

FINAL REPORT - CASE NO. 01-07(D) FOLLOW-UP REPORT COUNTY OF SAN JOAQUIN/STOCKTON METROPOLITAN AIRPORT

REASON FOR INVESTIGATION:

The 2006-2007 Civil Grand Jury received a complaint alleging a violation of the Public Records Act, which requires access to records held by public agencies. This complaint was focused on the Stockton Metropolitan Airport, with the document in question being the FAR PART 150 Airport Noise Compatibility Program report which was generated in 1993. A representative of a private development company was seeking a copy of this report in relationship to a proposed subdivision the company was planning near the airport. Although the first format request for this document resulted in a copy being provided on a timely basis, it was missing three exhibits. Several months elapsed afterward until the requesting party was satisfied that a complete report had been provided.

During interviews of various witnesses, two other issues arose. The first alleged that the current Airport Director was claiming gas mileage at the same time he received a vehicle stipend from San Joaquin County. The second concerned a number of long-term leases, with durations from twenty years to ninety-nine years, which had been established under the tenure of the former Airport Manager.

BACKGROUND:

The Stockton Metropolitan Airport falls under the jurisdiction of the San Joaquin County Board of Supervisors. Currently, the airport incorporates a number of commercial ventures on its property, many related to airport business. Over the years, the level of air traffic has diminished, with occasional increases in the amount of arrivals and departures with airlines providing services to the people of San Joaquin County for a period of time. In addition, the number of military flights at the airport has diminished because of the closure of nearby air bases. The flight patterns and the frequency of flight were the subjects of the requested document, the FAR PART 150. Currently Allegiant Airlines provides five weekly flights to and from Las Vegas. The plans for a service provided by AeroMexico to and from Mexico was ultimately denied by the Board of Supervisors because of the level of costs (among other factors) related to building a Federal Inspection Station which would satisfy the requirements of the Transportation Services Agency (TSA). Most flights into and out of the airport at present are private corporate jets and other private planes.

The developer who was requesting the FAR PART 150 report owns property within the buffer zone of the Stockton Metropolitan Airport and has proposed to place a subdivision on that property. The airport Director believes that based on the experience of other airports that have adjacent residential development within the buffer zone around an airport, such an endeavor opens up the jurisdiction to late lawsuits by owners of the homes within that perimeter.

METHOD OF FOLLOW-UP INVESTIGATION:

Interviewed Interim Airport Director
Toured Stockton Metropolitan Airport
Read and reviewed the Airport Filing Plan
Read and reviewed County Administrative Manual

RECOMMENDATIONS FROM THE 2006-2007 GRAND JURY:

The 2006-2007 Grand Jury made the following recommendations:

1. San Joaquin County should establish a formal policy on release of records under the Public Records Act.

2007-2008 Grand Jury Finding: The formal policy for the County regarding release of records under the Public Records Act is contained in Section 1307.1 of the County Administrative Manual. The County's practice is that when departments receive requests for information under the Public Records Act, they consult with the County Counsel's Office. The Airport policy is to forward any request to the Interim Director who then forwards that request to County Counsel.

2. Airport Management staff should establish a policy for complying with requests for documents and train staff in the appropriate steps to take when such a request is received. Since the County does not have a policy regarding the Public Records Act, before the release of any records, the department should consult legal counsel.

2007-2008 Grand Jury Finding: The County in fact does have a policy regarding the Public Records Act. The airport staff has been trained and understand the procedure as described above is to be used with any request for documents.

3. Public Records Act requests to the Airport should be thoroughly reviewed by management, before staff complies, to ensure all documents are complete.

2007-2008 Grand Jury Finding: The training of the Airport staff has been completed and no records leave the airport without being seen and approved by either or both the Interim Director and County Counsel.

4. San Joaquin County should establish a more comprehensive formal policy on records retention to provide better guidance to the various departments.

2007-2008 Grand Jury Finding: The records retention policy is contained in Section 2729 of the County Administrative Manual. The Airport staff has received training on records retention with reference to this policy.

5. Airport Management staff should establish a records management and retention policy, following County direction.

2007-2008 Grand Jury Finding: The Interim Airport Director has established policies for records management including a comprehensive Filing Plan. All staff have been trained regarding these policies.

6. Airport Management staff should create a comprehensive filing system and train all staff on how to file and find needed material.

2007-2008 Grand Jury Finding: Airport management has updated the filing system and training has been completed for all staff. In addition to a filing plan, the Interim Airport Director is attempting to create a comprehensive electronic filing system which he intends to present to the Board of Supervisors in the following months. We believe this system would greatly improve filing and record keeping conditions at the airport.

7. Airport Management staff should review all files, remove old material, and then categorize all essential archived material in a location and system that allows for retrieval when necessary. Develop a list of those materials, updating it when new materials are added, and ensure that the list is available to staff who have responsibility for retrieving the files.

2007-2008 Grand Jury Finding: The Interim Airport Director has established a comprehensive filing plan. The basement filing has been cleaned up and the files are clearly labeled.

8. Airport Management staff should establish a policy which all future leases on airport property have the necessary review by County legal and administrative staff, as well as approval by the Board of Supervisors, so that the County does not have a detrimental financial position in such leases.

2007-2008 Grand Jury Finding: In October 2002 San Joaquin County Board of Supervisor's Ordinance No. 4169 was approved. This ordinance limits the Airport Directors approval of leases to only those of one year or less. All other agreements must be reviewed and approved by the Board of Supervisors. The Interim Airport Director has implemented Leaseman software which greatly helps the airport staff supervise and control existing leases.

RESPONSE REQUIRED:

Pursuant to Section 933.05 of the Penal Code:

The San Joaquin County Board of Supervisors shall report to the Presiding Judge of the San Joaquin County Superior Court, in writing and within 90 days of publication of this report, with a response as follows:

As to each finding in the report a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding, with an explanation of the reasons therefore.

As to each recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of analysis and a time frame not to exceed (6) six months.
- d. The recommendation will not be implemented, with an explanation therefore.