may be owed for a single plane conducting multiple landing operations at an Airport within a single day. The fee is owed per landing.
- Section 3. Commercial Activities: Aircraft operators holding an FAA Part 121 or Part 135 certificate are considered to be engaged in a commercial activity. Aircraft with a MTOW of 12,500lbs or more, used in a commercial or money making venture whether such activity ultimately generates a profit or not (e.g. air taxi, hauling passengers or freight) are considered to be engaged in a commercial activity. No other activities are to be considered commercial activities for purposes of this Part.
- Section 4. Payment: Landing fees shall be due and payable to the Airport Manager prior to the departure of the aircraft unless credit arrangements have been approved by the Airport Manager. These credit arrangements shall be reflected in a County permit, license, lease or other agreement to use an Airport. For users of multiple Airports, a single permit, license or lease or other agreement may be obtained to allow for a single credit payment for all operations.
- Section 6. Exemptions: Notwithstanding anything to the contrary, no landing fee shall be charged for the operation of the following classes of aircraft:
- a) Aircraft owned and operated by the Federal Government, State, or military, provided, however, that this exemption shall not apply if Federal, State, or military funds or appropriations are available for the payment of the fees and if such payment is not otherwise prohibited.
 - b) Privately-owned aircraft operated for personal, non-revenue generating transportation, pleasure, or recreational use.
 - c) Aircraft permanently based at any County of San Diego operated Airport.

P A R T I V

COMMERCIAL AIRLINE OPERATIONS

- Section 1. Scheduled Operations: All commercial airlines using the landing facilities of any Airport on a regular basis shall hold a valid license, lease or permit. Commercial airlines for the purpose of this Part means Part 121 certified air carrier. A commercial airline shall be deemed to be using County Airports on a regular basis if it has scheduled service to any Airport, or makes unscheduled landings at any Airport more than three times in a single month period.
- Section 2. Lease, License or Permit: Commercial airlines requiring exclusive use of Airport property shall obtain a lease for the use of the property. Commercial airlines requiring non-exclusive use of Airport property subject to a negotiated monthly rent shall obtain a license from the County. Commercial airlines operating at County Airports in a manner that requires no special use rights and requiring only the payment of charges and County costs in a manner established by this Schedule shall obtain a permit to operate. General terms applicable to leases, licenses and permits are discussed in Parts VI and VII below.
- Section 3. Landing Fees: All air carriers using the landing facilities of any County Airport for any reason, including without limit, scheduled flights, charter flights or as a weather or other alternate, shall pay landing fees as established in Part III in addition to any facilities rent or charges established by lease, license or permit, unless the fees are pre-paid pursuant to a credit arrangement.

P A R T V

FLIGHT OPERATIONS IN THE PUBLIC INTEREST

- Section 1. Application of Charges: These charges apply to all landings at Airports by aircraft operated by contractors to the federal or State Forestry Services when the aircraft are used for the following purposes only:
- a) Fire spotting or fire control aircraft
 - b) Tanker aircraft used for fire suppression
 - c) Aircraft used for the reseeding of watersheds
- Section 2. Public Interest Landing Fees: No charge will be made for landings by aircraft with a MTOW of 12,499lbs or less, provided the landing is made for the U. S. Forest Service or the California Division of Forestry and Fire Suppression, or any successor agency, and the aircraft is owned by or under contract to the federal or State government and available for fire suppression, land management or

emergency service activities in the County.

The charge per landing for aircraft weighing 12,500lbs or more will be determined by mutual agreement between County Airports and the California Department of Forestry and Fire Protection and be in the range of \$0.50 to \$0.85 per thousand pounds MTOW regardless of the actual operating weight. The determination of the exact amount in the range will be based upon the activity of the fire season and funding available to the California Department of Forestry. The amount cannot be renegotiated more than once per fiscal year and must be approved by the Director of Airports. For the purpose of calculating landing fees, the MTOW of the aircraft will be rounded to the nearest 1,000lb figure.

- Section 3. Gross Weight: The owners or operators of all aircraft performing a service for the U.S. Forest Service or the California Department of Forestry and Fire Suppression, or any successor agency at an Airport will certify the MTOW of each aircraft used. The certification will be in the form of a statement, signed by the aircraft owner or any authorized agent or officer of the owning corporation or company. Copies of all statements will be filed with the local offices of the U.S. Forest Service and the California Department of Forestry and Fire Suppression, or any successor agency. The owners and operators shall provide the County with a contact name and mailing address where the certificates are filed.
- Section 4. Permit Agreement Authorization to Operate: All operators of aircraft utilized by the U.S. Forest Service, the California Department of Forestry and Fire Suppression, or any successor agency, must first be authorized to operate from County Airports by a lease, license or permit. General requirements regarding leases, licenses and permits are discussed in Parts VI and VII below
- Section 5. Payment of Charges: The County will bill owners and operators of all aircraft contracting with the U.S. Forest Service or the California Department of Forestry and Fire Suppression, or any successor agency, on the first of each month. All charges shall be paid in full by the 20th day of the month in which billed. All charges will be based on records maintained by the U. S. Forest Service and the California Department of Forestry and Fire Suppression, or any successor agency, and made available to the County upon request

P A R T V I

LEASING OR LICENSING OF COUNTY AIRPORT PROPERTY

- Section 1. General: Aviation support services such as aircraft storage, fueling, painting and repair may be provided through facilities developed and managed by fixed base operators as lessees or licensees. Land owned by the County and dedicated to airport uses may be leased or licensed for aviation purposes or, if not needed or

suitable for aviation purposes may be leased or licensed for industrial, commercial, agricultural, recreational or other non-aviation purposes, to generate airport revenue. Leases and licenses of Airport property may be subject to approval by the FAA, or a successor agency, by federal deed restrictions, grant agreements or other requirements.

Lease and license conditions, term and rental provisions are subject to negotiation. The Director of Airports shall be responsible for negotiating leases and licenses of Airport property. The Director of Airports may seek to award leases and licenses in any manner authorized by State law, including any of the alternative procedures set forth in Article 8, Title 3, commencing with Section 25520 of the Government Code. In addition, this Schedule sets forth an alternative procedure in accordance with Government Code section 25537, that the Director of Airports may elect to use to award leases and licenses of Airport property.

Section 2. Alternative Procedure for Leasing and Licensing of Airport Property: As an alternative to any procedures set forth in County ordinances related to the leasing of licensing of County property, the Director of Airports with regard to Airport property may elect to lease or license the property subject to the following procedure:

- a) Bidding Procedure: All leases and licenses shall be awarded to the person submitting the highest proposal in response to a call for bids which shall briefly describe or identify the property proposed to be leased or licensed, briefly specify the terms upon which it shall be leased or licensed, and fix a time and place at which the Board of Supervisors shall receive written bids for such leasing or licensing. The call for bids shall be posted in at least three public places in the County for not less than 15 days prior to the time fixed for receipt of bids and shall be published once each week for not less than two weeks prior to such time in the County. The call for bids may refer to documents on file in the Office of the Clerk of the Board for the exact description of the property to be leased or licensed and for the full detail of the terms of the property to be leased or licensed and for the full detail and terms and conditions of the proposed lease or license. At the discretion of the Board of Supervisors, the call for bids may include a statement of minimum rental, may offer to pay a commission to a licensed real estate broker who is instrumental in obtaining any proposal, and may authorize oral bidding at the time and place fixed for the receipt of written bids under the procedure specified in Government Code sections 25531 or 25537. The Board of Supervisors must either accept the highest proposal submitted in accordance with these procedures or reject all bids.
- b) Low-Value Leases and Licenses Excluded from Bidding Procedure: The Director of Airports may, without any advertised call for bids, negotiate and execute any lease or license or amendment thereto of a total duration not

exceeding 10 years and having an estimated monthly rental not exceeding \$10,000; provided, however, that if a lease or license is so excluded from the bidding procedure, the actual monthly rental in the executed lease or license shall not exceed \$10,000, the term of the executed lease or license shall not exceed ten years, and the lease or license shall not be renewed. Notice of any such proposed lease or license shall be given as required by Government Code section 25537.

- c) Term of Delegation of Authority for Low-Value Leases and Licenses: In accordance with Government Code section 25537, the authorization granted to the Director of Airports to execute low-value leases and licenses shall be effective for five years from the effective date of this ordinance.

Section 3. Subleases: A County lessee, in accordance with provisions of the lease, may sublease all or a portion of the premises to a qualified sublessee, for purpose or purposes permitted by lease terms, provided the sublease is subordinate to the master lease in all respects, and where there is no anticipated diminution in rent to the County or service to the public. When County's consent is required by the terms of the master lease, said sublease may be consented to by the Director of Airports on behalf of the County and such consent shall be obtained before occupancy by the sublessee is permitted.

Section 4. Improvements: Construction of improvements shall be accomplished as specified by lease terms and shall conform to all applicable federal, State, County and local laws, ordinances, policies, regulations, airport minimum standards, grant assurances, and permit requirements.

Section 5. Processing Fees: When County is requested to draft a new lease or license or an amendment to an existing lease or license, County may require a non-refundable processing fee be paid, by the lessee or licensee, in a reasonable amount to recover the actual cost of providing airports services to the lessee or licensee. If an applicant requests to stop work on a project prior to its completion, a portion of the fees may be refunded proportionate to the amount of staff work completed. When County issues a Request for Proposals or Request for Bids, County may charge a reasonable non-refundable application submittal fee to recover the anticipated cost of review by County of applications submitted. In addition, deposits for environmental review completed pursuant to federal and state environmental laws in amounts and subject to handling in accordance with Administrative Code section 362, et seq. may be required in the discretion of the Director of Airports. The following are the processing fees applicable to licenses and leases:

Staff Prepared Written Proposal for new Lease, License or Amendment to Lease or License	\$300.00
Application Fee for Airline Lease or License Agreement	\$750.00
Application Fee for Request for Proposal or Request for Bids (low value $\leq$ \$15,000 annual revenue)	\$150.00
Application Fee for Request for Proposal or Request for Bids ($\geq$ \$15,000 annual revenue)	\$500.00
Standard Processing Fee for Lease, License or Amendment Processing Fee (low value approved by Director of Airports)	\$1,500.00
Standard Processing Fee for Lease, License or Amendment Processing Fee (low value approved by Board of Supervisors)	\$3,000.00

P A R T V I I

P E R M I T S

- Section 1. General: Government Code sections 26020 and 50474 authorize the County to regulate the use and disposition of Airport property. Section 85.412 requires any person wishing to use Airport property for any revenue-producing or commercial activities to first secure a permit from the County. This Part sets forth permit requirements for revenue-producing and commercial activities and for such other activities to be conducted at a County Airport that the Director of Airports determines requires a permit.
- Section 2. Permit Issue: Permits shall be issued using a County form provided by the Director of Airports. The Director of Airports may execute permits and at his/her discretion may include in the permit a charge, in addition to any applicable charge set by this Schedule (e.g., landing fee, tie-down fee), to the permittee to recover the actual cost of providing airports services to the permittee (e.g., permit processing, environmental review, trash pick-up, security, or janitorial services).
- Section 3. Permit Conditions: Permits shall be for no longer than 30 days. Activities that take place for longer than 30 days may be temporarily permitted for up to 30 additional days to allow for award of a license or lease. Activities that take place on a reoccurring basis but for less than 30 consecutive days (e.g., ongoing monitoring of a site once a month for multiple years) may be initially permitted for up to 30 days, but shall thereafter be subject to a license or lease. Permits shall be subject to revocation as specified in the permit. If no terms are specified in the permit for revocation, then the permit shall be immediately revocable by the Director of Airports with or without notice. Permittees shall provide adequate insurance as specified by the Director of Airports, upon coordination with County Risk Management, and shall be subject to all applicable federal, State and local laws,

ordinances, policies, regulations, airport minimum standards, grant assurances, and permit requirements.

Section 4. Permit Activities: Permits shall include, but not be limited to, the following temporary activities lasting no more than 30 days:

- a) Delivery or sale of fuel at any of the County airports.
- b) Tie-down of aircraft on County Airport property.
- c) Aviation-related static displays, special aviation events, public gatherings and air shows.
- d) Services to airport users of a temporary, intermittent or part time nature such as charter flights, weather service, air taxi, air ambulance, aviation meetings, promotional displays, vending machines, mobile food service, security service, sanitary service, storage, or provision of aircraft services and supplies.
- e) Public gatherings or special events compatible with Airport operations, provided that such activities are permitted by applicable zoning ordinances and that all local permit requirements for such events have been met.
- f) Animal grazing, hay cutting, landscaping, or short term agricultural uses.
- g) Film taking or use of airfield facilities as location or background for motion picture or still photography production.
- h) Advertising.
- i) Glider tow operations.
- j) Aerial advertising or sign tow operations.
- k) Balloon flights.
- l) Ground transportation, including taxi and limousine services.

Section 5. Payment: Any charges or other sums due to the County for a permitted activity shall be paid at the time and in the manner specified in the permit; or, if not specified in the permit, as a condition of the issuance of the permit.

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 1,000lb figure. All charges shall be based on the MTOW, 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

*For aircraft with a capacity of 15 or more passengers, the fee based on passenger capacity rather than weight shall apply.

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 Section 3 may be adjusted on January 1, 2013, and thereafter every year on such date unless otherwise amended (each such 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 fees as adjusted for the COLA Period;

"A" equals the Fee Schedule set forth in Section 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 2012

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.

PART IX FUEL

Section 1. Fuel Flowage Fees: Fuel Flowage Fees are hereby established at \$0.06 per gallon for AVGAS and \$0.08 per gallon for Jet A.

Section 2. Borrego Valley Airport Fuel Surcharge Fee: An additional fuel surcharge fee shall apply to all aircraft utilizing fuel service provided by the County at Borrego Airport.

a) Regular/Overtime Hours: The regular hours for fuel service at any County fuel facility shall be determined by the Airports Director and posted on the County of San Diego Airports Website or at the Borrego Airport in a location readily accessible to pilots.

b) Fee Schedule: The fuel surcharge fee shall be a per-gallon charge to offset construction costs for County fuel facilities on an amortized schedule as well as ongoing maintenance and operating costs. The initial surcharge for County fuel service at Borrego Airport shall be \$0.39 per gallon.

c) Payment: The fuel surcharge fee shall be added to the per-gallon cost of fuel by fuel meter or such other method as may be established by the Airports Director to ensure recovery of County costs to provide fueling services.

d) Cost of Living Adjustment: At the discretion of the Airports Director and only to the extent needed to ensure the continued recovery of County costs to construct, operate and maintain fueling facilities, the fee set forth in the Fee Schedule provided for in Section 2b, above, may be adjusted on January 1, 2015, and thereafter every year on such date unless otherwise amended (each such 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.

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

Wherein:

"F" equals the fees as adjusted for the COLA period;

"A" equals the fees set forth in the Fee Schedule, Section 2, above;

"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 fees are being adjusted; and

"C" equals the monthly Consumer Price Index, as hereinafter defined, for the month of September 2008.

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.

PART X VEHICLE PARKING USER FEES

Section 1. Application: Vehicle Parking User Fees shall apply to County public parking lots at McClellan-Palomar Airport.

Section 2. Regular/Overtime Hours: Public parking facilities at McClellan-Palomar Airport are to remain open 24 hours per day.

Section 3. Fee Schedule: The first hour and 59 minutes of parking are free with the rate increasing incrementally up to eight hours when the full maximum daily parking rate is achieved. During the second and subsequent days the same rate structure applies, with the full rate being achieved at eight hours. Hourly rates are as follows:

- First 1 hour 59 minutes	No charge
- 2 hours to 3 hours 59 minutes	\$1.00
- 4 hours to 4 hours 59 minutes	\$1.75
- 5 hours to 5 hours 59 minutes	\$2.50

- 6 hours to 6 hours 59 minutes \$3.25
- 7 hours to 7 hours 59 minutes \$4.00
- 8 hours to 24 hours \$5.00

Section 4. Alternate Rates: Parking fees for a portion of the parking lots for special events or other uses that benefit County Airports may be adjusted to an amount below the Board approved maximum rate by permit issued by the Director of Airports.

Section 5. Payment: Payment shall be made as a condition of entry into or use of the parking lot by cash, credit card or other means approved by the Director of Airports for making payment at the parking pay station, to an attendant or as otherwise established by the Director of Airports.

Section 6. Cost of Living Adjustment: At the discretion of the Airports Director the fee set forth in the Fee Schedule provided for in Section 3, above, may be adjusted on January 1, 2017, and thereafter every year on such date unless otherwise amended (each such 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.

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

Wherein:

"F" equals the fees as adjusted for the COLA period;

"A" equals the fees set forth in the Fee Schedule, Section 3, above;

"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 fees are being adjusted; and

"C" equals the monthly Consumer Price Index, as hereinafter defined, for the month of September 2009.

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.