



Legislation Text

File #: 23-0736, **Version:** 3

Planning and Building Department, Airports Division, recommending the Board approve the Final Passage (Second Reading) of Ordinance **5182** to amend Section 3.08.021 of the El Dorado County Ordinance Code to add the delegation of signature authority on Temporary Use Agreements, airport ground leases, and County-owned hangar leases to the County of El Dorado Director of Planning and Building and to add the delegation of signature authority on airport tie-down agreements to the County of El Dorado Airport Operations Supervisor. (Cont. 8/22/2023, Item 22)

FUNDING: Placerville and Georgetown Airport Enterprise Funds - Fee Revenue.

DISCUSSION / BACKGROUND

On August 22, 2023 the Board heard the Introduction of Ordinance 5182 and Continued the matter to September 12, 2023 for Final Passage.

Planning and Building Department Airports Division staff are proposing amendments to Section 3.08.021 of the El Dorado County Ordinance Code for the delegation of signature authority on Temporary Use Agreements, airport ground leases, County-owned hangar leases, and airport tie-down agreements (amendments). Temporary Use Agreements, airport ground leases, and County-owned hangar leases would be delegated to the Director of Planning and Building, while airport tie-down agreements would be delegated to the Airport Operations Supervisor who is on site at County airports. The Board provided conceptual approval for these amendments on May 2, 2023 (Item 40).

The County operates the Georgetown and Placerville Airports (County Airports). The County does not own the portable hangars that are located on the County Airports. Those hangars are owned by private airport users, so hangar owners must enter into a ground lease with the County for the use of Airport property, in accordance with County Ordinance Code § 3.08.021. Each new ground lease includes language required by the County, as well as specific insurance documentation required by Risk Management and provisions required by the Federal Aviation Administration (FAA) for federally-obligated airports. The County also owns a limited number of hangars that similarly require certain verification of insurance and compliance with certain FAA rules. The County also has tie-down agreements for users of the Airport who wish to store their aircraft in one of the designated tie-down spaces for periods of time, that can be overnight or for several months or longer.

Currently the Board of Supervisors approves every lease, individually. The current process generally takes two or more months. Delegated authority will allow for considerably quicker turnaround of Temporary Use Agreements, airport ground leases, County-owned hangar leases, and airport tie-down agreements for lessees and those who fly into County airports to tie down.

Government Code Section 25537(c) authorizes the Board, by ordinance, to delegate to a County officer the authority to execute a lease or license to use County property if all of the following requirements are met:

- (1) The lease or license does not exceed 10 years.
- (2) The lease or license has an estimated monthly rental not exceeding a dollar limit that may

be established by ordinance by the Board, or if no ordinance is adopted, not exceeding ten thousand dollars (\$10,000).

(3) The County officer gives notice as follows:

(A) Post in the office of the Clerk of the Board a notice that describes the property proposed to be leased or licensed, the terms of the lease or license, the location where offers to license the property will be accepted, the location where leases or licenses will be executed, and any County officer authorized to execute the lease or license.

(B) The County officer is required to provide a notice to the supervisorial district office in which the property proposed to be licensed is located. The notice must be provided to the supervisorial office at least five working days before execution of the license. The notice shall describe the property proposed to be licensed or leased, the terms and conditions of the lease or license, and the name of the proposed licensee. The supervisorial district office has five working days to object to the proposed licensee. If the supervisorial district office does not object, the lease or license is deemed approved by the district office. If the supervisorial district office does object, the lease or license can then be brought for Board approval.

Any ordinance adopted under Government Code section 25537 cannot last longer than five years.

If the amendments are approved, staff anticipates that the lease preparation process will take a significantly shorter amount of time than the current process and, assuming that staff receives insurance information in a timely manner, staff anticipates the process can be shortened from two plus months to approximately two weeks or less. Staff will comply with all of the notice requirements set out in Government Code section 25537.

The adoption of this Ordinance is exempt from the California Environmental Quality Act (CEQA) under CEQA Guideline § 15061(b)(3) because it can be seen with certainty that delegating authority to enter into lease or licenses for airport purposes to County officers would not have a significant effect on the environment because the environmental impact of hangars at the Placerville or Georgetown Airports have been adequately studied by the Airport Land Use Compatibility Plan adopted by the Airport Land Use Commission for El Dorado County.

If the amendments are approved, staff will work with County Counsel to make applicable changes to each agreement and lease. Going forward, staff will review those templates annually and present future updates to the Board and provide the Airports Advisory Committee the opportunity to review those templates before they are presented to the Board; however, County Counsel will retain the ability to modify the agreements and leases as necessary.

ALTERNATIVES

- 1) The Board could direct staff to return with suggested changes to the proposed amendments.
- 2) The Board could choose not to approve the amendments, resulting in longer turnaround times, reduced efficiency, and increased staff costs to obtain Board approval for leases.

PRIOR BOARD ACTION

23-0736 - Conceptual approval for the delegation of signature authority on airport ground leases, County-owned hangar leases, Temporary Use Agreements, and airport tie-down agreements on May 2, 2023 (Item 40).

21-0765 - Conceptual approval for temporary use agreements for portable airport hangars on August 30, 2022 (Item 20).

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

This delegation of signature authority request would decrease the loss of revenue to the County when airport users withhold payments because there is not an executed lease with the County in place.

CLERK OF THE BOARD FOLLOW UP ACTIONS

If the amendments are approved by the Board, an item will need to be placed on a future agenda for a second (and final) reading. Staff is proposing that the item be placed on the agenda for the September 12, 2023 meeting.

STRATEGIC PLAN COMPONENT

Economic Development and Good Governance.

CONTACT

Chris Perry, Assistant Director
Planning and Building Department