

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 16, 2016

[X] Consent [ ] Regular  
[ ] Workshop [ ] Public Hearing

Department:

Submitted By: Department of Airports

Submitted For:

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: First Amendment to the Non-Signatory Airline Agreement with WestJet, an Alberta Partnership (R-2016-0158), replacing Exhibit "B" reducing their leasehold at the Palm Beach International Airport effective May 1, 2016.

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

**Background and Justification:** N/A

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

Recommended By:

Department Director

Date

6/27/16

Approved By:

County Administrator

Date

7/14/16

## 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:

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

C. Departmental Fiscal Review: \_\_\_\_\_

## III. REVIEW COMMENTS

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

[Signature] 7/7/16  
OFMB ET 7/6

[Signature] 7/12/16  
Contract Dev. and Control

### B. Legal Sufficiency:

Anne Helgand 7/13/16  
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)

**FIRST AMENDMENT TO NON-SIGNATORY AIRLINE AGREEMENT BETWEEN  
PALM BEACH COUNTY AND WESTJET**

**THIS FIRST AMENDMENT TO THE NON-SIGNATORY AIRLINE AGREEMENT** (this "Amendment") is made and entered into this ~~is made and entered into this~~ MAY 1 8 2016 2016, by and between Palm Beach County, a political subdivision of the State of Florida ("County"), and WestJet, an Alberta Partnership, having its office and principal place of business at 22 Aerial Place NE, Calgary, Alberta T2E 3J1 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-2016-0158) (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" (the "Preferential Use Premises") to the Agreement shall be deleted in its entirety and replaced with Exhibit "B" (the "Preferential Use Premises") 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 Martha Laverghetta  
Print Name Martha Laverghetta

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 Andrew K...  
Print Name ANDREW K...

Signature Claire Raniga-Argento  
Print Name Claire Raniga-Argento

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

BY: [Signature]  
Director, Department of Airports

AIRLINE: WestJet

By: [Signature]

Signature Barbara Munroe  
Typed or printed name of Corporate Officer  
Senior Vice President, General Counsel  
Title: and Corporate Services

(Seal)

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

First Level Plan – Palm Beach International Airport

No first level space

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

Second Level Plan – Palm Beach International Airport

No leased second level space

EXHIBIT "B" - Preferential Use Premises (Terminal Areas)  
Airline

Third Level Plan – Palm Beach International Airport

No leased third level space

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, June 20, 2016

Images

Contracts

Insured: WestJet, an Alberta Partnership Insured ID: PBI-WJ-15-01

Status: Compliant (with overrides)

ITS Account Number: PLC1873

Project(s): Palm Beach County - Airport Properties

Insurance Policy	Required	Provided	Override
<u>General Liability</u>			
Expiration: 12/1/2016			
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: 12/1/2016			
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



- Workers Compensation/Employers Liability
- X

Notifications

There were no deficiency letters issued.

Do you have an updated Certificate? Click the button below to submit a Certificate.

Certificate Submittal

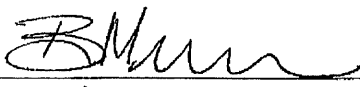
**EXHIBIT 3 (B)**

**AFFIDAVIT OF GENERAL PARTNER**  
**(If General Partnership)**

PROVINCE OF ALBERTA, CANADA )  
 ) SS:  
CITY OF CALGARY )

Before me, the undersigned authority, personally appeared, the undersigned, who by me being first duly sworn, deposes and says that:

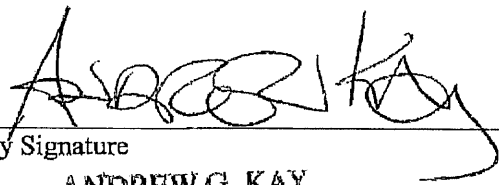
1. The undersigned is a general partner of WestJet, a general partnership organized and existing under the laws of the Province of Alberta, Canada ("Partnership") pursuant to agreement, dated the 15<sup>th</sup> day of November, 2001, a true and correct copy of which is attached hereto as Exhibit "A".
2. The Partnership is in good standing and is authorized to transact business in the State of Florida as the date hereof.
3. The Partnership agreement is still in full force and effect and has not been modified or amended.
4. All the partners of the Partnership and their interests in the partnership are as set forth on Exhibit "B".
5. The undersigned, as a general partner of WestJet, has the right and authority to enter into that certain Agreement between Palm Beach County, a political subdivision of the State of Florida and the Corporation, a copy of which is attached hereto as Exhibit "C", and such other instruments as may be necessary and appropriate for the Partnership to fulfill its obligations under the Agreement.
6. Upon the execution and delivery of such Agreement and documents by the person identified in item 5 herein above, all the aforesaid shall be valid agreements of and be binding upon the Partnership.
7. The transaction contemplated in the Agreement will not violate any of the terms and conditions of the Partnership agreement or of any other agreement of whatever kind between the Partnership and any third person.
8. The undersigned acknowledges that Affiant is familiar with the nature of an oath and the penalties provided by the laws of the State of Florida and that this Affidavit is being given to induce Palm Beach County to enter into the Agreement.

  
(Signature)

Barbara Munroe \_\_\_\_\_

Senior Vice President, General Counsel and Corporate Services

SWORN TO AND SUBSCRIBED before me this 9 day of December, 2015, by  
Barbara Munroe, who is personally known to me ~~OR produced~~  
as identification and who did \_\_\_\_\_ take an oath.

  
Notary Signature  
ANDREW G. KAY  
BARRISTER & SOLICITOR

\_\_\_\_\_  
Print Notary Name

NOTARY PUBLIC  
Province of Alberta, Canada

My Commission Expires: N/A