

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

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Meeting Date: June 21, 2016	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Regular
Department:	<input type="checkbox"/> Workshop	<input type="checkbox"/> Public Hearing

Submitted By: Department of Airports

Submitted For:

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I. EXECUTIVE BRIEF


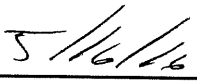
**Motion and Title:** Staff recommends motion to receive and file: Second Amendment to the Non-Signatory Airline Agreement with Air Canada, a Canadian Corporation (R-2016-0156), replacing Exhibit "B" reducing their leasehold at the Palm Beach International Airport effective May 1, 2016.

**Summary:** Delegation of authority for execution of the standard County agreement above was approved by the BCC in R-2014-1575. Countywide (AH)


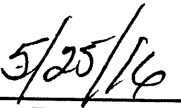
**Background and Justification:** N/A

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

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Recommended By:		
	Department Director	Date

Approved By:		
	County Administrator	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:

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

### C. Departmental Fiscal Review:

Chris Simon

## III. REVIEW COMMENTS

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

Sherry Br...  
OFMB 5/19/14

Dr. G. Jacobson 5/23/16  
Contract Dev. and Control  
5/20/14

### B. Legal Sufficiency:

Anne Delgout 5/24/16  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

REVISED 9/03  
ADM FORM 01

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

**SECOND AMENDMENT TO NON-SIGNATORY AIRLINE AGREEMENT  
BETWEEN PALM BEACH COUNTY AND AIR CANADA**

**THIS SECOND AMENDMENT TO NON-SIGNATORY AIRLINE AGREEMENT** (this "Amendment") is made and entered into this APR 25 2016 2016, by and between Palm Beach County, a political subdivision of the State of Florida ("County"), and Air Canada, a Canadian Corporation, having its offices and principal place of business at 7373 Cote Vertu West, Ville Saint Laurent, Quebec, Canada ("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 Non-Signatory Airline Agreement between COUNTY and AIRLINE dated December 9, 2015 (R-2016-0156) (the "Agreement"), as amended, 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. 2014-1575; 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 May 1, 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)*

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment as of the day and year first above written

Signed, sealed and delivered in the presence of two (2) witnesses for COUNTY:

Signature *Jeffrey S. Bolton*  
Print Name Jeffrey S. Bolton

Signature *Debra Reese*  
Print Name Debra Reese

APPROVED AS TO FORM & LEGAL SUFFICIENCY:

Signature *Anne Delgant*  
County Attorney

Signed, sealed and delivered in the presence of two (2) witnesses for AIRLINE:

Signature *Angelisa Taylor*  
Print Name ANGELISA TAYLOR

Signature *Lorraine Murray*  
Print Name LORRAINE MURRAY

PALM BEACH COUNTY, a political subdivision of the State of Florida

BY: *Shawn Kelly*  
Director, Department of Airports

AIRLINE: Air Canada

By: *Amos Kazzaz*  
Typed or printed name of Corporate Officer Amos Kazzaz

Title: Senior Vice President  
Financial Planning & Analysis  
(Seal)

*Carolyn M. Hadovic*  
Corporate Secretary

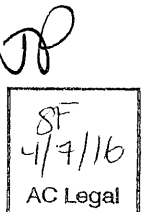


EXHIBIT "B" - Preferential Use Premises (Terminal Areas)  
**Air Canada**

First Level Plan – Palm Beach International Airport Main Terminal

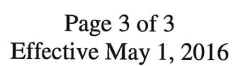
No Leased Space

EXHIBIT "B" - Preferential Use Premises (Terminal Areas)  
**Air Canada**

Second Level Plan – Palm Beach International Airport

No Leased Space

### Third Level Plan – Palm Beach International Airport Main Terminal



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: Air Canada

Insured ID: PBI-AI-15-01-PBC

Status:

Compliant (with overrides)

ITS Account Number:

PLC1839

Project(s):

Palm Beach County - Airport Properties

Insurance Policy	Required	Provided	Override
<u>General Liability</u>			
Expiration: 12/15/2016			
General Aggregate:	\$100,000,000	\$100,000,000	
Products - Completed Operations Aggregate:	\$100,000,000	\$100,000,000	
Personal And Advertising Injury:	\$25,000,000	\$25,000,000	
Each Occurrence:	\$100,000,000	\$100,000,000	
Fire Damage:	\$0	\$0	
Medical Expense:	\$0	\$0	
<u>Automobile Liability</u>			
	All Owned Autos	not provided	X
	Hired Autos	not provided	X
	Non-Owned Autos	not provided	X
Combined Single Limit:	\$1,000,000	\$0	X
<u>Workers Compensation/Employers Liability</u>			
	WC Stat. Limits	not provided	X
Each Accident:	\$1,000,000	\$0	X
Disease - Policy Limit:	\$1,000,000	\$0	X
Disease - Each Employee:	\$1,000,000	\$0	X
<u>Aircraft Liability Insurance</u>			
Expiration: 12/15/2016			
Each Occurrence:	\$100,000,000	\$100,000,000	
Aggregate Limit:	\$100,000,000	\$100,000,000	

Missing Policy Information

Override

The original Certificate of Insurance received did not include policies for the following coverages:

• Automobile Liability

X



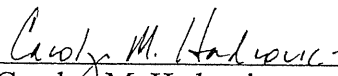
CERTIFICATE

I, Carolyn M. Hadrovic, Corporate Secretary of Air Canada (the "Corporation"), hereby certify that pursuant to a resolution adopted by the Board of Directors of the Corporation under By-Law No. 1 and to the delegated authorities thereunder, Amos Kazzaz, Senior Vice President, Financial Planning & Analysis is authorized to execute on behalf of the Corporation the Second Amendment to Airline-Airport Use and Lease Agreement between the Corporation and Palm Beach County.

I further certify that this authority was effective as of October 1, 2015 and has not been revoked and is in full force.

Dated at Montreal, Quebec, this 3<sup>rd</sup> day of April, 2016.

AIR CANADA

  
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Carolyn M. Hadrovic  
Corporate Secretary