



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: July 21, 2015

Subject: APPROVE and AUTHORIZE termination of tiedown permit with Harold Millan, Pacheco Area

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports to terminate Tiedown Permit for space K-7 with Harold Millan. AUTHORIZE County Counsel to pursue legal action.

FISCAL IMPACT:

There is no negative impact on the General Fund. The Airport Enterprise Fund will cover the cost of any legal action.

BACKGROUND:

On September 28, 2008, the County entered in to a Tiedown Permit with Harold Millan (Tenant) for storage of his aircraft in tiedown space K-7, which is located on the East Ramp of Buchanan Field Airport. Because of his failure to pay rent in full, Tenant is currently in default under the Agreement.

The tenant has been sent 13 letters of delinquency with additional email notifications since the commencement of the tiedown permit on September 23, 2008. The latest non-compliance letter dated April 6, 2015, informing the Tenant that in order to avoid termination of the Agreement, payment in full of past due rent (then totaling \$600.00)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **07/21/2015** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I
Supervisor
Candace Andersen, District II
Supervisor
Mary N. Piepho, District III
Supervisor
Karen Mitchoff, District IV
Supervisor

ABSENT: Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 21, 2015

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Beth Lee, (925)
681-4200

cc:

would have to be delivered to the County by 4:30 p.m. on

BACKGROUND: (CONT'D)

April 17, 2015, was returned by the U.S. Post Office as “Unable to Forward” on May 11, 2105. Phone numbers that the Tenant provided have been disconnected or belong to other parties and all mail being sent to the address on file are being returned. Tenant’s account is now 12 months past due and has an outstanding balance of \$780.00.

Airport staff is requesting authority to terminate the Agreement and to pursue legal action against Tenant through County Counsel. The tiedown permit gives the County authority to terminate for cause at any time by providing a 3 days’ prior written notice. On June 25, 2015, the tenant was sent a 3 Day Notice by U.S. Certified Mail. The tiedown permit further gives authority to the County to move the aircraft to a transient tiedown and assess a towing charge if the tenant fails to remove the aircraft from the assigned space on or before the cancellation or termination of the permit. Such actions are consistent with adopted Airport policies.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to terminate the Agreement and pursue legal action against Tenant would result in the Airport being unable to enforce adopted Airport policies and procedures.

CHILDREN'S IMPACT STATEMENT:

Not Applicable