

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	- 0 ~ ^{* see below}	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes ___ No ___
 Budget Account No: Fund _____ Department _____ Unit _____ RSource _____
 Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* No fiscal impact.

C. Departmental Fiscal Review: Chris Sinner

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

[Signature] 1/19/2011
 OFMB VA
 1/19/11
 2/1/11

[Signature] 1/19/11
 Contract Dev. and Control

B. Legal Sufficiency:

[Signature] 1/20/11
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. R-2011-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; ESTABLISHING A STANDARD FORM AGREEMENT FOR ONE-YEAR EXTENSION; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE THE STANDARD FORM AMENDMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Palm Beach County, by and through its Department of Airports, owns and operates the Palm Beach International Airport ("PBI"); and

WHEREAS, the Board of County Commissioners approved a standard form lease agreement entitled the "Airline-Airport Use and Lease Agreement" on September 12, 2006 (R-2006-1906); and

WHEREAS, the Board of County Commissioners desires to authorize the County Administrator or his designee to execute a new standard form Agreement for One-Year Extension and Amendment of Airline-Airport Use and Lease Agreement (Amendment).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein.
2. **Standard Form Document.** The Board hereby authorizes the County Administrator or his designee to execute the standard form Amendment, attached hereto and incorporated herein as Attachment "A", on behalf of the Board of County Commissioners. The County Administrator or his designee is further authorized to execute Amendments that include non-material changes or that include modifications to the airline's premises, as authorized by Resolution 2006-1906. The term "non-material" means changes that do not modify the substantive obligations of the County. For purposes of this Resolution, the Director of the Department of Airports shall be considered to be a designee of the County Administrator.
3. **Severability.** If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.
4. **Effective Date.** This Resolution shall become effective immediately upon adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Karen T. Marcus, Chair	-
Commissioner Shelley Vana, Vice Chair	-
Commissioner Paulette Burdick	-
Commissioner Steven L. Abrams	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2011.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
Assistant County Attorney

Attachment "A"
to
Resolution

**AGREEMENT FOR ONE-YEAR EXTENSION AND AMENDMENT OF
AIRLINE-AIRPORT USE AND LEASE AGREEMENT
PALM BEACH INTERNATIONAL AIRPORT**

THIS AGREEMENT FOR ONE-YEAR EXTENSION AND AMENDMENT OF AIRLINE-AIRPORT USE AND LEASE AGREEMENT (this "Amendment") is made and entered into _____, 2011, by and between Palm Beach County, a political subdivision of the State of Florida ("COUNTY"), and _____, a _____ corporation, having its office and principal place of business at _____ ("AIRLINE").

WITNESSETH:

WHEREAS, COUNTY, by and through its Department of Airports (the "Department"), owns and operates the Palm Beach International Airport, located in Palm Beach County, Florida (the "Airport"); and

WHEREAS, AIRLINE is engaged in the business of scheduled air transportation for the carriage of persons, property, parcels, cargo, and mail; and

WHEREAS, COUNTY and AIRLINE have entered into that certain Airline-Airport Use and Lease Agreement dated _____ (R_____) (the "Agreement"), which is scheduled to terminate on September 30, 2011; and

WHEREAS, COUNTY and AIRLINE desire to extend the termination date of the Agreement for one year and to amend the Agreement in accordance with the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants herein contained, and for such other good and valuable consideration, the receipt of which the parties hereby acknowledge, the parties hereto covenant and agree to the following terms and conditions:

1. **Recitals.** The recitals set forth above are true and correct and incorporated herein by this reference. Terms not defined herein shall have the meaning ascribed to them in the Agreement.

2. **Term.** The term of the Agreement shall be extended by one (1) additional year, expiring on September 30, 2012.

3. **Modification of Article 22 of the Agreement.** Article 22 of the Agreement is modified to add the following Section 22.31:

22.31 **Office of the Inspector General.** Pursuant to Ordinance No. 2009-049, as amended, Palm Beach County's Office of Inspector General is authorized to review past, present and proposed County contracts, transactions, accounts and records. The Inspector General's authority includes, but is not limited to, the power to audit, investigate, monitor and inspect the activities of entities contracting with the County, or anyone acting on their behalf, in order to ensure compliance with contract requirements and to detect corruption and fraud.

4. **Ratification of Agreement.** Except as specifically modified herein, all of the terms and conditions of the Agreement shall remain unmodified and in full force and effect and are hereby ratified and confirmed by the parties hereto.

5. **Conflict.** In the event of a conflict between any provision of this Amendment and the provisions of the Agreement, or any other amendment thereto, the provisions of this Amendment shall control.

6. **Paragraph Headings.** The heading of the various sections of this Amendment are for convenience and ease of reference only, and shall not be construed to define, limit, augment or describe the scope, context or intent of this Amendment or the Agreement.

7. Effective Date. This Amendment shall be considered effective upon execution by the parties hereto.

IN WITNESS WHEREOF, COUNTY and AIRLINE have executed this Amendment as of the day and year first written above.

Signed, sealed and delivered in the presence of two witnesses for COUNTY:

PALM BEACH COUNTY, FLORIDA

Witness Signature

(typed or printed)

By: _____

Title: _____

Witness Signature

(typed or printed)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: _____
County Attorney

ATTEST:

AIRLINE:

By: _____
Secretary

By: _____

Typed or Printed Name of Corporate Officer-

Title: _____

(Corporate Seal)

Signed, sealed and delivered in the presence of two witnesses for AIRLINE:

Witness Signature

(typed or printed)

Witness Signature

(typed or printed)