



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: March 15, 2016

Subject: AUTHORIZE TERMINATION OF A LICENSE AGREEMENT FOR REAL PROPERTY LOCATED AT
BUCHANAN FIELD AIRPORT; AUTHORIZE LEGAL ACTION TO REGAIN POSSESSION

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports to terminate a month-to-month license agreement dated July 1, 2015, between the County and the OverWatch Flight & Conditioning (dba, OverWatch F/C and The Hangar/CrossFit OverWatch) (Tenant) for real property located at 101 John Glenn Drive, Concord; AUTHORIZE County Counsel to pursue legal action to regain possession of the real property if Tenant fails to vacate the premises within the time allowed.

FISCAL IMPACT:

The Airport Enterprise Fund will cover the cost of any legal action.

BACKGROUND:

In July 2015, the Airport entered into a license agreement for hangar

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/15/2016** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes: Continued to July 12, 2016

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
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: March 15, 2016

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

By: June McHuen, Deputy

Contact: Beth Lee, (925)
681-4200

cc:

BACKGROUND: (CONT'D)

and office space at Buchanan Field Airport with a company known as OverWatch Flight & Conditioning, dba OverWatch F/C. Under the license agreement, OverWatch F/C is permitted to operate a flight education and training business, with a limited fitness component, on the Airport. The license requires the business to be conducted in a manner that is consistent with the Federal Aviation Administration's (FAA) definition of an aeronautical activity.

To ensure that the business being conducted is an aeronautical activity, the license requires OverWatch F/C to provide detailed quarterly reports to the Airport. The Airport received the second of the required reports on January 11, 2016. The report lacked sufficient detail to demonstrate satisfactorily, or to show substantial advancement toward demonstrating, that OverWatch F/C is complying with the use and purpose permitted under the license agreement. As a result, Airport staff requested additional information, which OverWatch F/C has declined to fully provide.

Under the license agreement, the County may terminate the license "at any time, for any reason, or for no reason, with or without cause, on fourteen (14) days written notice." To ensure compliance with FAA requirements and to meet the needs of the aviation community, Airport staff is requesting authority to terminate OverWatch F/C's occupancy of the subject property and to pursue legal action to regain possession of the real property if the tenant fails to vacate the premises within the time allowed.

CONSEQUENCE OF NEGATIVE ACTION:

Failure to terminate OverWatch F/C's occupancy could result in noncompliance with FAA requirements and diminish the hangar space available to the County's aviation community.

CLERK'S ADDENDUM

Speaker: James Greninger, OverWatch Flight & Conditioning School. This matter is RELISTED to July 12, 2016, with the understanding that it is expected that a minimum of 6 students will have successfully completed the course.