



Tuolumne County Airports

Benedict Stuth
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TUOLUMNE COUNTY AIRPORTS ADVISORY COMMITTEE MEETING

November 14, 2016

6:00 PM

Columbia Elementary School Cafeteria 22540 Parrotts Ferry Road, Columbia

The cafeteria at Columbia Elementary is located in the main building at the north end of the parking lot.

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC FORUM (Forum for members of the public to be heard on issues not on the agenda. No action can be taken on items raised during the Public Forum. Each public comment shall be 5 minutes or less.)
- IV. Consideration of approving the minutes from the October 10, 2016 meeting
- V. Consideration of an amendment to the language in the appeals provision of the Hangar, Tie-down and Waiting List Policy
- VI. Consideration of changing the meeting times for the Airport Advisory Committee
- VII. Staff Reports
- VIII. SET NEXT MEETING DATE AND ADJOURNMENT

In accordance with the Americans with Disabilities Act, if you need special assistance (i.e. auxiliary aids or services) in order to participate in this public meeting, please contact the Airport Office, (209-533-5685). Notification 48 hours prior to the start of the meeting will enable the Airport Office to make reasonable accommodations to ensure accessibility to this public meeting.



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TO: Airports Advisory Committee

FROM: Benedict Stuth, Airports Manager

SUBJECT: Consideration of an amendment to the language in the appeals provision of the Hangar, Tie-down and Waiting List Policy

Summary:

It has come to the attention of the Airport that the Hangar Policy does not give much discretion to the appeals process and how it affects airport tenants. For example, some tenants share in the ownership of an aircraft and have done so for many years. If they had not been added to the hangar reserve space permit, when the named permitted passes away or leaves, the other tenant would be required to vacate the hangar. These tenants, who ordinarily would have had themselves added to the reserve space permit in the past now no longer have the ability to do so without moving through a lengthy process, often without the time to do so, i.e., in the event of a death.

As such, the airport, in conjunction with county counsel, is proposing added language to the hangar policy that will give added discretion to the appeals process to address these issues on a case by case basis. The clause to be added would be a "good cause" clause. "Good cause" simply means a substantial or legally sufficient reason for doing something. This type of standard is typically used in courts for decisions to grant or deny motions. There is a high degree of deference to a good cause finding, i.e. a reviewing body or court will not overturn it unless it is clearly wrong or arbitrary. As the policy reads, like the survivorship clause, there is absolutely no discretion. It's either a violation or not which makes appeals to such a violation of that clause a hollow process with no chance of a different result as the appeals progress higher. Adding a good cause standard may allow some flexibility and judgment to be exercised, especially at the CAO and BOS levels.

The language to be added to the appeals section of the hangar policy will read as:

An exception to a violation may be made upon a finding of "good cause" provided (1) the violation does not involve a failure to pay a fee, and (2) the exception would not result in a violation or conflict with another local, state or federal law.

It is important to note that this clause cannot be exercised arbitrarily. A tenant would have the burden of proof put on them that they would have intended to follow the policy but did not have the time to do so as it relates to the time the hangar policy went into effect and the required action. In most cases, the airport foresees actions taken under this clause would technically only be availed to those tenants already at the airport prior to the hangar policy going into effect who have not had time to make the necessary changes. It is expected that all new tenants would be required to abide by the rules of the hangar policy as set forth.

Recommendation

It is recommended your Committee forward the Board of Supervisors for approval the following amendment to the appeals section of the hangar policy: *“An exception to a violation may be made upon a finding of “good cause” provided (1) the violation does not involve a failure to pay a fee, and (2) the exception would not result in a violation or conflict with another local, state or federal law.”*

TUOLUMNE COUNTY
AIRPORTS COMMITTEE MEETING
Columbia Elementary School

MINUTES
October 10, 2016

I. WELCOME AND CALL TO ORDER

Meeting was called to order by Chairman Stenger at 6:00 pm.

II. ROLL CALL

Karl Dambacher - present
John Gray - present
Ed Gregory - present
Steve Martin - absent
Karl Rodefer - present
Jim Stenger - present
Greg Thompson - absent

Also present were Benedict Stuth, Airport Manager, Chris Schmidt, Deputy County Counsel, Daniel Richardson, Deputy County Administrator and Kalah Beckman, Administrative Assistant.

III. PUBLIC FORUM

Janet Gregory addressed the Committee on events at Pine Mountain Lake Airport. She thanked the Airport Department for their support of the Young Eagles Rally and Pine Mountain Lake Airport Day. She reported that Airport Day was a success and had their highest attendance yet. She would like to see the Airport Department start working on the projects that were prioritized at the Pine Mountain Lake Public Workshop in September including the parking lot, the pilots lounge, repair of the deer fence and addition of safety signage.

IV. CONSIDERATION OF APPROVING THE MINUTES FROM THE JULY 11, 2016 MEETING

Mr. Gray moved to approve the minutes from the July 11, 2016 meeting. Mr. Gregory seconded the motion. Motion carried 5-0.

V. CONSIDERATION OF AN AMENDMENT TO THE SURVIVORSHIP PROVISION OF THE HANGAR AND WAITING LIST POLICY

Mr. Stenger asked Mr. Stuth what the intent of the survivorship clause was at the time the policy was written. Mr. Stuth answered that the survivorship

clause is to address situations where hangar use could be granted in perpetuity. The airport was trying to avoid situations where an individual leased a hangar and then passed it on to another individual therefore skipping the hangar waiting list. It is a violation of the FAA grant assurances to grant the use of airport property in perpetuity.

Mr. Richardson explained that this issue is being brought up now because of an appeal filed with the County Administrator's Office by an individual whose father was a long time hangar tenant but subsequently passed away. The individual said that he was told by his father that if they kept paying the rent on the hangar they would be allowed to continue using it. The individual said that he had no knowledge of the development of the new policy. Mr. Richardson explained that as the appeal officer for the Hangar and Waiting List policy he needs to make a decision on how to move forward. If the Committee is satisfied with how the language on survivorship currently reads then the individual will need to remove the aircraft and give up the use of the hangar. Mr. Richardson is seeking to find out what the intent of the policy language was. Mr. Rodefer said that he thinks that the intent was to avoid people from transferring leases.

Mr. Stuth said that he would like to leave the language the same but allow for a grace period since the policy has only been in effect since December of 2015 and that the airport would allow for exceptions during this grace period. Mr. Stenger asked Mr. Stuth if the grace period is being extended to all tenants with a Reserve Space Permit. Mr. Stuth said that he thinks the language would need to be written into the policy and that those seeking exceptions to the policy would still have to give proof of why they should be allowed an exception.

Mr. Rodefer moved to direct staff to draft language to add an appeal process for exceptional circumstances with appeals going to staff at the appropriate level then being presented to the Board of Supervisors for a final decision. The draft language is to be brought back to the Airport Committee at the next meeting. Mr. Gregory seconds the motion. Motion carries 5-0.

VI. STAFF REPORTS

Mr. Stuth updated the Airport Committee on projects and events that have occurred at the Airports since the last meeting.

Mr. Gray asked to add a discussion of Airport Committee meeting times on the agenda for the next meeting.

VII. SET NEXT MEETING DATE AND ADJOURNMENT

The next meeting is set for Monday, November 14, 2016 at 6:00 PM.