



Contra
Costa
County

To: Board of Supervisors
From: Keith Freitas, Airports Director
Date: March 27, 2018

Subject: APPROVE AND AUTHORIZE TERMINATION OF TIEDOWN PERMIT WITH WALTER LYALL,
PACHECO AREA

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Director of Airports to terminate Tiedown Permit for space H-15 with Walter Lyall; and AUTHORIZE County Counsel to pursue legal action.

FISCAL IMPACT:

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

BACKGROUND:

Walter Lyall has been a long time tenant at Buchanan Field. There have been default issues with the tenant as early as 2009, with hangar F-5. The Board of Supervisors approved Airport's terminating the hangar agreement in August 2009. Airport staff agreed to set aside the termination with the agreement that the tenant pay past due rents, and make all future payment within the grace period allowed by the lease.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/27/2018** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: Candace Andersen, District II
Supervisor
Diane Burgis, District III
Supervisor
Karen Mitchoff, District IV
Supervisor
Federal D. Glover, District V
Supervisor

ABSENT: John Gioia, District I
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 27, 2018

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee, (925)
681-4200

BACKGROUND: (CONT'D)

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In May 2016, the tenant was again in default and Airport staff agreed to work with the tenant to resolve the issue on the hangar rent. Tenant agreed to make payment and set up payment arrangements; Airport staff suggested that the tenant move to a tiedown space. Airport staff was notified at this time that the aircraft was being put up for sale.

In September 2016, the tenant moved the aircraft to tiedown H-15 and made a verbal agreement to make \$160.00 a month payments until either the balance was paid in full or the remaining balance was paid from the sale of the aircraft. Upon inspection of the hangar, tenant was notified that remaining items would need to be removed; tenant authorized Airport staff to finish the cleanout. Airport incurred cleanout costs of \$1,901.75 and the hangar deposit, for \$1,334.89, was transferred to the account and applied to these costs.

In October 2017, tenant again stopped making payments. A Notice of Default was sent to the tenant and in accordance with airport policies their gate access card was deactivated. A second Notice of Default was sent in December 2017. A follow-up phone call was made and the tenant promised a payment would be dropped off within the week. A few weeks later, a second phone call was made and again, the tenant promised a payment.

On March 5, 2018, the tenant was sent a final Notice of Delinquency requesting payment of \$4,073.86 for all outstanding charges. Airport staff is now requesting authority to terminate the Tiedown Permit and to pursue legal action against Tenant through County Counsel to regain possession of tiedown and for the total outstanding charges. 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