

HUMBOLDT COUNTY AIRPORT ADVISORY COMMITTEE

MINUTES

November 23, 2010, 6:00 PM
3135 Boeing Avenue, Suite C
McKinleyville, CA 95519
707 839-0100

1. Called to order at 1810 by Chairman Goodwin. **Members Present:** Chuck Goodwin, Jack Limmer, Rich Fenton, Gregg Foster, Alistair McCrone, George Jutila, Kyle Gabel, John Ash. **Members Absent:** Dennis Lichty. **Staff:** Jacquelyn Hulse, Airports Manager. **Guests:** Al Castaldi, Ezequiel Sandoval, William Rush, Elaine Weinreb.

2. Open Session:

Al Castaldi reported on Rich Barber's continuing efforts to build a hangar at ACV: Outside plan check issues, fees and charges between the outside agency and the County, soils report, sewer and water hook up charges. \$20K+ in permits and fees. Approximately \$40K for hangar and \$140K total project cost. Al wondered if there would be some economies if Mr. Barber were to complete this process and then built multiple copies of the same thing.

William Rush asked about the Committee's relationship with the "Flying Humboldt" group. The Committee currently has no relationship with this group other than being aware of its' formation. Ezequiel Sandoval indicated that the group is continuing to develop a position statement and will bring the group's position to the attention of the BOS and this Committee.

3. The Minutes of the November 3, 2010 meeting were approved as submitted.
4. Airports Managers Report – Deferred to later in the meeting since it is primarily related to construction updates.
5. Adoption of Subcommittee Reports

A. Function and Role of HCAAC – Goals and Mission (Foster, Ash, Fenton) – Discussed the revised document and considered questions from the Airport Manager. Minor additional revisions included changing the name to "Aviation" from "Airport", consistent with Committee discussion from the last meeting. The Airport Manager asked that the "Airports Master Plan" be referenced in the Mission statement, and it was added into the document. Review and

comment of the ACIP grant program was added as a Board of Supervisors yearly meeting topic. Copy of adopted draft attached.

B. Committee Structure – Size, Representation, Membership (Limmer, McCrone, Jutila) – The revised document was handed out to the public and the Committee and discussed by those present. Size of the Committee and desired background and experience levels for Committee members was discussed. Terms were changed to three year terms, with three one year, three two year, and three three year terms to be considered by the Board of Supervisors at their next meeting. Copy of adopted draft attached.

Both documents are to be put into final form by the respective subcommittee chairmen and they are also to draft a cover letter to the BOS for the documents. The final, consolidated document will be forwarded to Jacquelyn Hulseley in order to get it to Tom Matson for the December 14th Board of Supervisors meeting. It was moved and seconded and passed by consensus to allow this to proceed as noted above.

6. Unfinished Business

A. Update on Aviation Division “Project Status Report” – A Project Status Report dated November 23, 2010 was distributed and discussed by the Airports Manager.

1) Ezequiel Sandoval asked if Runway 1/19 would remain closed for the winter, since the incomplete runway earthwork has been shut down for the winter, due to inclement weather. John Ash asked if there was any cost to the County for the contract “General Conditions” resulting from the closure. Ms. Hulseley indicated that the contractor had demobilized, but that the County would not have to pay for the subsequent re-mobilization operations.

2) ACV T-hangar construction. 60% plans were available at this meeting and will be posted on the County’s website tomorrow. John Ash moved and Gregg Foster seconded that the Committee advise Ms. Hulseley to post the 60% plans to the County’s website for a 30 day public comment period, with specific e-mail notifications to all prospective ACV hangar tenants.

3) Ms. Hulseley handed out the final revised draft of the County Leasing Policy for Commercial Aeronautical Activities and asked that the document be posted in the Committee Minutes. Moved by Gregg Foster, seconded by John Ash to post this on the County’s website for a 30 day public comment period to allow public access.

4) Murray Field Wildlife Exclusion Fence – Ms. Hulsey announced that 30% design plans are due from the consultant in January.

5) The status of the Rohnerville and Murray AWOS system installations was briefly discussed.

B. Update on ACV Zebo Conference Room – TSA and GSA are still negotiating with the County over proposed changes to their lease space within the ACV terminal. No significant progress reported.

C. Final Committee comments on “County Leasing Policy for Commercial Leasing” are due and Ms. Hulsey acknowledged comments made by Committee Member, Jack Limmer.

7. New Business and Correspondence

A. December 14, 2010 - Special Meeting at Humboldt County Court House with Board of Supervisors to present and discuss the Committee’s report to the Board of Supervisors regarding the Airport Advisory Committee’s future membership, goals, and mission statement. There is no scheduled January meeting due to the current uncertainty of the future duties and membership of the Committee.

8. Adjournment @ 2043 by Chairman Goodwin.

Attachments: Adopted Draft of Committee Mission, Roles and Responsibilities
Adopted Draft of Suggested Structure for the Airports Advisory Committee
Leasing Policy for Commercial Aeronautical Activities

Respectfully submitted on February 22, 2011 by Richard R. Fenton, Secretary

Corrected on March 17, 2011 per Committee vote at Meeting of February 22, 2011

Humboldt County Aviation Advisory Committee

Committee Mission, Roles and Responsibilities

Revised Mission: To provide input to the Board of Supervisors and the Department of Public Works, Division of Aviation on the strategic focus of the Humboldt County aviation system, to regularly monitor and report on progress on that strategic focus, and to provide a forum for input on operational issues, opportunities, and concerns.

Key Area of Focus: The system-wide Airports Master Plan that focuses on vision, strategies, and objectives including::

- General Aviation
 - Facilities at the six airports in the system.
 - Operational policies and standards
 - Support systems and businesses
 - Business recruitment and retention
- Commercial Aviation (scheduled service)
 - Facilities serving the public
 - Facilities serving commercial airlines
 - Air services development, including improved and expanded service.
 - Promotion/marketing of the airport.
- Leveraging the Airport Assets
 - Finding and developing compatible and complementary uses of our airport assets.
- Public Support and Outreach
 - Communicate with the public to Identify issues to be addressed.
 - Assist airport staff with public outreach and education.

Functioning of the Committee:

- Monthly meetings
 - Report on progress on projects of the adopted plan.
 - Input from airport system customers on current issues and concerns.
 - Report from airport management on issues and progress on specific items as determined by management, the committee, or the Board of Supervisors.
 - Identification of short term objectives/issues requiring addressing by airport management, the committee and/or the Board of Supervisors.
 - Creation of annual report on progress on the strategic plan and other issues in collaboration with airport management and the Board of Supervisors.
- Annual meeting with Board of Supervisors
 - Present a report on activities/progress on previous annual goals and objectives.
 - Create and present a draft of annual goals and objectives in collaboration with airport management for presentation and adoption by the Board of Supervisors.
 - Provide input and comment on the draft Airports Capital Improvement Plan
 - Provide input and comment on the annual airports budget.

SUGGESTED STRUCTURE FOR THE AIRPORT ADVISORY COMMITTEE

The committee is currently named the Airport Advisory Committee. We feel that the name should be changed to the Aviation Advisory Committee, as there are currently six county airports.

The current members of the Airport Advisory Committee suggest that as of January, 2011 the membership of the committee be made up as follows:

- Each of the five County Supervisors appoints one committee member
- The Supervisors as a whole appoint four additional members, for a total of nine members.
- All committee members shall be full voting members. (no alternates)

Committee members should serve staggered three year terms, with three terms expiring as of the end of 2011, 2012 and 2013. Expiring members may request to be appointed for further three year terms subject to the approval of the Board of Supervisors.

Should a committee member resign from the committee in the middle of his/her term, the Board of Supervisors shall appoint a new member to fill the remainder of the term of the member leaving the committee.

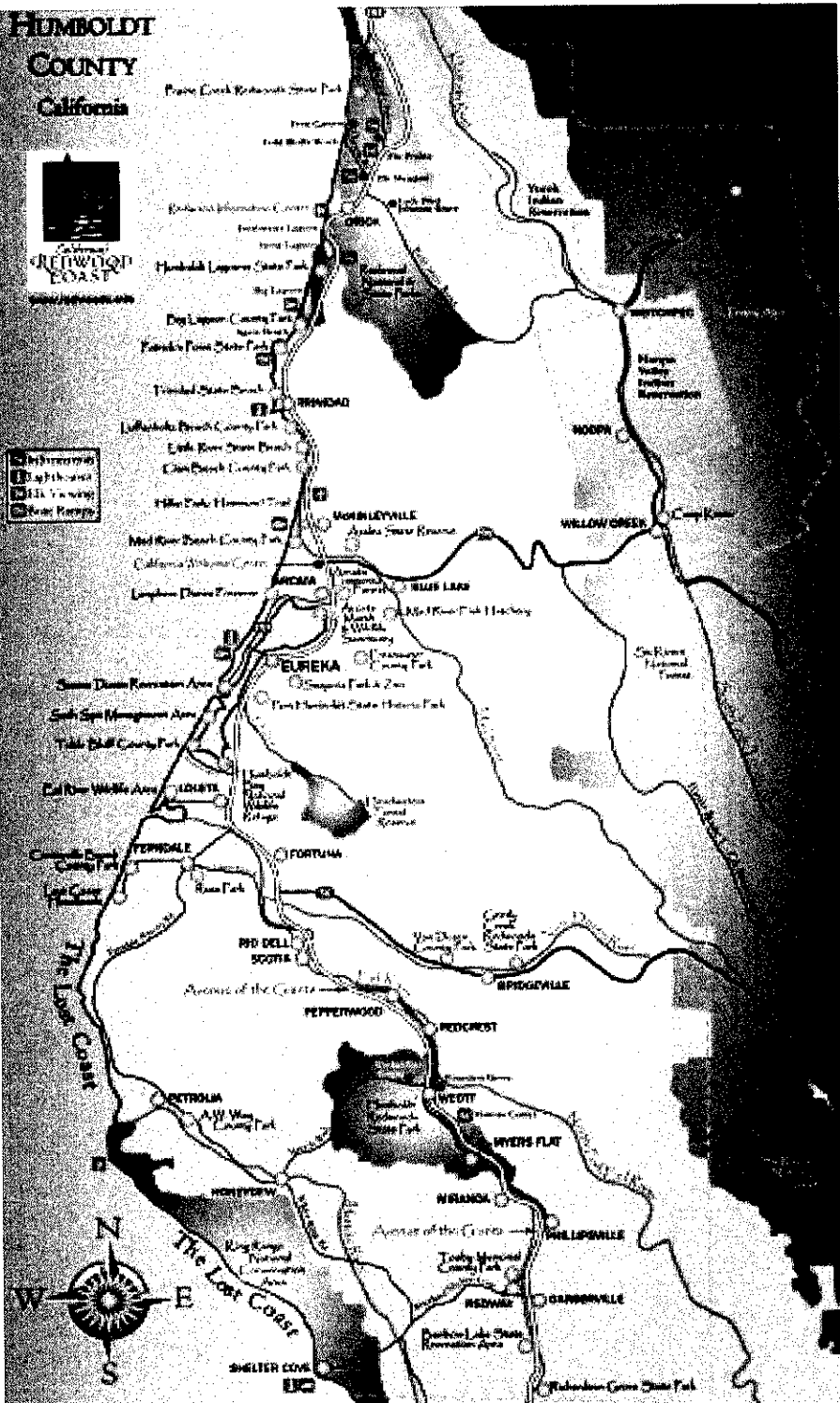
A minimum of five members of the committee shall be pilots, with the balance of the membership made up of members of the business or traveling community. One pilot member should be from southern Humboldt if at all possible.

In January of each year the committee should elect a chair, vice chair and secretary for the year from among their members.

**HUMBOLDT
COUNTY
California**



- Highway
- Light House
- State Property



Leasing Policy for Commercial Aeronautical Activities

Humboldt County Airports

Date: MARCH 2010

This document provides the basic terms and conditions on leasing property at the Airports, It is intended to provide current and potential tenants an understanding of the leasing policies used by the County when leasing property, or providing access to the Airports.

MISSION STATEMENT

Humboldt County is committed to the promotion of safety, providing high-quality airport services and facilities, and to continually strive to improve the quality of service through innovative approaches and proven industry standards. The County will consistently respond to its tenants', users', and community's needs in an equitable, efficient, and effective manner. The County is committed to having its airports be the airports of choice for the region's businesses and travelers by providing a safe, cost effective, friendly, and enjoyable customer experience. The Airports further support the goals of the County by offering transportation services and support to the region's general aviation and recreational pilots.

COUNTY AIRPORTS

Humboldt County, California (County) owns and operates six County-owned airports (Airports), identified as follows.

- Arcata/Eureka Airport
- Dinsmore Airport
- Garberville Airport
- Kneeland Airport
- Murray Field Airport
- Rohnerville Airport

INCLUDED HEREIN IS THE LEASING POLICY FOR THESE AIRPORTS.

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SECTION I: INTRODUCTION

Humboldt County, California, Public Works-Division of Aviation (County) owns and operates six Airports consisting of a single air carrier airport and five general aviation facilities. These Airports provide general aviation services to the public, while the Arcata/Eureka Airport also offers commercial air service. The Airports and businesses thereon offer facilities for propeller fixed wing and turbojet aircraft and helicopters, as well as a variety of commercial aeronautical services. Each Airport acts as a stimulus to the local economy through jobs, salaries, business support and access. Flight activities at the Airports include air carrier operations, flight training, air charter, corporate flights, emergency services and private aircraft operations.

As set forth by the Federal Aviation Administration (FAA) by way of its Airport Sponsor Assurances, any airport developed with Federal grant assistance is required to operate for the use and benefit of the public and is to be made available to all types, kinds, and classes of aeronautical activity on fair and reasonable terms and without unjust discrimination. As the Airport's sponsor, the County receives Federal airport development funding. This *Leasing Policy for Commercial Aeronautical Activities* will assist the County in maintaining compliance with the Airport Sponsor Assurances, as not to jeopardize their ability to obtain future Federal airport development funding, as well as to provide for the fair and equitable treatment of all aeronautical tenants and users. This Policy has further been developed to assist the County in competing fairly with other airports and to maintain fiscal responsibility of the Airport assets entrusted to the County.

The purpose of this document is to set forth a standardized system for the leasing and rental of Airport properties, which will be utilized for all future tenants of the Airports, and to assist the County in maintaining compliance with the Federal Aviation Administration (FAA) Policies, Regulations, guidance documents and Advisory Circulars.

SECTION II - LEASING POLICY

This *Leasing Policy for Commercial Aeronautical Activities* document is intended to provide potential tenants an understanding of the policies and procedures used by the County when leasing property, facilities or providing access to the Airports for commercial aeronautical activities. This document sets forth the parameters for leasing Airport land, facilities, and accessing Airport property, established for the following purposes:

- Maintain these six public-use Airports in a safe manner to ensure that the County can fulfill their role as required in a emergency response system
- Preserve investments in the Airports and the level of service provided to the public.
- Facilitate orderly management of the Airports
- Ensure provisions of high-quality leasing procedures, services, and consistent quality of facilities
- Provide equitable and uniform treatment of all tenants and users by ensuring that any Airport tenant is subject to the same rates, fees, and charges as are uniformly applicable to other tenants offering similar services or utilizing similar facilities at the Airports.
- Advance qualified aviation-related services on the Airports
- To assist the County in the well-ordered development on the Airports
- To ensure compliance with applicable laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application and acceptance of Federal Funds
- Facilitate and foster good relations with all local airport communities and their residents
- Enable conformity with approved Airport Master Plans
- To make the Airport available for public use on reasonable terms without undue discrimination
- Assist the County in maintaining a fee and rental structure with the goal of financial self-sustainability
- Ensuring economic growth by providing access to State, regional, local and national markets

SECTION III- DEFINITIONS

The following words, terms and phrases when used herein shall have the meanings as described below.

1. **AC** - Advisory Circular.
2. **Aeronautical Activity (or "Aeronautical Activities" or "Activity" or "Activities")** - any activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of Aircraft, or another Aeronautical Activity, or which contributes to or is required for the safety of such operations. Aeronautical Activities include, but are not limited to, sale of Aircraft Fuel and/or lubricants; passenger, crew, pilot services, and Aircraft ground services; support and amenities; Tiedown, hangar, Aircraft parking, office, and shop rental/subleasing; Aircraft Maintenance; avionics or instrument maintenance; Aircraft Rental; Flight Training; Aircraft charter; Aircraft management, Aircraft sales; sightseeing aerial photography; aerial spraying and agriculture aviation services; aerial advertising; aerial surveying; and any other activities which in the judgment of the County, because of their direct relationship to the operation of Aircraft or the Airport, can appropriately be regarded as an "Aeronautical Activity." For all purposes of these Minimum Standards, all products and services described herein are deemed to be "Aeronautical Activities".
3. **Agency** -any federal, state, or local governmental entity, unit, agency, organization, or authority.
4. **Agreement** - a written agreement executed by both parties, and enforceable by law between the County and an Entity granting a concession, transferring rights or interest in land and/or Improvements, and/or otherwise authorizing and/or prohibiting the conduct of certain Activities.
5. **Air Charter or Taxi** - the commercial operation of providing air transportation of Person(s) or property for hire by either a charter basis or as an air taxi operator.
6. **Aircraft** - any contrivance now known or hereafter invented which is used or designed for navigation of or flight in air, except a parachute or other contrivance designed for such navigation

but used primarily for safety Equipment. This includes, but is not limited to, airplanes, airships, balloons, dirigibles, rockets, helicopters, gliders, gyrocopters, ground-effect machines, sailplanes, amphibians, and seaplanes.

7. ***Aircraft Fuel*** - all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine. To include any substance (solid, liquid, or gaseous) used to operate any engine, which shall include Aircraft or Vehicles.
8. ***Aircraft Management Operations*** – is a Commercial Operator engaged in the business of providing Aircraft flight dispatch, flight crews, or Aircraft maintenance coordination on behalf of an Aircraft Owner.
9. ***Aircraft Operation*** - an Aircraft arrival at, or departure from, the airport.
10. ***Aircraft Owner*** - a Person or Entity holding legal title to an Aircraft, or any Person having exclusive legal possession of an Aircraft.
11. ***Aircraft Parking and Storage Areas*** - those hangar and Apron locations of the Airport designated by the County for the parking and storage of Aircraft.
12. ***Aircraft Rental*** - the commercial operation of renting or leasing Aircraft to the public for compensation.
13. ***Aircraft Sales*** - the sale of new or used Aircraft through brokerage, ownership, franchise, distributorship, or licensed dealership.
14. ***Airframe and Power Plant Maintenance*** - the commercial operation of providing airframe and power plant services, which includes the repair, maintenance, inspection, constructing and making of modifications and alterations to Aircraft, Aircraft engines, propellers and appliances including the removal of engines for major overhaul as defined in 14 CFR Part 43, as now or hereafter amended. This category of service also includes the sale of Aircraft parts and accessories.

15. ***Airframe and Powerplant Mechanic (A&P)*** –a Person who holds an Aircraft mechanic certificate with both airframe and powerplant ratings issued by the FAA under the provisions of 14 CFR Part 65, as now or hereafter amended.
16. ***Airport(s)*** – airports, owned and operated by the County, and all land, Improvements, and appurtenances within the legal boundaries of the airports as they now exist on the Airport Layout Plans as currently approved by the County within each Airport’s Master Plan and as each airport may be extended, enlarged or modified by County action.
17. ***Airport Layout Plan (ALP)*** - the currently approved scale drawing depicting the boundaries and physical layout of the Airport and identifying the location, type, dimensions and configuration of existing and proposed infrastructure and Improvements, including but not limited to runways, taxiways, Aprons, buildings, Roadways, utilities, nav aids, as well as proposed extensions and reductions of existing Airport facilities.
18. ***Apron*** – those paved areas of the Airports within the movement area designated by the Manager for the loading or unloading of passengers, servicing, or parking of Aircraft.
19. ***Avionics Sales and Maintenance*** - the commercial operation of providing for the repair and service, or installation of Aircraft radios, instruments and accessories. Such operation may include the sale of new or used Aircraft radios, instruments and accessories.
20. ***Based Aircraft*** - an Aircraft which the owner physically locates at the Airport for an undetermined period and whenever absent from the Airport, the owner intends to return the Aircraft to the airport for long-term storage.
21. ***Certificate of Insurance*** – a certificate provided by and executed by an insurance company evidencing the insurance coverage(s) and limits of the operator.
22. ***CFR*** – Code of Federal Regulations, as codification of the general and permanent rules as published in the Federal Register, and as they are be amended from time to time.

- 23. Commercial Aeronautical Activity** - any activity (including Aeronautical Activities) conducted at or on the Airport by any Entity in which:
- a. the exchange, trading, buying, or selling of commodities, goods, services or property of any kind at the Airport; or
 - b. engaging in any activity (including Aeronautical Activity) on the Airport for the purpose of securing revenue, earnings, income, and/or compensation, whether or not such revenue, earnings, and/or compensation are ultimately exchanged, obtained, or transferred; or
 - c. The offering or exchange of any product, service, or facility on the Airport as a part of other revenue, earnings, income, and/or compensation producing activity on or off the Airport.
- 24. Commercial Operator** –an Entity engaging in an activity which involves, makes possible or is required for the operation of Aircraft, or which contributes to, or is required for the safe conduct and utility of such Aircraft Operations, the purpose of such Activity being to generate and/or secure earnings, income, compensation, and/or profit, whether or not such objectives are accomplished.
- 25. Commercial Self-Service Fueling** – fueling of an Aircraft by the pilot using commercial Aircraft Fuel pumps installed for that purpose. The Aircraft Fueling facility may or may not be attended by the vendor, which is either a Fixed Base Operator or the County, that is exercising its right to sell Aircraft Fuel.
- 26. Contiguous Land** – land that is sharing an edge or boundary or is separated by no more than a Taxilane.
- 27. Employee(s)** – any individual employed by an Entity or employment agency where by said Entity or employment agency collects and pays all associated taxes on behalf of Employee (i.e., social security and Medicare).

- 28. Entity(or “Entities”)** – includes a Person; Persons; firm; partnership; limited liability; partnership or corporation; Agency: unincorporated proprietorship, association, or group; including any trustee, receiver, assignee, or other similar representative, or corporation other than the Airport.
- 29. Equipment** – all property and machinery, together with the necessary supplies, tools, and apparatus for the proper conduct of the Activity being performed.
- 30. Exclusive Right** - a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An Exclusive Right can be conferred either by express Agreement, Contract, License, Lease, and Permit, or by the imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more Entities, but excluding others from enjoying or exercising a similar right would be an Exclusive Right.
- 31. FAA** – Federal Aviation Administration.
- 32. Fixed Base Operator (FBO)** - a full service Commercial Operator who is authorized to engage in the sale of products, services, and facilities to Aircraft operators including at a minimum, the following Aeronautical Activities and at the Airport:
- a.** Aircraft refueling to include Jet Fuel, AvGas, and Aircraft lubricants
 - b.** Aircraft Line Services
 - c.** Airframe and Power Plant Maintenance
 - d.** Aircraft storage/hangar rentals and Tiedowns
 - e.** Passenger, Crew, and Aircraft ground services, support and amenities
 - f.** FBOs may also provide optional services as approved by the County, which may include Flight Training, Aircraft Rental, Aircraft Charter or Air Taxi, Avionics Sales and Service.
- 33. Flight Training** - the commercial operation of instructing pilots in dual and solo flight, in fixed or rotary wing Aircraft, and related ground school instruction as necessary to complete a FAA written pilot’s examination and flight check ride for various categories of pilots’ licenses and ratings. Flight Training shall also include any portion of a flight between two or more airports or other destinations where the primary purpose is to increase or maintain pilot or crew member proficiency.

- 34. *Flying Club*** – a non-commercial and non-profit Entity organized for the purpose of providing its members with any number of Aircraft for their personal use and enjoyment. Aircraft must be vested in the name of the Flying Club owners on a pro-rata share, and the club may not derive greater revenue from the use of the Aircraft than the cost to operate, maintain, and replace the Aircraft.
- 35. *Fuel Storage Area*** - any portion of the Airport designated temporarily or permanently by the County as an area in which aviation, or motor Vehicle gasoline or any other type of Aircraft Fuel or fuel additives may be stored or loaded.
- 36. *Fueling or Fuel Handling*** - the transportation, sale, delivery, dispensing, storage, or draining of Fuel or Fuel waste products to or from Aircraft, Vehicles, or Equipment.
- 37. *General Aviation*** - all of aviation with the exception of Aircraft manufacturing, military aviation, and scheduled commercial air carrier operations. General Aviation Aircraft are utilized for commercial and non-commercial purposes including business/corporate, recreational/pleasure, charter/air taxi, industrial/special purpose, emergency and instructional.
- 38. *Ground Courier*** – establishments primarily engaged in the delivery of individually addressed letters, parcels, and packages (generally under 100 pounds), except by means of air transportation or by the United States Postal Service,. Delivery is usually made by street or highway within a local area between cities.
- 39. *Hazardous Material*** - any oil, petroleum products, flammable substances, explosives, radioactive materials, hazardous waste, toxic waste, or substances or any other waste, materials or pollutants which may pose a threat to the health and safety of the owners, occupants, or any persons upon entering the Leased Premises or properties adjacent thereto and/or cause the property to be in violation of any regulatory measure.
- 40. *Improvements*** – all buildings, structures and facilities including pavement, concrete, fencing, signs, lighting, and landscaping constructed, installed or placed on, under or above any land on the Airport.

- 41. Lease** - the written contract between the County and a Commercial Operator (Lessee) specifying the terms and conditions under which an Operator may occupy and operate from certain Airport facilities and/or property.
- 42. Leased Premises** – the land and/or Improvements leased by the Commercial Operator for the conduct of Operator’s Activities.
- 43. Lessee** – an Entity that has entered into an Agreement/ Lease with the County to occupy, use, and/or develop land and/or Improvements and engage in Aeronautical Activities.
- 44. Manager** – the Airports Manager of a Humboldt County Airport or such other County Employee as the Manager may from time to time designate in writing to carry out the duties of the Manager.
- 45. Minimum Standards** - the qualifications, standards, and criteria, as established by the Airport owner as the minimum requirements that shall be met by businesses engaged in Commercial Aeronautical Activities for the right to conduct those Activities.
- 46. Non-Commercial Operator** – an Entity that either owns or leases and operates Aircraft for personal or recreational purposes. In the case of a business, the operation of Aircraft must be an ancillary Activity to support the business’s purposes by providing transportation for the exclusive use of its Employees, agents, and/or customers. In all cases, the Non-Commercial Operator neither offers nor engages in Commercial Aeronautical Activities.
- 47. Permit** - administrative approval issued by the County to a Person or company to conduct an Aeronautical Activity, and provide such services, to based and transient Aircraft, only from facilities and locations where such services are authorized.
- 48. Person** - an individual, corporation, firm, partnership, association, organization, and any other group acting as an Entity, to conduct business on the Airport. Person includes a trustee, receiver, assignee or similar representative.

49. Preventive Aircraft Maintenance - maintenance that is not considered a major Aircraft alteration or repair and does not involve complex assembly operations as listed in 14 CFR Part 43, as now or hereafter amended, except for Item 22 in the Regulation. Item 22 involves the replacement of prefabricated Aircraft Fuel lines, and shall, for purposes of these regulations, be considered a major Aircraft repair.

50. Roadway - any street or road whether improved or unimproved, within the boundaries of the Airport and designated for use by ground Vehicles.

51. Rules and Regulations – the Airport Rules and Regulations, as they currently exist and as may be amended from time to time, or any successor ordinance, rule, or regulation adopted by Humboldt County.

52. Self-Service – aircraft refueling, repair, preventive maintenance, towing, adjustment, cleaning, and general services performed by an Aircraft owner or his/her Employees on his/her Aircraft with resources supplied by the Aircraft Owner. Cooperative (Co-op) activities, the sharing of Vehicles, Employees, and resources are not considered Self-Service and are not permitted.

53. Specialized Aviation Service Operation (SASO) - a Commercial Operator that is authorized to provide any one or a combination of the following Activities

- a. Airframe and Power Plant Maintenance
- b. Avionics Sales and Maintenance
- c. Aircraft Rental, Flying Club, or Flight Training
- d. Aircraft Charter or Aircraft Management
- e. Aircraft storage or hangars
- f. Aircraft Sales
- g. Specialized commercial aviation services
- h. Temporary specialized commercial service

54. Specialized Flying Services - providing specialized commercial flying services such as non-stop sightseeing tours, aerial photography or surveying, power line or pipeline patrol, firefighting or

fire patrol, air ambulance, airborne mineral exploration, and other air transportation operations specifically excluded from 14 CFR Part 135, as now or hereafter amended.

55. SOP – Standard Operating Procedures.

56. Sublease - a written Agreement, approved by the County, stating the terms and conditions under which a third party Commercial Operator leases space from a Lessee for the purpose of providing Aeronautical Activity at the Airport.

57. Taxilane - the portion of the Airport Apron area, or any other area, used for access between taxiways and Aircraft parking or storage area.

58. Taxiway - a defined path established for the taxiing of Aircraft from one part of the Airport to another.

59. Tiedown – an area paved or unpaved suitable for the parking and mooring of Aircraft wherein suitable Tiedown points are located.

60. Transportation Security Administration (TSA) – this agency is a component of the Department of Homeland Security and is responsible for security of the nation’s transportation systems including airports.

61. UNICOM - a two-way communication system operated by the Government or assigned to a FBO or SASO entity that may provide airport advisory information.

62. Vehicle – any device that is capable of moving itself, or being moved from place to place on wheels; but does not include any device designed to be moved by human muscular power or designed to move primarily through the air.

63. Vehicle Parking Area - any portion of the Airport designated and made available temporarily or permanently by County for the parking of Vehicles.

SECTION IV - APPLICATION

4.1 Application

Each corporation, person, or business desirous of becoming a commercial tenant at the Airport must complete and submit an application form for review and consideration.

The Airport reserves the right to request from a prospective commercial tenant in written form, at the time of, and as part of its application, the following information and thereafter such additional information as may be required, requested or modified by the Airport Manager or their Designee. Said request may be applied to either new tenants or existing tenants requesting a lease renewal or extension.

As a prerequisite to occupancy on and the granting of commercial operating privileges at an Airport, the prospective Operator must submit a specific, detailed description of the scope of the intended commercial aeronautical activities, and the means and methods to be employed to accomplish the contemplated activities. Required information for commercial aeronautical activities shall include, but not be limited to:

- A. The legal name of the entity filing the Application and its business name (if different).
- B. The name, address, and telephone number of the entity and primary contact person.
- C. The names, addresses, and phone numbers of all owners of five (5%) percent or more equity interest, management control, or debt in the entity.
- D. The proposed date for commencement of the intended activities and proposed term for conducting same.
- E. A comprehensive listing of all activities proposed to be offered, along with copies of all applicable Federal, State, or local operating certificates and licenses held.
- F. For proposed agreements to lease (or requests for assignment) existing structures or improvements, a description of the size, location, and proposed utilization of office, hangar, tiedowns, and vehicle parking areas to be utilized.
- G. For proposed agreements for lease (or requests for assignment) of unimproved Airport areas, a layout (to scale) of the size, configuration, and location of the property desired to be occupied and a preliminary drawing of the buildings and improvements to be constructed,

together with identification of vehicle parking areas. Drawings should be legible and reproducible with clearly defined dimensions. At a minimum, each drawing should be on an 8.5 inch x 11 inch paper and be drawn in ink. The County retains the right to request a metes and bounds legal description of lease property boundaries.

- H. The proposed number of persons to be employed, including the names and qualifications of each management/supervisory person, and specifications as to whether the employees will be full-time, part-time, or seasonal.
- I. The number of aircraft to be utilized in connection with the proposed activities and the make, model, passenger seating capacity, cargo capacity, aircraft registration number, insurance certificates, and copies of applicable operating certificates for each aircraft.
- J. The tools, equipment, vehicles, and inventory proposed to be utilized in connection with the intended activities.
- K. A written business plan, including a market analysis, to include a written statement addressing each of the following areas:
 - a.* Definition of target markets
 - b.* Intended market share
 - c.* Promotional marketing techniques
 - d.* Description of existing competitors
 - e.* Percent of intended sales related to aircraft based on the Airport
 - f.* Evidence of support from potential customers, such as surveys, testimonials, and/or related documents
 - g.* List of products to be sold or distributed (if any) and a list of manufacturer's or distributor's requirements for obtaining dealership (if applicable)
 - h.* List of suppliers, subcontractors, and associates
 - i.* List of any proposed subtenants
 - j.* Business plan shall be dated and, include process for ensuring all tenants/pilots, subtenants and aircraft are registered with the State.

4.2 Financial Responsibility

As evidence of the Applicant's financial capability, the prospective operator shall provide a financial statement from a bank or similar financial institution or from such other source as may be acceptable to the County and readily verified through normal banking channels. The prospective operator must also demonstrate the financial capability to initiate the activities, construct proposed improvements, and provide working capital to perform proposed activities. The demonstration of financial capabilities shall also include cash flow and profit and loss calculations for the first five (5) years of the operation, a three (3) year historical profit and loss statement (if applicable), and a current (within 90-days) balance sheet. The County retains the right to request personal guarantees in support of the Lease obligations.

4.3 Experience

The prospective operator shall furnish the County a statement of its past experience in providing the specified commercial aeronautical service for which the application is being made, including resumes of management individuals who will be directly responsible for the proposed operation, together with, business, financial and managerial references. This information must be presented in a form acceptable to the County.

4.4 Bonding and Insuring

The prospective operator shall provide evidence in a form acceptable to the County, of its ability to supply:

- A. A performance bond in an amount equal to 100 percent (100%) of one (1) year's rent and/or fees established and agreed to for conducting the activities and entering into the agreement sought (cash may be used in-lieu of a performance bond).
- B. A performance bond in the amount equal to the cost for constructing the proposed improvements in a form submitted to the County for approval.
- C. All required insurance coverage as specified and applicable to the Airport where the proposed improvements are to be constructed.

SECTION V - GROUNDS FOR DENIAL OF APPLICATION

The County may deny any commercial application for any one (or more) of the following reasons.

- A. The Applicant's proposed activities, operation, and/or construction would create a safety hazard at the Airport and/or surrounding community.
- B. The Applicant, for any reason, does not fully meet the qualifications, standards, and requirements of the County. The burden-of-proof shall be on the prospective operator and the standard-of-proof shall be by clear, convincing evidence.
- C. The granting of the application will require the County to expend funds, or supply labor or materials, in connection with the proposed activity and/or construction that the County is unwilling to spend, or the proposed activity and/or construction will result in a financial loss (or hardship) to the Airport.
- D. No appropriate, adequate, or available space or buildings exist at the Airport to accommodate the proposed operation of the Applicant at the time of the application, nor is such availability contemplated within a reasonable time frame.
- E. The proposed operation, development, and/or construction does not comply with the Master Plan and/or ALP of the Airport in effect at that time, or anticipated to be in effect within the time frame proposed by the Applicant.
- F. The development or use of the area requested by the Applicant will result in congestion of aircraft or buildings, or will unduly interfere with operations or activities of any present operator on the Airport and/or prevent adequate access to the assigned lease area of any present lessee and/or operator.
- G. The Applicant has either intentionally or unintentionally misrepresented or omitted material facts in the application or in supporting documents.
- H. The Applicant has failed to make full disclosure in the application or in supporting documents.

- I. The Applicant or an officer, director, agent, representative, shareholder, or employee of the Applicant, has a record of violating the rules, regulations, statutes, ordinances, laws, or orders of any other airport, civil air regulation, FAA regulations, or any other rules, regulations, statutes, ordinances, laws, or orders applicable to the Airport.
- J. The Applicant or an officer, director, agent, representative, shareholder, or employee of applicant has defaulted in the performance of any other agreement.
- K. On the basis of current financial information, the Applicant does not, in the sole discretion of the County, exhibit adequate financial responsibility or capability to undertake the proposed operation and activities.
- L. The Applicant cannot or will not provide a performance bond or applicable insurance in the amounts and type required for the proposed activity.
- M. The Applicant or an officer, director, agent, representative, shareholder or employee of applicant has been convicted of any felony or of a misdemeanor involving moral turpitude.
- N. Applicant's activities or operations could be detrimental to the Airport.

SECTION VI - GENERAL LEASE PROVISIONS

6.1 Property Lease

Once the County has approved the lease application and the Applicant has read the Minimum Standards, Airport Rules and Regulations, and Leasing Policy, the Applicant shall be provided a Draft Lease for review. This Draft Lease will include, but not be limited to the following details:

1. Description of leasehold (County retains the right to request a metes and bounds legal description)
2. Term of lease
3. All fees and charges associated with occupying and operating on the premises
4. Payment procedures relating to all fees and charges
5. Approved activities
6. Prohibited activities
7. Subleasing requirements
8. Lease assignment provisions
9. Maintenance requirements
10. Restrictions on hazardous substances
11. Default and penalty provisions
12. Remedies on default
13. Vacating the premises procedures
14. Insurance amounts required
15. Names and addresses of responsible parties
16. Reversionary clauses
17. Information on all taxes, liens and utilities
18. Compliance with FAA/TSA regulations
19. Aircraft registration requirements/pilot registration
20. Construction or alteration procedures
21. Landscaping
22. Fire Prevention
23. Airport entry onto premises

24. Compliance with laws
25. Termination for Airport development
26. Transfer of Airport ownership
27. Bankruptcy
28. Ingress and Egress to Property
29. Sale of Improvements
30. Lease Renewal Options
31. Nuclear Free Ordinance Compliance

6.2 Lease Term

Initial terms for a newly constructed FBO and/or SASO leases will be for a minimum of twenty-five (25) years (identified as the Base Term), with the potential for one (1) consecutive five (5) year option. Said options shall be at the sole discretion of the County. The County, at its sole discretion, may grant longer terms based upon the proposed capital investment in the property by the tenant. At the expiration of each lease, the County maintains the option of ownership of all leasehold improvements reverting to the County. Alternatively, the County has the option of requiring the tenant to remove any and/or all structures at the tenant's cost.

6.3 Lease Renewal

In accordance with Section 7.2 above, the County, at its sole discretion, may extend the Lease beyond the Base Term, subject to the satisfaction of all of the following conditions and the approval of the County.

- A. The existing Lease must not be in default
- B. Any improvements on the Premises must be structurally sound and capable of safe and legal occupancy for the remaining term of the option periods. Lessee will be required to obtain an inspection by a certified structural engineer on building code compliance to verify the condition of the structures. Such individual must be approved by the County in advance.
- C. File a written notice with the County that the Lessee has complied with (A) and (B) above, and that the Lessee intends to request the option at least One Hundred Twenty (120) days prior to the expiration of the preceding lease term.
- D. Meet all minimum investment requirements in accordance with any lease or Airport policies.
- E. The County may refuse the options if any of the stated conditions are not met, or if the County makes a determination that the Premises are required for Airport development. In

the event of Airport development, and providing that other suitable land is available, the County may, but is not obligated to, submit an alternative site to Lessee for consideration, with both parties making good faith effort to negotiate a new lease.

- F. Any renewal extensions related to a Lease shall be subject to the same conditions as set forth during the Base Term. However, the County maintains the right to adjust any and all rates, fees, and charges in effect at the time of commencement of the extension as determined and required by governing agencies and the County.

6.4 Insurance Requirements

Each tenant shall maintain the types and amounts of insurance as specified in the lease or agreement to adequately cover the respective categories of commercial aeronautical services provided and to meet all County insurance requirements. Each commercial tenant shall at all times maintain the following applicable types of insurance, to include commercial general liability, personal injury, contractual liability, vehicular liability, aircraft liability, hangar-keeper's liability, products-completed operations liability, and environmental clean-up liability insurance.

Each tenant shall maintain at all times fire and extended property coverage for all improvements and fixtures on premises in an amount not less than the full replacement cost of same improvements and fixtures. In addition, each tenant, if applicable, shall maintain Worker's Compensation insurance as required by State of California law at all times.

Each tenant shall provide the County with a proof of insurance certificate annually. All insurance policies shall contain indemnification and hold harmless language that covers the County and its employees, and officers (individually or collectively) as additional insured with respect to liability arising from activities performed.

6.5 Capital Investment Requirements

All applicants for Leases at the Airport shall commit to minimum financial investments both at the commencement and during the term of the Lease. This will ensure that the Airport is developed to its maximum potential, fair and equitable leaseholds are reflected for similar and competing commercial

operators, and the Airport is assured that existing and prospective operators are periodically reinvesting in their facilities to enhance the experience for users of the Airport. Minimum investment requirements may be different for different leaseholds or types of operators, and may differ for new development versus operators utilizing existing leaseholds.

6.7 Ownership Transfer and Lease Assignment

In recognition of the County's continued investment in the Airport, which ultimately benefits any commercial aeronautical service provider thereon, a lease transfer or assignment fee equal to two (2%) percent of the gross selling price shall be paid to the County in conjunction with any lease transfer or assignment to assist in the administrative burden. A transfer shall be construed as any transaction involving twenty-five (25%) percent or more of the ownership or stock in the leasehold entity. Leases may not be assigned or transferred without the written permission of the County and any and all potential tenants must meet the requirements included in the Leasing Policy.

Any commercial aeronautical leaseholder must retain the same ownership structure, as well as a minimum of ninety percent (90%) of the same ownership interests, for a minimum of three (3) years after commencement of the Base Term and any options. If such ownership structure or ownership interests change during the initial three (3) year period the County shall have the right to void the existing lease agreement and negotiate a new agreement with the new or modified ownership entity at prevailing market terms for land and facilities.

6.8 Minimum Standards and Exclusive Rights

The County owns and operates the Airport, and receives Federal airport development assistance and assumes contractual grant obligations including compliance with the Federal Aviation Administration (FAA) Advisory Circular 150/5190-7, Minimum Standards for Commercial Aeronautical Activities effective August, 2006. Minimum Standards are developed to provide the threshold entry requirements for those persons desiring to provide commercial aeronautical services to the public at the Airports. The Minimum Standards are established based upon the conditions at the individual Airports or class of airport, the existing and planned facilities at the Airports, and the current and future aviation role of the Airports. The prospective commercial aeronautical operator shall agree to offer the described minimum

level of services in order to obtain an agreement, permit, or lease to operate on the Airports. In summary, the Airports' Minimum Standards establish the minimum requirements to be met by individuals and companies for the privilege of providing commercial aeronautical services at the selected Airport. All operators are encouraged to exceed the "minimum" in terms of quality of facilities and/or services.

The FAA policy on exclusive rights prohibits the creation or continuance of agreements at the Airports granting exclusive rights to a single commercial operator or service provider. The FAA concludes that the existence of an "exclusive right" aeronautical activity or a local monopoly at an airport restricts the public use of the airport through the absence of competitive enterprise. The County is prohibited from granting an exclusive right to a single operator on the Airports, with few exceptions (i.e.; proprietary fueling). However, it should be noted that a single commercial operator does not represent the granting of an "exclusive right" or monopoly to said operator.

6.9 Nuclear Free Clause

Lessee must certify by its signature that Lessee is not a nuclear weapons contractor, in that Lessee is not knowingly or intentionally engaged in the research, development, production, or testing of nuclear warheads, nuclear weapons systems, or nuclear weapons components as defined by the Nuclear Free Humboldt Ordinance. Lessee agrees to notify County immediately if it becomes a nuclear weapons contractor, as defined above. County may immediately terminate a Lease if it determines that the foregoing certification is false or if Lessee becomes a nuclear weapons contractor.

SECTION VII - COMPETITIVE REQUEST FOR PROPOSAL PROCESS

In order for the County to determine the level of market demand, the County maintains the right to seek competitive proposals at their discretion for commercial aeronautical property leases. The proposal process will include public notices, information and availability of proposal documents. All Requests for Proposals will be consistent with any and all applicable County policies, and a fair and objective evaluation process will be utilized to select the proposals that best meets the interests of the County's criteria as defined within the proposal documents.

7.1 No Exclusions of Existing Qualified Operators

Current tenants will not be excluded from submitting competitive proposals.

7.2 Proposal Evaluations

Each Request for Proposal will contain specific information regarding the Airport property currently being considered, and all proposals will include requirements for detailed information from the respondents regarding:

- Qualifications
- Capital investment proposed
- Experience in services being offered
- Experience of management personnel
- Proposed services and products
- Financial ability

SECTION VIII - APPLICABLE DOCUMENTS

All tenants and prospective tenants are encouraged to become familiar with Airport management documents, which can be obtained by contacting the County. The following lists of documents are recommended. However, it is recommended that a prospective tenant contact the Airport Manager for information on other pertinent policies regarding proposed tenancy and operations.

- Leasing Policy for Commercial Aeronautical Activities
- Rules and Regulations
- Master Plan
- Minimum Standards
- County Code Title II – Administration, Division 6: Buildings and Properties, Chapter 5