

ORDINANCE NO. 9820 (N.S.)

AN ORDINANCE TO AMEND THE SCHEDULE OF RATES AND CHARGES AND USE CONTROL POLICY FOR COUNTY OF SAN DIEGO AIRPORTS TO ADD PART VII, CUSTOMS USER FEES

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that it is in the public interest to provide user fee customs services at McClellan-Palomar Airport. Section 85.422 of the San Diego County Code of Regulatory Ordinances authorizes the Board to adopt a Schedule of Rates and Charges and Use Control Policy for County Airports. The amendments made by this ordinance are intended to add a new Part VII, Customs User Fees, to the Schedule of Rates and Charges and Use Control Policy for County Airports to allow for the recovery of costs incurred by the County to provide user fee customs service at McClellan-Palomar Airport.

Section 2. Amend the Schedule of Rates and Charges and Use Control Policy for County Airports to add new Part VII, Customs User Fees, as follows:

**PART VIII  
CUSTOMS USER FEES**

Section 1. **Application**: Customs User Fees shall apply to all local, itinerant, scheduled, non-scheduled or miscellaneous flight operations landing at McClellan-Palomar Airport requiring customs clearance.

Section 2. **Regular/Overtime Hours**: The regular hours for customs user fee service shall be determined by the Airports Director and posted on the County of San Diego Airports Website or at the McClellan-Palomar Airport in a location readily accessible to pilots.

Section 3. **Fee Schedule**: Customs User Fees shall be based on aircraft weight, rounded off to the nearest 1,000 pound figure. All charges shall be based on the maximum allowable takeoff weight established by the Federal Aviation Administration for the specific make and model of aircraft, including increases in permitted takeoff weight by reason of certain modifications to the aircraft. The fees by weight are:

<b>Fees</b>	<b>Initial Rate</b>	<b>Overtime rate</b>
Single/Light Twin <12,500 lbs.	\$ 50	\$ 100
Heavy Twin/Turbo Prop 12,500-25,000 lbs.	\$ 250	\$ 500
Light Corporate Jet 25,000-35,000 lbs.	\$ 350	\$ 700
Heavy Corporate Jet >35,000 lbs	\$ 450	\$ 900

except Regional Jets/ GV/Global  
Jet

Regional Jets/ GV/Global Jet                   \$       550   \$       1,100

Section 4. **Payment:** Charges for Customs User Fees shall be paid prior to clearing customs unless credit arrangements have been approved in writing by the Airport's Director.

Section 5 **Cost of Living Adjustment:** The fees set forth in the Fee Schedule provided for in Section 3 (FEE SCHEDULE), above, shall be adjusted as of the first (1st) anniversary of the effective date, and thereafter every year on such date unless otherwise amended (each such one-year period is referred to herein as a "COLA Period"), to reflect any increase or decrease in the purchasing power of the dollar. The fee adjustment to be effective during each COLA Period shall be determined by use of the following formula.

$$F=A (B/C)$$

Wherein:

"F" equals the adjusted fee set forth in the Fee Schedule, Section 3 (FEE SCHEDULE), above, for the COLA Period for which the fee is being adjusted;

"A" equals the fee set forth in the Fee Schedule, Section 3 (FEE SCHEDULE), above;

"B" equals the monthly Consumer Price Index, as hereinafter defined, for the month of November immediately preceding the commencement of the COLA Period for which the fee set forth in Section 3 (FEE SCHEDULE), above, is being adjusted; and

"C" equals the monthly Consumer Price Index, as hereinafter defined, for the month of November immediately preceding the effective date of the Customs Fees.

Consumer Price Index. The consumer price index which shall be used as the source for the Consumer Price Index numbers shall be that published by the United States Department of Labor, entitled United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for the Los Angeles- Anaheim-Riverside Area, all items of the index entitled "Consumer Price Index for All Urban Consumers" for the Los Angeles- Anaheim-Riverside Area

(1982-84 = 100). In the event that such index is not published for the Los Angeles-Anaheim-Riverside Area, then another comparable index or source of such information generally recognized as authoritative shall be substituted by agreement of the parties. If the parties should not agree, such source of information shall be determined by arbitration pursuant to the provisions of the California Code of Civil Procedure.

Section 3. This ordinance shall apply to the entire fiscal year 2005-2006 and all subsequent years.

Section 4. This ordinance shall take effect and be in force thirty (30) days after its passage, and before the expiration of fifteen (15) days after its passage, a summary thereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED this 13th day of December 2006.