



Contra  
Costa  
County

To: Board of Supervisors  
From: Keith Freitas, Airports Director  
Date: August 6, 2019

Subject: AUTHORIZE COUNTY COUNSEL TO INITIATE LEGAL ACTION WITH ROSS BARBER, PACHECO AREA

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**RECOMMENDATION(S):**

AUTHORIZE County Counsel to initiate legal action to recover possession of Tiedown space from Ross Barber, if necessary.

**FISCAL IMPACT:**

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

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APPROVE  OTHER  
 RECOMMENDATION OF CNTY ADMINISTRATOR  RECOMMENDATION OF BOARD COMMITTEE

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Action of Board On: **08/06/2019**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
Candace Andersen, District II Supervisor  
Diane Burgis, 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: August 6, 2019

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

By: Stacey M. Boyd, Deputy

Contact: Beth Lee (925)  
681-4200

cc:

## BACKGROUND:

On April 7, 1989, the County entered in to a Tiedown Permit with Ross Barber (Tenant) for storage of his aircraft in tiedown space H-05, 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.

Tenant was sent an initial delinquency notice in July 2018. Since then there has been an additional four (4) Notifications of Delinquency sent by certified mail, and Airport staff has spoken directly with the Tenant in follow-up phone calls. In accordance with the tiedown permit Section 7, the County may terminate the tiedown permit if: A.) the Tenant has been delinquent in paying the monthly rate three (3) or more times and/or; B.) there is a violation of any of the Terms and/or Conditions of the agreement, including failure to pay the monthly rate before delinquency and in its sole discretion, may but need not give Tenant an opportunity to correct the violation.

Airport staff served the Tenant a 3-day Notice to Quit on July 23, 2019, to terminate the Tiedown Permit for failure to pay rent and notified him that his aircraft needed to be removed before the termination date. Airport staff is requesting that County Counsel be authorized to initiate legal action to recover possession of the tiedown space if the Tenant does not vacate. Such actions are consistent with adopted Airport policies.

## CONSEQUENCE OF NEGATIVE ACTION:

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