

AGENDA ITEM SUMMARY

☒ Consent ☐ Regular
☐ Workshop ☐ Public Hearing

Submitted By: Department of Airports

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Motion and Title: Staff recommends motion to receive and file: First Amendment to the Non-Signatory Airline Agreement with Spirit Airlines, Inc. (R-2016-0157), replacing Exhibit “B” reducing their leasehold at the Palm Beach International Airport effective April 15, 2016.

Background and Justification: N/A

Attachments: One (1) First Amendment to the Non-Signatory Airline Agreement



Department Director

5/16/16
Date


County Administrator

5/25/16
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>	<u>\$-0-</u>
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes X No _____

Budget Account No: Fund 4100 Department 120 Unit 8430 RSource 4414
Reporting Category _____

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


Spirit's First Amendment reduces their leasehold for the summer months. The leasehold will be reinstated when Spirit resumes operations in the Fall of 2016. This is standard practice.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

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


OFMB *5/19/16*


Contract Dev. and Control *5/23/16*

B. Legal Sufficiency:


Assistant County Attorney *5/24/16*

C. Other Department Review:

Department Director

REVISED 9/03
ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT)

**FIRST AMENDMENT TO AIRLINE–AIRPORT USE AND LEASE AGREEMENT
BETWEEN PALM BEACH COUNTY AND SPIRIT AIRLINES, INC.**

THIS FIRST AMENDMENT TO THE AIRLINE–AIRPORT USE AND LEASE AGREEMENT (this “Amendment”) is made and entered into APR 25 2016, by and between Palm Beach County, a political subdivision of the State of Florida (“County”), and Spirit Airlines, Inc., a Delaware corporation, having its office and principal place of business at 2800 Executive Way, Miramar, Florida 33025 (“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; and

WHEREAS, pursuant to the Airline-Airport Use and Lease Agreement between COUNTY and AIRLINE dated December 4, 2015 (R-2016-0157) (the “Agreement”), AIRLINE leases various Airport Terminal facilities and equipment in connection with its operations as a commercial air carrier; and

WHEREAS, the Director of the Department has been delegated the authority to execute certain amendments to the Agreement pursuant to County Resolution No. 2006-1906; and

WHEREAS, the parties desire to amend the Agreement as provided for herein.

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

1. The foregoing recitals are true and correct and are hereby incorporated herein by reference and made a part hereof. Terms not defined herein shall have the meaning ascribed to them in the Agreement.

2. The parties agree that effective April 15, 2016, Exhibit “B” to the Agreement shall be deleted in its entirety and replaced with Exhibit “B” attached to this Amendment.

3. Exhibits attached hereto and referenced herein shall be deemed to be incorporated in this Amendment by such reference.

4. 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. This Amendment shall become effective when signed by both the parties hereto and approved by the Palm Beach County Board of County Commissioners.

(Remainder of page intentionally left blank)

EXHIBIT “B” - Preferential Use Premises (Terminal Areas)
Spirit Airlines, Inc.

First Level Plan – Palm Beach International Airport

No Leased Space

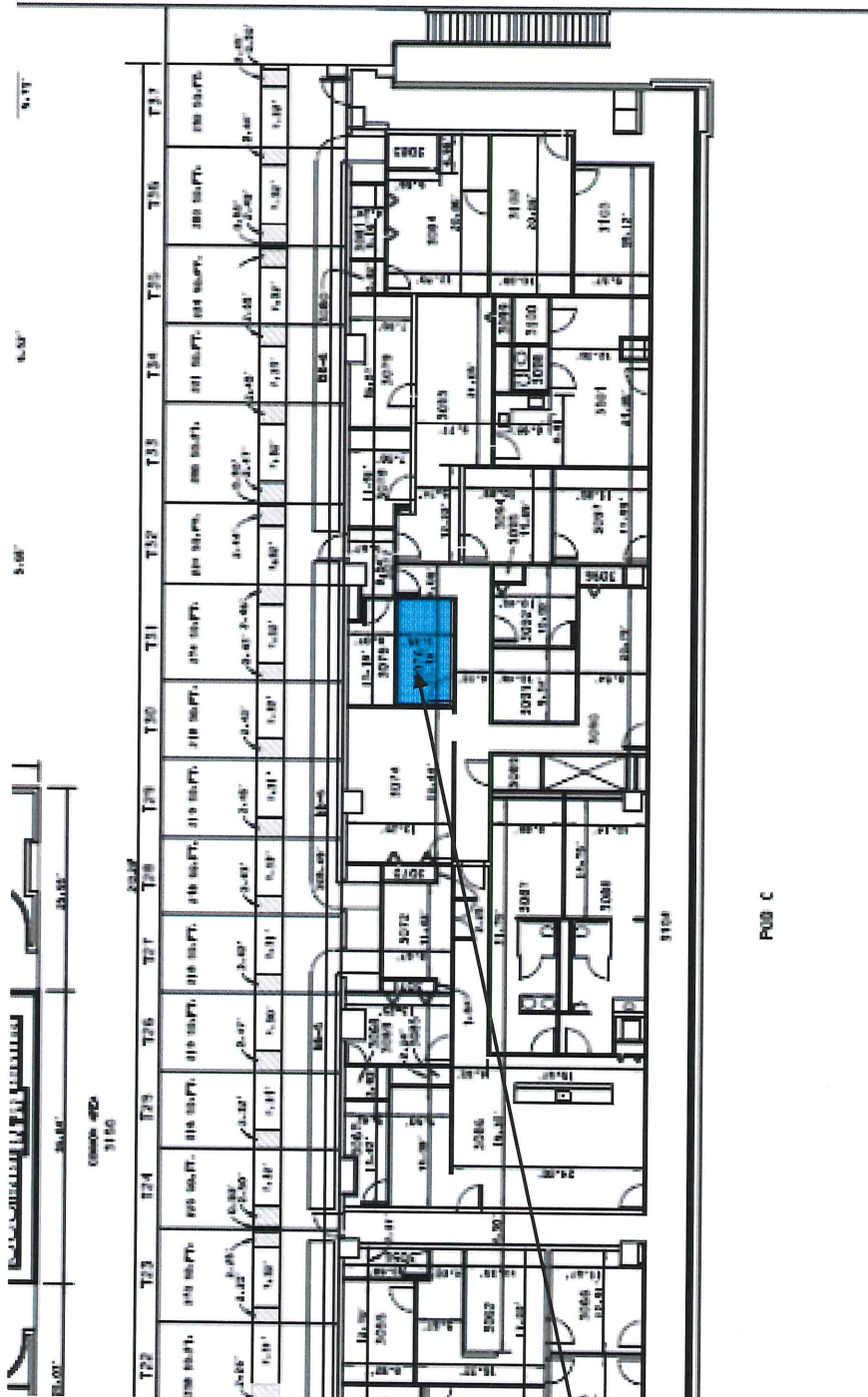
EXHIBIT “B” - Preferential Use Premises (Terminal Areas)
Spirit Airlines, Inc.

Second Level Plan – Palm Beach International Airport

No Leased Space

EXHIBIT "B" - Preferential Use Premises (Terminal Areas)
Spirit Airlines, Inc.

Third Level Plan – Palm Beach International Airport



TICKET OFFICE
90.00 Sq. Ft.

Simple View

Summary of Certificates

This report displays detailed Certificate of Insurance information for a selected Insured. Any items shown in red are deficient. Click on the Insured Name to update contact information.

Monday, April 25, 2016

Images

Contracts

Insured: Spirit Airlines, Inc. Insured ID: PBI-SP-15-01

Status: Compliant

ITS Account Number: PLC1848

Project(s): Palm Beach County - Airport Properties

Insurance Policy	Required	Provided	Override
<u>General Liability</u>			
Expiration: 7/1/2016			
General Aggregate:	\$100,000,000	\$200,000,000	
Products - Completed Operations Aggregate:	\$100,000,000	\$200,000,000	
Personal And Advertising Injury:	\$25,000,000	\$200,000,000	
Each Occurrence:	\$100,000,000	\$200,000,000	
Fire Damage:	\$0	\$0	
Medical Expense:	\$0	\$0	
<u>Automobile Liability</u>			
Expiration: 11/30/2016			
	All Owned Autos	Any Auto not provided	X
	Hired Autos	not provided	X
	Non-Owned Autos	not provided	X
Combined Single Limit:	\$1,000,000	\$1,000,000	
<u>Workers Compensation/Employers Liability</u>			
Expiration: 11/30/2016			
Each Accident:	\$1,000,000	\$1,000,000	
Disease - Policy Limit:	\$1,000,000	\$1,000,000	
Disease - Each Employee:	\$1,000,000	\$1,000,000	
<u>Aircraft Liability Insurance</u>			
Expiration: 7/1/2016			
Each Occurrence:	\$100,000,000	\$200,000,000	
Aggregate Limit:	\$100,000,000	\$200,000,000	

Notifications

There were no deficiency letters issued.

SPIRIT AIRLINES, INC

CERTIFICATE OF AUTHORITY

The undersigned duly appointed Assistant Secretary of Spirit Airlines, Inc., a Delaware Corporation (the "Company"), does hereby certify that:

1. The person named below is a duly appointed and acting officer of the Company and the signature set out opposite such individual's name is his true and correct signature:

Name:	Title:	Signature:
Jake Filene	Vice President-Airport Services	

2. The officer named above is authorized to execute documents on behalf of the Company and to bind the Company to obligations under the First Amendment To The Non-Signatory Airline Agreement between Palm Beach County and the Company dated December 4th, 2015, to the extent provided in the Company's certificate of Incorporation, By-laws and authorizing schedules and/or resolutions.

IN WITNESS WHEREOF, the undersigned has set his hand this 18th day of May, 2016



Daniel T. Camejo
 Assistant Secretary