

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: **September 27, 2016**

Consent **Regular**
 Workshop **Public Hearing**

Department:

Submitted By: **Department of Airports**

Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to:

(A) adopt a resolution approving a Termination Agreement with the Florida Department of Transportation (FDOT) in the amount of \$1,302,328 for Security Improvements Phase 3 – Perimeter Fiber Loop at Palm Beach International Airport (PBIA); and

(B) approve a Budget Amendment of \$1,302,328 in the Airports’ Improvement and Development Fund to terminate a grant from the FDOT and reduce project cost by \$1,302,328.

Summary: On February 3, 2015, the Board adopted a resolution (R-2015-0147 and R-2015-0148) approving a Joint Participation Agreement (JPA) with the FDOT in the amount of \$1,302,328 for Security Improvements Phase 3 – Perimeter Fiber Loop at PBIA. The grant expiration date is March 31, 2017. It has been determined that this JPA is no longer needed for this project, therefore, the FDOT has provided a Termination Agreement relieving both parties of any obligations under this agreement. **Countywide (AH)**

Background and Justification: The above project was to provide for the installation of a fiber optic cable loop/system around the perimeter of the airport for future security enhancements and upgrades. Planned funding for the project included this JPA and Passenger Facility Charge (PFC) funds, however, the PFC funds were not approved by the Federal Aviation Administration (FAA). As such, the Department of Airports feels it is in the best interest of the County to terminate this agreement and to seek to reallocate the funding to other projects in the future. Discussions with FDOT have indicated their continued efforts to retain these funds for possible future application to other projects undertaken by the Department of Airports.

Attachments:

1. Resolution – (3 originals)
2. Termination Agreement – (3 originals)
3. Budget Amendment

Recommended By:  8/25/16
Department Director Date

Approved By:  9/15/16
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2016	2017	2018	2019	2020
Capital Expenditures	(\$1,302,328)	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues (Grants)	\$1,302,328	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT *	-0-	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in the Proposed Budget? Yes ___ No X
 Budget Account No: Fund 4111 Department 121 Unit A308 Object 6211
 Reporting Category _____

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

* Termination of this funding has No Fiscal Impact because the identified project will not be implemented.

C. Departmental Fiscal Review: cm Simmer

III. REVIEW COMMENTS

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

[Signature]
 OFMB 01/21/16

[Signature] 9/19/16
 Contract Dev. and Control
 9/19/16 [Initials]

B. Legal Sufficiency:

Anne Delgado
 Assistant County Attorney

C. Other Department Review:

 Department Director

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, APPROVING A TERMINATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR SECURITY IMPROVEMENTS PHASE 3 – PERIMETER FIBER LOOP AT PALM BEACH INTERNATIONAL AIRPORT.

WHEREAS, Palm Beach County, Florida (the "County") through its Department of Airports requested funding for Security Improvements Phase 3 – Perimeter Fiber Loop (the "Project") at Palm Beach International Airport (the "Airport"); and

WHEREAS, the Florida Department of Transportation (FDOT) agreed to participate in the funding of the Project for the Airport; and

WHEREAS, the FDOT provided a Joint Participation Agreement reflecting their commitment of funding in the amount of One Million Three Hundred Two Thousand Three Hundred Twenty Eight Dollars (\$1,302,328) or 50% of the eligible project costs, whichever is less; and

WHEREAS, It has been determined that funds under this Joint Participation Agreement are no longer needed for this project; and

WHEREAS, It is in the best interest of the County to enter into this Termination Agreement relieving both parties of any obligations under this agreement.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that the Termination Agreement between Palm Beach County and The Florida Department of Transportation, a copy of which is attached hereto and made a part hereof, is hereby approved and the Mayor of the Palm Beach Board of County Commissioners and the Clerk of the Board are authorized to sign same on behalf of the Board.

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

Commissioner Mary Lou Berger, Mayor	-
Commissioner Hal R. Valeche, Vice Mayor	-
Commissioner Paulette Burdick	-
Commissioner Shelley Vana	-
Commissioner Steven L. Abrams	-
Commissioner Melissa McKinlay	-
Commissioner Priscilla A. Taylor	-

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2016.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

By: Anne Helgard
County Attorney

By: _____
Deputy Clerk

Attachment # _____

JOINT PARTICIPATION AGREEMENT TERMINATION

This agreement made and entered into this ____ day of _____ by and between the State of Florida Department of Transportation, an agency of the State of Florida, hereinafter called the Department and Palm Beach County hereinafter called the Agency.

WITNESSETH

WHEREAS, the parties have determined that the performance of the Joint Participation Agreement entered into between the parties on March 11, 2015, is not in their best interests.

NOW, THEREFORE, in consideration of the premises it is agreed that the above described agreement is terminated and each party relieves the other of any obligations.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed.

AGENCY

FDOT

APPROVED AS TO FORM, LEGALITY

BY: _____
Mary Lou Berger

TITLE: Mayor

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

Sharon R. Bock, Clerk & Comptroller
Palm Beach County

ATTEST: _____

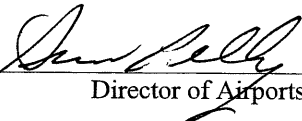
DEPARTMENT OF TRANSPORTATION
Director of Transportation Development

TITLE: Deputy Clerk

APPROVED AS TO FORM, LEGALITY

By: _____
County Attorney

APPROVED AS TO TERMS AND CONDITIONS

By:  _____
Director of Airports

16-1093

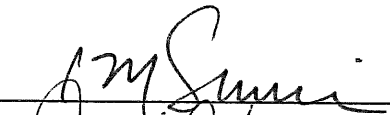
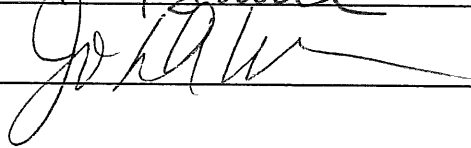
BUDGET AMENDMENT
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

Advantage Document Numbers:
 BGRV 082216/536
 BGEX 082216/1838

Fund 4111 Airport Improvement & Development Fund

Use this form to provide budget for items not anticipated in the budget.

ACCT.NUMBER	ACCOUNT NAME	ADOPTED BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	EXPENDED/ ENCUMBERED AS OF 08/18/2016	REMAINING BALANCE
Revenues								
121-A308-3404	State Grant Capital-Transport	2,878,781	1,780,797	0	1,302,328	478,469		
	Total Receipts and Balances	<u>168,112,217</u>	<u>195,292,225</u>	<u>0</u>	<u>1,302,328</u>	<u>193,989,897</u>		
Expenditures								
121-A308-6211	lotb Non-Infrastructure	4,288,299	3,647,343	0	1,302,328	2,345,015	1,316,373	1,028,642
	Total Appropriations & Expenditures	<u>168,112,217</u>	<u>195,292,225</u>	<u>0</u>	<u>1,302,328</u>	<u>193,989,897</u>		

	Signatures	Date	
Airports			By Board of County Commissioners
INITIATING DEPARTMENT/DIVISION		8/25/16	At Meeting of
Administration/Budget Department Approval		9/1/16	September 27, 2016
OFMB Department - Posted			Deputy Clerk to the Board of County Commissioners

Attachment # 3