

ORDINANCE NO. 9964 (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 VIII, FUEL SURCHARGE FEE

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 fuel services at Borrego Airport. Section 85.422 of the San Diego County Code authorizes the Board to adopt a Schedule of Rates and Charges and Use Control Policy for County Airports. The amendment made by this ordinance are intended to add a new Part VIII, Fuel Surcharge Fee, 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 fuel service at Borrego Airport.

Section 2. Amend the Schedule of Rates and Charges and Use Control Policy for County Airports to add new Part VIII, Fuel Surcharge Fee, as follows:

**PART VIII
FUEL SURCHARGE FEE**

- Section 1. **Application**: A Fuel Surcharge Fee shall apply to all aircraft utilizing fuel service provided by the County at Borrego Airport.
- Section 2. **Regular/Overtime Hours**: The regular hours for fuel service at any County fuel facility shall be determined by the Airports Director and posted on the County of San Diego Airports Website or at the Borrego Airport in a location readily accessible to pilots.
- Section 3. **Fee Schedule**: The Fuel Surcharge Fee shall be a per-gallon charge to offset construction costs for County fuel facilities on an amortized schedule as well as ongoing maintenance and operating costs. The initial surcharge for County fuel service at Borrego Airport shall be \$0.39 per gallon.
- Section 4. **Payment**: The Fuel Surcharge Fee shall be added to the per-gallon cost of fuel by fuel meter or such other method as may be established by the Airports Director to ensure recovery of County costs to provide fueling services.
- Section 5. **Cost of Living Adjustment**: At the discretion of the Airports Director and only to the extent needed to ensure the continued recovery of County costs to construct, operate and maintain fueling facilities, the fee set forth in the Fee Schedule provided for in Section 3, above, may be adjusted as of the third (3rd) anniversary of the effective date of the Fuel Surcharge Fee, and thereafter

every third 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, above, for the COLA Period for which the fee is being adjusted;

"A" equals the fee set forth in the Fee Schedule, Section 3, 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, 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 Fuel Surcharge Fee.

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 the Airports Director.

Section 3. 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 Union Tribune, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 7th day January, 2009.

Ordinance No. 9964 (N.S.)