

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Executive Office

SUBMITTAL DATE:
June 23, 2014

SUBJECT: Response to the 2013-14 Grand Jury Report: Economic Development Agency - Blythe Airport

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve with or without modification, the attached response to the Grand Jury's recommendation regarding Economic Development Agency – Blythe Airport. Direct the Clerk of the Board to immediately forward the Board's finalized responses to the Grand Jury, to the Presiding Judge and the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On May 6, 2014, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding Economic Development Agency – Blythe Airport. Section 933 (c) of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to the matters under the control of the Board and that a response be provided to the Presiding Judge of the Superior Court within 90 days.

90dayf11responseBlytheAirport06.14

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy X
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS:

Budget Adjustment:

For Fiscal Year:

C.E.O. RECOMMENDATION:

APPROVE

BY:

George A. Johnson

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

Positions Added
☐

Change Order
☐

A-30
☐

4/5 Vote
☐

Prev. Agn. Ref.: 3.2 – 05/06/14

District:

Agenda Number:

3-1

2013-2014 GRAND JURY REPORT

BLYTHE AIRPORT

COUNTY OF RIVERSIDE RESPONSE TO SPECIFIC FINDINGS AND RECOMMENDATIONS

FINDING NO. 1:

Security Gate/Fencing

The 2013/2014 Riverside County Grand Jury (Grand Jury) investigation revealed minimal security at the Airport. According to testimony, the Airport has never had an electronic security gate at the entrance of the Fixed Base Operator (FBO) office building, which makes it accessible 24/7 to any unauthorized users.

Improper fencing at the entrance of the FBO office building results in lax security, as it allows pedestrian access to the premises without proper verification.

Response: Respondent disagrees with the finding.

- a. The County disagrees with the statement that fencing is "improper" at the entrance of the FBO office building, resulting in lax security as it allows pedestrian access to the premises without proper identification.
- b. An existing, lockable gate is already in place, providing secure ingress and egress for this location.
- c. No evidence has been produced documenting unauthorized access onto sensitive areas of the airport.
- d. Merely placing an electronic security gate at the entrance of this remote desert airport accomplishes negligible security gain in light of the fact that only three strands of barbed wire comprise the security fencing for the remaining 2200 acres of airport land.
- e. The FBO has unsuccessfully pursued collection of "Airport access fees" (subsequently found by the Court to be unauthorized) from private medical ground transport firms responsible for transferring of medical patients to/from ambulances to air evacuation. Installation of an electronic gate appears to be driven by FBO profit motive as much as by security concerns.
- f. Nevertheless, in its most current Airport Capital Improvement Plan (ACIP, attached) updated in May 2014, Riverside County EDA Aviation has projected need for security fencing for the ramp and taxiway immediately adjacent to the Airport Terminal and FBO. In accord with the Grand Jury recommendation, the Riverside County EDA Aviation will work to obtain state and federal grants for this purpose.

RECOMMENDATION NO. 1:

Security Gate/Fencing

DAS shall seek assistance and work with EDA to obtain state and federal grants to install an electronic security gate next to the FBO office building to deter and prevent the unauthorized access onto sensitive areas of the Airport.

DAS shall seek assistance and work with EDA to obtain state and federal grants to replace the fencing across the front of the Airport.

Response: Disagree with recommendation.

- a. DAS, as a fixed base operator (FBO) and a tenant of the airport, is not a party to, or authorized to participate in, negotiations relating to the procurement of ACIP federal grants and state grants. ACIP grant agreements are between the County as airport sponsor, the FAA and the California Department of Aeronautics (CDA). Therefore, only the County, as the airport sponsor, can participate in any negotiations between the FAA and CDA.
- a. The airport fencing phase one design is scheduled for 2015/2016. (ACIP) This design project is based on available funding acquired through the Federal Aviation Administration and California Division of Aeronautics. During the design process EDA Aviation, FAA, CDA, and Transportation Security Administration (TSA) will determine the appropriate quality and location of all security gating and fencing requirements.

FINDING NO. 2:

Asphalt/Concrete

The Grand Jury's investigation noted the extremely poor condition of asphalt on the Airport grounds. In addition, the concrete seam sealant is in disrepair. A substantial amount of the sealant has become brittle, loose and has the potential to damage aircraft and could cause bodily injury from debris when the aircraft engines are started. (See Attachment "A")

Response: Respondent agrees with the finding.

- a. In the spring of 2014, Blythe Airport underwent state inspection. Repair of the asphalt and concrete on the ramp and taxiway areas is duly noted by the Riverside County EDA Aviation as an area to be included in the ACIP, to be addressed as soon as funding allows (ACIP, attached)

RECOMMENDATION NO. 2:

Asphalt/Concrete

DAS shall seek assistance and work with EDA to obtain state and federal grants to replace asphalt and reseal concrete seams for safety and liability concerns. DAS shall be responsible for the maintenance.

Response: Disagree with recommendation

- b. DAS, as a fixed base operator (FBO) and a tenant of the airport, is not a party to, or authorized to participate in, negotiations relating to the procurement of ACIP federal grants and state grants. ACIP grant agreements are between the County as airport sponsor, the FAA and the California Department of Aeronautics. Therefore, only the County, as the airport sponsor, can participate in any negotiations between the FAA and California Department of Aeronautics.
- a. The PCC Apron Pavement Rehab phase one design is scheduled for 2015/2016. (ACIP) This design project is based on available funding acquired through the Federal Aviation Administration and California Division of Aeronautics.

FINDING NO. 3:

Long Term Living Quarters

Upon inspecting the Airport hangar, the Grand Jury observed a recreational vehicle (RV) parked in the hangar. The Airport manager stated he resides in the RV. According to the Federal Aviation Administration (FAA) Airport Compliance Manual Order 5190.6B, Chapter 20.5 (b,c), and states in part:

Under Grant Assurance 19, Operation and Maintenance, airport sponsors will not cause or permit any activity or action that would interfere with intended use of the airport for airport purposes. Permanent living facilities should not be permitted at public airports because the needs of airport operations may be incompatible with residential occupancy from a safety stand point.

However, other than the performance of official duties in running an airport, or FBO, the FAA does not consider permanent or long-term living quarters to be an acceptable use of airport property at federally obligated airports. This includes developments known as air parks or fly-in communities, and any other full-time, part-time, or secondary residences on airport property even when co-located with an aviation hangar or aeronautical facility. While flight crew or caretaker quarters may include some amenities, such as beds, showers, televisions, and refrigerators, these facilities are designed to be used for overnights and resting periods, not as permanent or even temporary residences for flight crews, aircraft owners or operators, guests, customers, or the families or relatives of same.

Response: Respondent agrees with the finding.

- a. The County wishes to clarify the findings, and agrees with the recommendation by the Grand Jury. Clarification: the "Airport Manager" identified in both the findings section and also in the Methodology – Interviewee section of page 2, is the *FBO manager*, not the airport manager. The Airport Manager is a full time employee of the Riverside County EDA Aviation.
- b. Riverside County EDA Aviation became aware of the lease violation involving long term living quarters prior to the Grand Jury inspection. Riverside County EDA Aviation immediately sent a letter informing the FBO of this violation and

- ordered the tenant to cease and desist in that unauthorized use (unauthorized occupancy letter, attached)
- c. An inspection conducted by Riverside County EDA Aviation in mid-April found the FBO is in compliance with the request on this issue.

RECOMMENDATION NO. 3:

Long Term Living Quarters

DAS shall follow the rules and regulations as stated in the FAA Airport Compliance Manual. Therefore, the RV shall be removed from the Airport property.

Response: Respondent agrees

Inspection conducted by Riverside County EDA Aviation in mid-April found the DAS is compliance with the removal of RV.

FINDING NO. 4:

Metered Fuel Tanks

Upon examination of the two above ground stationary fuel tanks at the Airport, it was observed there is a need for painting these two fuel tanks. According to the Air Quality Management District (AQMD) DAS was informed of this finding April 23, 2013. The two stationary fuel tanks are owned by the County, but DAS is responsible for all maintenance as stated in the lease agreement.

Riverside County Weights and Measures (Weights and Measures) last certified the accuracy of the fuel meters in 2006 and placed a certified seal on them. The Grand Jury inspected the expired (2006) Weights and Measures certified tamper-proof seals on the three fuel meters (two stationary fuel tanks and one fuel truck). There was no visible seal on the portable trailer tank. According to testimony and County Ordinance No. 599 (as amended through 599.8), Weights and Measures is required to inspect County airport fuel meters annually. (See Attachment "B")

Response: Respondent agrees with the finding.

- a. Riverside County EDA Aviation will be responsible for painting the two above ground stationary fuel tanks to comply with AQMD requirements in accordance with the State of California Air Resources Board, Executive order VR-301-A, Exhibit 1, and Equipment List.
- b. Riverside County Weights and Measures will inspect all County airport fuel meters annually. Further, Riverside County EDA Aviation is agreeable to add the periodic inspection of meters to provide a double-check ensuring proper seals are visible and intact.

RECOMMENDATION NO. 4:

Metered Fuel Tanks

DAS shall seek assistance and work with EDA to obtain state and federal grants to paint the two above ground stationary fuel tanks to comply with AQMD requirements in accordance with the State of California Air Resources Board, Executive order VR-301-A, Exhibit 1, and Equipment List.

Weights and Measures shall inspect all County airport fuel meters within the County, annually.

Response: Respondent partly agrees with the recommendations.

- a. DAS, as a fixed base operator (FBO) and a tenant of the airport, is not a party to, or authorized to participate in, negotiations relating to the procurement of ACIP federal grants and state grants. ACIP grant agreements are between the County as airport sponsor, the FAA and the California Department of Aeronautics. Therefore, only the County, as the airport sponsor, can participate in any negotiations between the FAA and California Department of Aeronautics.
- b. Fuel tanks and fuel truck were certified by County of Riverside Weights & Measures on February 4, 2014 (certifications attached)

FINDING NO. 5:

Airport Hangar

During the two visits to the Airport, the Grand Jury observed the poor condition of the hangar that was built in 1942. The hangar is in desperate need of renovation on the exterior. (See Attachment "C")

The Grand Jury observed a "Wolfe Aviation" sign mounted on the hangar from the previous FBO.

Response: Respondent agrees with the finding.

- a. DAS will be responsible for renovation as specified for painting the hangar exterior, repairing windows, and replacing signage.

RECOMMENDATION NO. 5:

Airport Hangar

DAS shall:

- Paint exterior of the hangar
- Replace broken windows in the hangar
- Replace "Wolfe Aviation" sign, mounted on the front of the hangar, with current signage

Response: Respondent agrees with the recommendations

DAS is responsible for the painting of the hangar exterior, replacement of windows and signage, but this private firm is not in a financial position to comply with this recommendation prior to the end of the lease term.

FINDING NO. 6:

County EDA Aviation Website

Upon review of the County EDA Aviation website it was noted that Blythe Airport information was "coming soon".

Response: Respondent agrees with the finding.

- a. Update of the website for Riverside County EDA Aviation is identified as a deliverable outcome of the current year work plan, and a review with updates to follow is already underway for each of the airport sites.

RECOMMENDATION NO. 6:

County EDA Aviation Website

County EDA Aviation Division shall update its website for the Airport.

Response: Respondent agrees with the recommendations.

Riverside County EDA will comply by the end of 2014.

FINDING NO. 7:

County EDA Aviation/DAS Lease

In 2010 the lease between the County EDA Aviation and DAS was signed with reservation by DAS. DAS took over the Wolfe Aviation lease completing the remaining terms of the lease with the City of Blythe. In 2011 DAS was told they had no recourse other than to sign the lease. According to sworn testimony, many issues were discussed in this meeting with County EDA Aviation and DAS, with no resolution.

Response: Respondent partially disagrees with the finding.

- a. The County partially disagrees with the statement that the 2010 lease between County EDA Aviation and DAS was signed with reservation by DAS, as there is no documentation in evidence to suggest this was the case, nor is there documentation related to DAS having "no recourse other than to sign the lease."

RECOMMENDATION NO. 7:

County EDA Aviation/DAS Lease

Before entering into a new lease with County EDA Aviation, DAS shall have a productive meeting with County EDA Aviation to negotiate the many issues discussed in the 2011 meeting that had no resolution. The current lease expires May 31, 2015.

Response: Respondent partially disagrees with the recommendation.

The County has no obligation to enter into a new lease with DAS when the lease expires on May 31, 2015. The County will determine at the appropriate time whether or not it will enter into negotiations with DAS for a new lease. To the extent the County decides to enter into negotiations with DAS for a new lease, the County will negotiate in good faith.

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Blythe Municipal Airport ACIP 2015-2019

PROJECT DESCRIPTION	AREA	UNITS	YEAR	LOCAL	FAA	TOTAL
PCC Apron Pavement Rehab CATEX			2014	\$ 5,000	\$ -	\$ 5,000
PCC Apron Pavement Rehab Phase 1 Design			2015	\$ 5,700	\$ 51,300	\$ 57,000
PCC Apron Pavement Rehab Phase 1 Construction	10,600	SY	2016	\$ 64,600	\$ 581,400	\$ 646,000
Airport Fencing CATEX			2015	\$ 5,000	\$ -	\$ 5,000
Airport Fencing Design Phase 1			2016	\$ 6,000	\$ 54,000	\$ 60,000
Airport Fencing Construction Phase 1	25,000	LF	2017	\$ 50,000	\$ 450,000	\$ 500,000
R/W 8-26 Pavement Rehab CATEX			2016	\$ 5,000	\$ -	\$ 5,000
R/W 8-26 Pavement Slurry Seal Design			2017	\$ 4,500	\$ 40,500	\$ 45,000
R/W 8-26 Pavement Slurry Seal Construction	120,000	SY	2018	\$ 70,000	\$ 630,000	\$ 700,000
T/W A Phase 1 Pavement Rehab CATEX			2016	\$ 5,000	\$ -	\$ 5,000
T/W A Phase 1 Pavement Slurry Seal, MITL Design			2017	\$ 5,600	\$ 50,400	\$ 56,000
T/W A Phase 1 Pavement Slurry Seal, MITL Construction	55,000	SY	2019	\$ 56,500	\$ 508,500	\$ 565,000
PCC Apron Pavement Rehab CATEX			2018	\$ 5,000	\$ -	\$ 5,000
PCC Apron Pavement Rehab Phase 2 Design			2019	\$ 5,700	\$ 51,300	\$ 57,000
PCC Apron Pavement Rehab Phase 2 Construction	10,600	SY	2020	\$ 64,600	\$ 581,400	\$ 646,000
Airport Fencing CATEX			2019	\$ 5,000	\$ -	\$ 5,000
Airport Fencing Design Phase 2			2020	\$ 4,500	\$ 40,500	\$ 45,000
Airport Fencing Construction Phase 2	25,000	LF	2021	\$ 50,000	\$ 450,000	\$ 500,000
PCC Apron Pavement Rehab Phase 3 Design			2021	\$ 6,200	\$ 55,800	\$ 62,000
PCC Apron Pavement Rehab Phase 3 Construction	10,600	SY	2022	\$ 64,600	\$ 581,400	\$ 646,000
Airport Layout Plan Update Report with Narrative			2021	\$ 16,667	\$ 150,000	\$ 166,667
Airport Fencing Design Phase 3			2022	\$ 5,000	\$ 45,000	\$ 50,000
Airport Fencing Construction Phase 3	25,000	LF	2023	\$ 50,000	\$ 450,000	\$ 500,000
T/W AA Pavement Reconstruct CATEX			2022	\$ 5,000	\$ -	\$ 5,000
T/W AA Pavement Reconstruct Design			2023	\$ 7,400	\$ 66,600	\$ 74,000
T/W AA Pavement Reconstruct Construction	15,000	SY	2024	\$ 66,700	\$ 500,300	\$ 667,000
T/W C Extension EA			2023	\$ 12,500	\$ 112,500	\$ 125,000
T/W C Extension Design			2024	\$ 10,000	\$ 90,000	\$ 100,000
T/W C Extension Construction	24,500	SY	2025	\$ 120,000	\$ 1,080,000	\$ 1,200,000
R/W 17-35 Pavement Rehab CATEX			2024	\$ 5,000	\$ -	\$ 5,000
R/W 17-35 Pavement Slurry Seal Design			2025	\$ 6,000	\$ 54,000	\$ 60,000
R/W 17-35 Pavement Slurry Seal Construction	65,000	SY	2026	\$ 31,000	\$ 279,000	\$ 310,000

County of Riverside
Division of Weights & Measures
Sealer
John Snyder

2950 Washington Street / P.O. Box 1480
Riverside, CA 92502-1480
Phone (951) 955-3020 Fax (951) 276-4726



Certificate of Inspection

Date 07/24/2013

Time 1:00 PM

All tests followed LPO guidelines

Business Information

Business Name
Address
City

Inspection Type

- ☐ New Installation
☒ Routine
☐ Reinspection
☐ Contract
☐ Complaint

Fee Req. Required	Yes	No	Fee Req. Paid	Yes	No	Notice of Violation	Yes	No
By following inspection			Amount			To be Reported/Corrected by		
Other Notes								

Manufacturer	Model	Serial No.	Weight	Capacity	Sup. Area
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Measuring Devices

Device Category/Make/Model & Serial No.	Unit	Unit	Unit	Unit
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Notes

All items regulated by California ☐ 20026 ☐ 20025 ☐ 20024 ☐ 20023 ☐ 20022 ☐ 20021 ☐ 20020 ☐ 20019 ☐ 20018 ☐ 20017 ☐ 20016 ☐ 20015 ☐ 20014 ☐ 20013 ☐ 20012 ☐ 20011 ☐ 20010 ☐ 20009 ☐ 20008 ☐ 20007 ☐ 20006 ☐ 20005 ☐ 20004 ☐ 20003 ☐ 20002 ☐ 20001

Remarks

1 Vehicle meter tested within tolerance of a 101 gallon sample at location, JET A truck JR1

LC M-10-1 S/N 393595. All fuel used for testing was returned to truck

Signature
Inspector/Sealer/Official

Signature
Inspector

County of Riverside
Division of Weights & Measures
Sealer
John Snyder

2950 Washington Street / PO Box 1480
Riverside, CA 92502-1480
Phone: (951) 955-3030 Fax: (951) 275-4726



Certificate of Inspection

Date: 11/11/14
Time: 1:11 PM

All tests followed EPO guidelines.

Business Information		Inspection Type	
Owner Name	Vehicle	<input type="checkbox"/> New Installation	
Company	1001 E. Main St. Suite 100 Riverside, CA 92501	<input checked="" type="checkbox"/> Routine	
Address	1001 E. Main St. Suite 100	<input type="checkbox"/> Reinspection	
City	Riverside, CA 92501	<input type="checkbox"/> Complaint	
State	CA Zip	<input type="checkbox"/> Complaint	

Tax Reg. Required	Yes No	Fee Reg. Cert. Proven	Yes No	Notice of Violation	Yes No
No. of Devices Inspected	Brand		To be Repaired/Corrected By		
Comments					

Inspector	Business	Time Out	Time In	Inspector	Time

Measuring Devices

Device	Type	Brand	Model	Serial	Notes
2 stand alone retail aviation meters tested within tolerance. Sealed 2014.					
JET A, LC M10-2, S/N 344345 Tested with 101 gallon prover, all fuel returned to Jet A truck					
10CLL, Gasboy Model 9153AHC S/N 478749 Tested with 5 gallon prover, fuel returned to trailer tank					
Trailer tank located at location, not type approved but only used for internal use					

Remarks

2 stand alone retail aviation meters tested within tolerance. Sealed 2014.

JET A, LC M10-2, S/N 344345 Tested with 101 gallon prover, all fuel returned to Jet A truck

10CLL, Gasboy Model 9153AHC S/N 478749 Tested with 5 gallon prover, fuel returned to trailer tank

Trailer tank located at location, not type approved but only used for internal use

Inspector: _____
Sealer: _____

Inspector: _____
Sealer: _____