

SCC NO. 1729

**AN ORDINANCE OF THE SACRAMENTO COUNTY CODE
AMENDING CHAPTER 11.32 RELATING TO RENTS, FEES, AND OTHER
CHARGES FOR USE OF FACILITIES AND SERVICES WITHIN SACRAMENTO
COUNTY AIRPORT SYSTEM BY PERSONS IN THE AIR
TRANSPORTATION BUSINESS**

The Board of Supervisors of the County of Sacramento, State of California,
ordains as follows:

SECTION 1. Chapter 11.32, Title 11, of the Sacramento County Code is
amended to read as follows:

**Chapter 11.32 RENTS, FEES, AND OTHER CHARGES FOR USE OF
FACILITIES AND SERVICES WITHIN SACRAMENTO COUNTY
AIRPORT SYSTEM BY PERSONS IN THE AIR
TRANSPORTATION BUSINESS**

11.32.010 Applicability.

A. Except as provided in Section 11.32.035, this chapter shall not apply to an Airline which has entered into a valid Scheduled Airline Operating Agreement and Terminal Building Lease approved by the Board of Supervisors for the use and occupancy of Airport System services and facilities and for the payment of rents, fees and other charges for that use and occupancy ("Signatory Airline").

B. This chapter shall be operative and applicable to an Airline during any period in which such Airline is not covered by a valid Scheduled Airline Operating Agreement and Terminal Building Lease approved by the Board of Supervisors for the use and occupancy of Airport System services and facilities and for the payment of rents, fees and other charges for that use and occupancy.

11.32.020 Director's Authority.

The Director is authorized to issue and execute an operating permit with Airlines operating pursuant to Section 11.32.010(B) of this chapter. Such operating permit shall be issued on a month-to-month basis and shall, at a minimum, include the following:

- A. Specific rights of Airline at the airport at which Airline will operate.
- B. Limitations on Airline's use of the airport at which Airline will operate.
- C. Payment of rentals, fees and charges.
- D. Compliance with federal, State and local laws, statutes, ordinances, rules, and regulations, including the Sacramento County Department of Airports Rules and Regulations.
- E. Airline's maintenance and repair obligations.
- F. Airline's insurance requirements.
- G. Indemnification.
- H. Environmental Compliance.

The terms of such operating permit shall not be more favorable than those contained in any Scheduled Airline Operating Agreement and Terminal Building Lease approved by the Board of Supervisors.

11.32.030 Assignment of Space.

The Director shall assign the right to use Terminal Building space (including exclusive use, preferential use, County Managed (Common Use) Space, and/or joint use space) or Cargo Building Space by sending Airline a letter with accompanying exhibits depicting the location, volume, and type of space being assigned. The letter shall indicate the duration of the assignment and set forth the terms and conditions governing the Airline's use of the assigned space, including, but not limited to, requirements for insurance, indemnification, assignment and subletting, maintenance and repair, improvements and alterations, and surrender of the assigned space.

Space assigned pursuant to this section 11.32.030 shall be assigned on a month-to-month basis at the discretion of the Director.

The Director may terminate an Airline's use of assigned space at any time with thirty (30) days advance written notice and reassign such space to another Airline, including a Signatory Airline.

11.32.035 Short-Term Assignments of Space to Signatory Airlines

A. The Director may assign to a Signatory Airline Terminal Building space (including exclusive use, preferential use, County Managed (Common Use) Space, and/or joint use space) or Cargo Building Space, from time to time and on a short-term basis not to exceed one (1) year, by sending the Signatory Airline a letter with accompanying exhibits depicting the location, volume, and type of space being assigned. The letter shall indicate the duration of the assignment and set forth the terms and conditions governing the Airline's use of the assigned space, including, but not limited to, requirements for insurance, indemnification, assignment and subletting, maintenance and repair, improvements and alterations, and surrender of the assigned space.

B. The Director may require the Signatory Airline to pay a security deposit, in an amount satisfactory to the Director, to guarantee the timely payment of all applicable rentals, fees, and charges. Such security deposit, if required, shall be remitted to the County prior to the Signatory Airline's use of the assigned space.

11.32.040 Assignment of Aircraft Gates or Parking Positions.

The Director shall assign the right to use aircraft gates at the Terminal Building, which may include either or both the aircraft parking position or loading bridge by sending Airline a letter with accompanying exhibits depicting the location and nature of Airline's rights to the use of gates or parking positions as being either preferential use or County Managed (Common Use). Said assignments shall be made on a month-to-month basis at the discretion of the Director. The Director may terminate such assignment at any time with thirty (30) days advance written notice and reassign such gate to another Airline.

11.32.050 Annual Schedule of Rentals, Fees and Charges.

No later than June 1 of each calendar year, the Director shall post to the Department's internet site, the schedule of rentals, fees and charges to become effective on the subsequent July 1, and shall provide no less than thirty (30) days advance written notice to any Airline operating pursuant to this chapter of the rental rates, fees and charges applicable to that Airline.

In the event of any mid-year adjustment to said rental rates, fees or charges, Airline shall be provided no less than thirty (30) days advance written notice of said changes. A revised schedule of rental rates, fees and charges shall be posted to the Department's internet site at least thirty (30) days prior to said changes becoming effective.

11.32.060 Establishment of Landing Fee Rate—International Airport and Mather Airport.

The Landing Fee rate applicable to Airlines operating pursuant to this chapter with aircraft landing at International Airport and/or Mather Airport shall be one hundred twenty percent (120%) of the Landing Fee rate paid by Airlines operating pursuant to a Scheduled Airline Operating Agreement and Terminal Building Lease approved by the Board of Supervisors.

11.32.070 Landing Fee Rate for Large General Aviation Aircraft.

The landing fee rate for general aviation aircraft weighing over eighty thousand (80,000) pounds Maximum Gross Landing Weight and landing at any airport in the Airport System shall be the rate as determined pursuant to Section 11.32.060 Establishment of Landing Fee Rate – International Airport and Mather Airport.

11.32.080 Establishment of Terminal, Loading Bridge and Aircraft Parking Position Rental Rates and Fees—International Airport.

The Terminal Building, loading bridge, and aircraft parking position rental rates and use fees applicable to Airlines occupying space assigned by the Director pursuant to this chapter shall be equal to one hundred twenty percent (120%) of those rental rates and fees established for those Airlines leasing space pursuant to an agreement approved by the Board of Supervisors.

Rents and use fees for exclusive use space, preferential use space, preferential aircraft parking position(s), loading bridge(s), joint use space in the Terminal Building, and airline systems and equipment use fees shall be due and payable, without deduction or setoff, in monthly installments in advance on or before the first day of each month.

11.32.090 Calculation of Cargo Building Rental Rates.

The Cargo Building rental rates shall be set by resolution of the County at such rates as the Board of Supervisors determines from time to time are consistent with all applicable federal, State and County statutes, regulations, rules and policies.

11.32.095 FIS Facility Fee.

The FIS facility fee will be set and adjusted from time to time by the Director as a rate per deplaned international passenger to be competitive with similar fees charged by other airports.

11.32.100 Security Deposit.

A. In order to guarantee the timely payment of all rentals and fees provided for herein, an Airline shall remit to County, prior to the Airline's use of assigned space, an amount equal to the County's estimate of three (3) months' rentals, fees, and charges payable by Airline. At the discretion of the Director, the security deposit amount required by this section may be adjusted based on the Airline's flight activity levels and/or changes to the Airline's assigned space.

B. The security deposit may be in the form of an irrevocable letter credit, refundable cash deposit, cashier's check, or other form of security acceptable to the County and in the form approved by County Counsel.

SECTION 2. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on December 5, 2023, and on December 12, 2023, further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Hume, seconded by Supervisor Serna, the foregoing Ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 12th day of December 2023, by the following vote, to-wit:

AYES: Supervisors Frost, Hume, Kennedy, Serna, Desmond

NOES: None

ABSENT: None

ABSTAIN: None

RECUSAL: None

(PER POLITICAL REFORM ACT (§ 18702.5.))



2670165

Florence Evans
Clerk of the Board of Supervisors

[Signature]
Chair of the Board of Supervisors
County of Sacramento

FILED
BOARD OF SUPERVISORS

DEC 12 2023
BY *Florence Evans*
CLERK OF THE BOARD

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Chair of the Board of Supervisors, County of Sacramento on *Dec 13, 2023*

By: *[Signature]*
Deputy Clerk, Board of Supervisors