

Agenda Item:

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: March 12, 2019

☒ Consent ☐ Regular
☐ Workshop ☐ Public Hearing

Submitted By: Department of Airports

I. EXECUTIVE BRIEF

Motion and Title: **Staff recommends motion to receive and file:** Registration for Distribution of Literature or Picketing (Registration) at Palm Beach International Airport (PBI) issued to Vince Herrera (Applicant), authorizing members of the National Air Traffic Controllers Association (NATCA) to distribute literature at PBI, effective January 14, 2019, and expiring January 28, 2019, at no cost.

Summary: The Registration authorizes designated members of NATCA to distribute literature at PBI, in locations designated by the Department of Airports, in accordance with the Airport Rules and Regulations (R-98-220 as amended). A copy of the literature to be distributed is attached to the Registration. The standard form Registration was approved by the Board on October 3, 1995 (R-95-1410). Countywide (AH)

Background and Justification: Applicant, on behalf of members of NATCA, requested authorization to allow 2 – 4 of its members to distribute literature at PBI pertaining to the impact of the federal government shutdown on those NATCA members. The Registration establishes terms and conditions by which the Applicant and NATCA may distribute literature and is not an endorsement by the County, or by any of its departments, officers or employees, as to the content of the literature.

Attachments: Registration (1)

Recommended By:

Rw Laura Becke
Department Director

2/8/19
Date

Approved By:


County Administrator

2/19/19
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures					
Operating Costs					
Operating Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes No X
Does this item include the use of federal funds? Yes No X

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

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

No fiscal impact.

C. Departmental Fiscal Review: CM Sumin

III. REVIEW COMMENTS

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

ASD 2/15 OFMB 2/15/19 2/14 2/2/13
Contract Dev and Control 2/19/19 TW

B. Legal Sufficiency:

Anne Delgent 2-20-19
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 11/17

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

PALM BEACH COUNTY
DEPARTMENT OF AIRPORTS

REGISTRATION
FOR
DISTRIBUTION OF LITERATURE OR PICKETING

PALM BEACH INTERNATIONAL AIRPORT

2019-01
Identification Number

1/10/19
Date

PLEASE TYPE OR PRINT IN INK THE REQUESTED INFORMATION

1. Full Name, Address and Telephone Number of Applicant (sponsor, promoter or organizer):

VINCE HERRERA (317) 987-2272
874 BLUEBERRY DR WELLINGTON FL 34114

2. The full name, address, and telephone number of each person who will participate in the authorized activities and of the authorized person(s) who shall have direct supervision of and formal responsibility for the proposed activities. In the alternative, the applicant may identify on the application one or more individuals who will act as coordinators or group leaders and, at the beginning of each day's activities, provide to the Director the names and other information required by this subsection regarding the individuals who will be participating in the applicant's activities on that day:

NATIONAL AIR TRAFFIC CONTROLLERS
ASSOCIATION (PBI ATC)
- SEE LIST

3. Briefly describe the nature of the activity proposed to be conducted, its purpose, and the type of communication to be involved:

PBI NATCA IS REQUESTING TO DISTRIBUTE
LEAFLETS THAT DISCUSS THE IMPACT
OF THE GOVERNMENT SHUTDOWN FOR ATC.

4. (a) The desired date or dates for conducting said activity is:

From 1/14/19 Through 1/28/19
[Attach schedule for seven (7) or more consecutive days]

(b) The desired times of day during which said activity is to occur:

8 (A.M.) (P.M.) Through 4 (A.M.) (P.M.)

(c) The number of people who shall participate in said activity:

APPRX: 2-4

5. If applicable, submit one copy of any and all literature, hand-outs or other materials or items requesting to be distributed as part of the proposed activities.

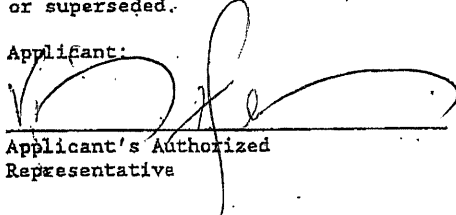
6. Applicant hereby expressly covenants and agrees that if this Registration for Distribution of Literature or Picketing is approved pursuant to this Registration and the accompanying Rules and Regulations for same, applicant shall, as a condition of this Registration, indemnify Palm Beach County pursuant to the following provision which applicant acknowledges and agrees is made a part of and incorporated herein, without the necessity of any further action by the parties hereto:

"REGISTRANT agrees to protect, defend, reimburse, indemnify and hold Palm Beach County (the "COUNTY"), its agents, employees and elected officers and each of them, free and harmless at all times from and against any and all claims, liability, expenses, losses, costs, fines and damages (including attorney fees) and causes of action of every kind and character against or from COUNTY by reason of any damage to property or the environment, or bodily injury (including death) incurred or sustained by any party hereto, or of any party acquiring any interest hereunder, any agent or employee of any party hereto or of any party acquiring an interest hereunder, and any third or other party whomsoever, or any governmental agency, arising out of or incident to or in connection with this Registration, the conditions of the Airport terminal building, REGISTRANT's acts, omissions or operations hereunder, or the performance, non-performance or purported performance of the REGISTRANT or any breach of the terms of this Registration; provided, however, the REGISTRANT shall not be responsible to COUNTY for damages resulting out of bodily injury or damages to property which REGISTRANT can establish as being attributable to the sole negligence of COUNTY, its respective agents, servants, employees or officers. REGISTRANT further agrees to hold harmless and indemnify COUNTY for any fines, citations, court judgments, insurance claims, restoration costs or other liability resulting from its activities on the Airport. Said indemnification shall be extended to include all deliverers, suppliers or others who may enter onto the Airport at the request of the REGISTRANT. REGISTRANT recognizes the broad nature of this indemnification and hold harmless clause, and voluntarily makes said covenant in recognition of the valuable consideration provided by COUNTY under this Registration. This clause shall survive the termination of this Registration."

7. Applicant hereby agrees that the Registration, if granted, will not be used or represented in any way as an endorsement by the County, or by any of its departments, officers or employees thereof.

8. Applicant hereby acknowledges that it has received, read and fully understands the Rules and Regulations for Distribution of Literature or Picketing and expressly covenants and agrees that it shall strictly adhere to all such Rules and Regulations as same exist now or as may hereafter be amended, modified or superseded.

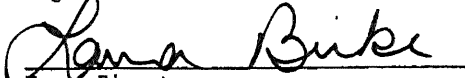
Applicant:


Applicant's Authorized
Representative

1/11/19
Date

Approval:

Registration for Distribution of Literature or Picketing is hereby approved by:


For: Director
Airports Department
Palm Beach County

1/15/19
Date

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


COUNTY ATTORNEY

PBI Contact List
12/20/2018

Name	e-mail	cellphone	home phone
Ahern, Shane (SA)	atcnole@yahoo.com	772 341 4283	
Andrews, Dave (GS)	dave.paul.andrews@gmail.com	978 376 0514	
Ashford, Jamie (LJ)	jayleighski@yahoo.com	540 846 4239	
Battani, Greg (GB)	greg.battani@yahoo.com	952 239 7837	
Behlmann, Brandon (BB)	brandon.behlmann@outlook.com	314 719 7325	
Bellis, Anne (AE)	nordo44@gmail.com	631 252 6389	
Bellisario, Michael (NY)	lcplmjb@yahoo.com	860 917 8724	
Bishop, Zackery (BP)	zackery_bishop@yahoo.com	209 640 7746	
Brubaker, Chad (BU)	chad.brubaker@mac.com	603 235 1874	
Canney, Terry (TC)	tdcpbi01@gmail.com	561 714 3018	
Carter, Alexander			
Casanova, Peter (CA)	picasanova99@gmail.com	305 807 2634	
Cerasuolo, Joe (JC)	coachjoelacrosse@bellsouth.net	561 236 6938	561 790 7746
Cleveland, J'San (CD)	clevelandgc@yahoo.com	601 212 5723	
Colson, Jim (JZ)	jzatcpbi@gmail.com	561 386 8900	
Cramer, Candice			
Cramer, Christopher			
Davis, Harry (TN)	harrydavis.atc@gmail.com	901 355 3532	
Dillman, Matt (DM)	mdillman2@gmail.com	754 581 2102	
DiPalermo, Joseph (JD)	joseph.dipalermo@yahoo.com	631 965 7129	
Estupinan, Chris (CE)	estup24@gmail.com	561 281 2575	
Feeney, Sean (SF)	saf2707@aol.com	561 601 6562	
Fleck, Brian (BJ)	bjfleck@gmail.com	561 762 1034	
Funkhouser, Joe (JF)	joe.funkhouser@gmail.com	240 217 1894	
Garcia-Roldos, Victor (VR)	roldosvictor@gmail.com	337 442 8944	
Hammons, Matthew (BZ)	matthew.hammons@gmail.com	530 300 4974	
Hayes, Tikiria (TK)	serenity0285@gmail.com	832 782 0134	
Herrera, Vincente (VH)	vahherrera@att.net	317 987 2272	
Hollar, Jill (XO)	jillhollar@yahoo.com	813 727 5708	
Hull, Matt (MH)	mhull@live.com	803 549 6164	
Jimenez, Jeannie (JM)	jeanniejimenezm@aol.com	302 249 5623	
LaCroix, Andrew (LX)	alacroix1985@gmail.com	954 599 6565	
Lewis, Joe (LS)	joseph.g.lewis@gmail.com	352 206 7434	
Miller, Jolene (JO)	j95ninja@gmail.com	386 562 2316	
Mills, Israel (DP)	israelmills@gmail.com	213 509 1844	
Morgan, Bob (MB)	captmorgan6216@yahoo.com	336 408 9538	
Nason, Tyler (TJ)	tylernason@gmail.com	916 759 9777	
Nicholas, Jonathon (NS)	jnicharmy89@gmail.com	516 242 6839	
Oldendorf, Sarah (SO)	soldendorf@gmail.com	772 872 2565	
Pardo, John (JP)	johnkpardo@gmail.com	786 525 4834	
Philpot, Ross (RP)	rossphi@yahoo.com	832 454 4014	
Plaza, Gabe (GP)	gabicolli@hotmail.com	561 386 8841	
Pozsonyi, Elizabeth (EP)	lizzy914@icloud.com	603 682 9807	
Raspante, Jean			
Reiche, Michael (RE)	michaelr575@yahoo.com	682 999 4286	
Robertson, Nick (RO)	nick.robertson.j@gmail.com	864 939 9141	
Rudolph, Daniel (DR)	rudolphfamily5@msn.com	561 315 3258	
Rupnik, Ruth (RU)	ruthrupnik@icloud.com	361 945 5013	
Santos, Jahil (SS)	jafo_326@yahoo.com	939 644 3106	
Small, Jason (JN)	jasonnsmall@gmail.com	954 391 2374	
Sobczak, Jennifer (JA)	jenn.sobczak@yahoo.com	901 282 9646	
Somers, Josh (JS)	somersjf@yahoo.com	843 476 7286	
Sooklal, Kerrie (SL)	kerriesooklal@gmail.com	305 799 6207	
Spaziani, Todd (TD)	iamtoddspez@gmail.com	321 525 0503	
Stefura, Kevin (KS)	kps0987@gmail.com	203 449 2541	
Yancey, Camilla (CY)	clforry@gmail.com	561 685 2399	
Whitmore, Brooke			

Section 2-1. DISTRIBUTION OF LITERATURE OR PICKETING -
Registration Required. Procedures.

A. No person, group of persons, association, organization or business entity (referred to herein as "applicant" or "registrant") shall distribute literature or picket or display signs for any purpose whether charitable, nonprofit, commercial or otherwise, at the Airport without obtaining an approved registration form issued by the Director of the Department of Airports (hereinafter sometimes referred to as "Director" and may also include any designee of the Director), in accordance with the guidelines set forth herein, or without a license, permit, lease, or contract for a commercial enterprise to be conducted at the Airport. A "commercial enterprise" means any person, group of persons, association, organization or business entity engaging in any profit-making activity, and does not currently qualify for exemption from taxation under Section 501(c) of the Internal Revenue Code of 1954, as amended.

B. Authorization to distribute literature or to picket, as provided for in Section 2-1. A. of these Rules and Regulations, shall be issued using the Registration for Distribution of Literature or Picketing form (the "Registration"), included herein as Section 2-6. of these Rules and Regulations. All applicants shall provide the following required information:

1. The full name, mailing address and telephone number of the applicant;
2. The full name, address, and telephone number of each person who will participate in the authorized activities and of the authorized person(s) who shall have direct supervision of and formal responsibility for the proposed activities. In the alternative, the applicant may identify on the Registration one or more individuals who will act as coordinators or group leaders and, at the beginning of each day's activities, provide to the Director the names and other information required by this subsection regarding the individuals who will be participating in the applicant's activities on that day;
3. A description of the nature and purpose of the proposed activity, the type of communication to be involved and, if applicable, submit a copy of any and all literature, hand-outs or other materials or items requesting to be distributed as part of the proposed activities;
4. The requested date(s) and hour(s) on and during which the activities are proposed to be conducted, and the expected duration of the proposed activities;
5. The number of any and all persons to be engaged in such activities in accordance with the limitations set forth in these Rules and Regulations;
6. A statement that the Registration, if granted, will not be used or represented in any way as an endorsement by the County, or by any of its departments, officers or employees thereof;

7. A statement that the applicant has read these Rules and Regulations and agrees to abide thereby; and
8. A statement that applicant agrees to indemnify Palm Beach County for any action arising out of the performance of the proposed activities.

C. Upon the applicant providing all of the information required by the Registration and a finding that the information required is complete, the approved Registration shall be signed and issued immediately by the Director. The registrant may, upon issuance, immediately conduct the activities authorized by the Registration, subject to these Rules and Regulations.

D. Registration forms issued pursuant to these Rules and Regulations shall bear the name and address of the registrant, the identification number of the registration, the date issued, and a statement that the Registration does not constitute an endorsement by Palm Beach County or any of its departments, officers or employees.

E. Any Registration form issued under these Rules and Regulations shall be non-transferable and shall be valid only for the periods set forth therein.

F. During the term of any Registration granted herein, if there is any change in fact that would alter the information provided by the registrant, the registrant shall promptly notify the Director of such change, including, if applicable, any change in the literature to be distributed.

G. If a Registration submitted for signing by the Director is denied, a written statement shall be immediately furnished to the applicant setting forth the reason why the Registration has been denied. If such a statement of reasons for denial has not been mailed or delivered within forty-eight (48) hours of the date of receipt by the Director of the completed Registration, an interim Registration shall be deemed issued to the applicant and all activities proposed to be conducted in the Registration may be conducted as subject to the same restrictions and obligations established by these Rules and Regulations for other registrants. A Registration shall be denied for no reason other than any of the following:

1. The applicant has not furnished the information required by these Rules and Regulations;
2. The applicant is a commercial enterprise as set forth in Section 2-1. A. of these Rules and Regulations;
3. A determination of the Director that emergency conditions exist at the Airport which make the applicant's proposed activity incompatible with the operational function of the Airport. For the purposes of these Rules and Regulations, "emergency conditions" shall mean unusually congested conditions due to adverse weather, schedule interruptions, or extremely heavy traffic movements, or for emergency security measures as set forth in Section 496.425(8), Florida Statutes;

4. The Director has determined that one or more statements made in the Registration form are not true or that the activities permitted hereunder will not be under the control or supervision of responsible or reliable persons; or
5. The application is for charitable solicitation and is therefore subject to the Airport's Rules and Regulations for Solicitation of Funds.

H. If the Director notifies the applicant that the Registration is denied, the County Attorney's Office shall within five (5) days of such denial file an appropriate action in a court of competent jurisdiction and venue for a judicial determination as to whether the proposed activity described in the complaint may be prohibited, naming the applicant as a party defendant. Palm Beach County shall exert every reasonable effort to have the issue heard on its merits without delay and as quickly as legally possible. The burden of showing that the proposed activity may be prohibited shall rest with the County. If the issue for judicial determination is not heard and decided on the merits by the court within ten (10) days from the date the complaint is filed then an interim Registration shall be deemed issued to the applicant as set forth in Section 2-1.

G. of these Rules and Regulations.

Section 2-2. DISTRIBUTION OF LITERATURE OR PICKETING -
Suspension or Revocation of Registration.

A. A Registration may be suspended or revoked by the Director for one or more of the following reasons:

1. Violation of any material restriction imposed by these Rules and Regulations or the Registration;
2. Continued, substantial complaints from the public concerning harassment;
3. Any action by the registrant or its agents that adversely affect the health or safety of the public; or
4. Fraud or misrepresentation in the Registration.

B. A suspension shall not exceed a period of six (6) months. If a registration has been revoked, a new Registration may not be issued to the person or organization for six (6) months after the revocation. Notice of suspension or revocation shall be in writing and shall be supported by a statement of facts and shall include a list of any witnesses thereto. Such notice shall be personally served upon the registrant or any of its agents, or in the alternative, may be registered by certified mail, return receipt requested. The registrant may request a hearing on a suspension or revocation which shall be held within sixty (60) days of such request.

Section 2-3. DISTRIBUTION OF LITERATURE OR PICKETING -
Duration of Registration and Notice to Commence Activities.

A. An approved Registration form shall be effective for one (1) year from the date of issuance. Once expired, a registrant may apply again on the same basis and subject to the same requirements as any other applicant.

B. During the effective term of the Registration, a registrant may request permission to distribute literature or picket by written request to the official designated on the registration form, or, in the alternative, by reporting in person to such official. Permission will be granted subject only to the limitations set forth in Section 2-4. of these Rules and Regulations.

Section 2-4. DISTRIBUTION OF LITERATURE OR PICKETING -
Limitations.

A. All authorized activities shall be conducted in person by the registrant or the registrant's authorized representatives. No registrant shall place donation boxes, booths, tables, chairs, kiosks or display racks within the Airport terminal building or any other areas of the Airport.

B. In order not to unduly interfere with the orderly flow of the traveling public, all distribution of literature or picketing activities shall be strictly limited to only those non-secured, public use areas of the Airport terminal building as specifically designated on Exhibit "2-6. A" of Section 2-6. of these Rules and Regulations. These designated areas shall be available on a first-come, first-served basis. No more than four (4) persons conducting distribution of literature activities, as authorized pursuant to these Rules and Regulations, shall be present at one time within those certain areas specified for the conduct of such activities and as designated on Exhibit "2-6. A". All picketing activities, as authorized pursuant to these Rules and Regulations, shall be strictly limited to only those certain areas outside the Airport terminal building specified for the conduct of such activities and as designated on Exhibit "2-6. A". No more than ten (10) persons conducting picketing activities pursuant to these Rules and Regulations shall be present at one time within each area.

C. While participating in the activities as authorized by the Registration, registrants shall prominently display on his/her person an identification badge or insignia which shall be visible at all times. Such identification shall be furnished by the Registrant and shall require the prior written approval of the Director. All such badges shall bear the Identification Number of the Registration on file with the Department of Airports.

D. Registrants shall not be permitted to:

1. Obstruct, delay, or in any way interfere with the free movement of others;
2. Seek to coerce or physically disturb others;
3. Hamper or impede the conduct of business;
4. Use any sound or voice amplifying apparatus;
5. Use any drum, bell, tambourine, horn, or other noise making device;
6. In any way indicate to the public that he or she is a representative of the County, the Director or the Airport, or otherwise misrepresent his identity in any way; or
7. Display or carry signs that are larger than three (3) square feet, and such signs shall not be attached or connected to a stick or post of any kind. No sign shall be attached to any portion of the premises of the Airport. All signs and any literature authorized for distribution shall be removed when registrant is not present. No person shall carry more than one (1) sign.

E. - The Director may declare an emergency, as set forth in Section 496.425(8), Florida Statutes, as amended, due to unusually congested conditions in, on or about the Airport terminal building which may be caused by adverse weather, schedule interruptions, extremely heavy passenger traffic or any other emergency security situation. In such event, the Director shall cause the registrant or its representative(s) to be so advised either directly or via announcement, and either verbally or in writing. Immediately upon being so advised, the registrant and all representatives of the registrant shall cease conducting any and all activities until such time as the Director provides written notice that the declared emergency no longer exists and that the registrant is specifically authorized to resume its permitted activities.

Section 2-5. DISTRIBUTION OF LITERATURE OR PICKETING -
Scope.

These Rules and Regulations shall apply to all Palm Beach County owned and operated airports except Section 2-4. B., which shall apply only at Palm Beach International Airport. The Director shall have the authority to prescribe from time-to-time the designated areas and maximum number of persons allowed within such areas for the conduct of authorized distribution of literature and picketing activities at all County owned and operated airports other than Palm Beach International Airport.

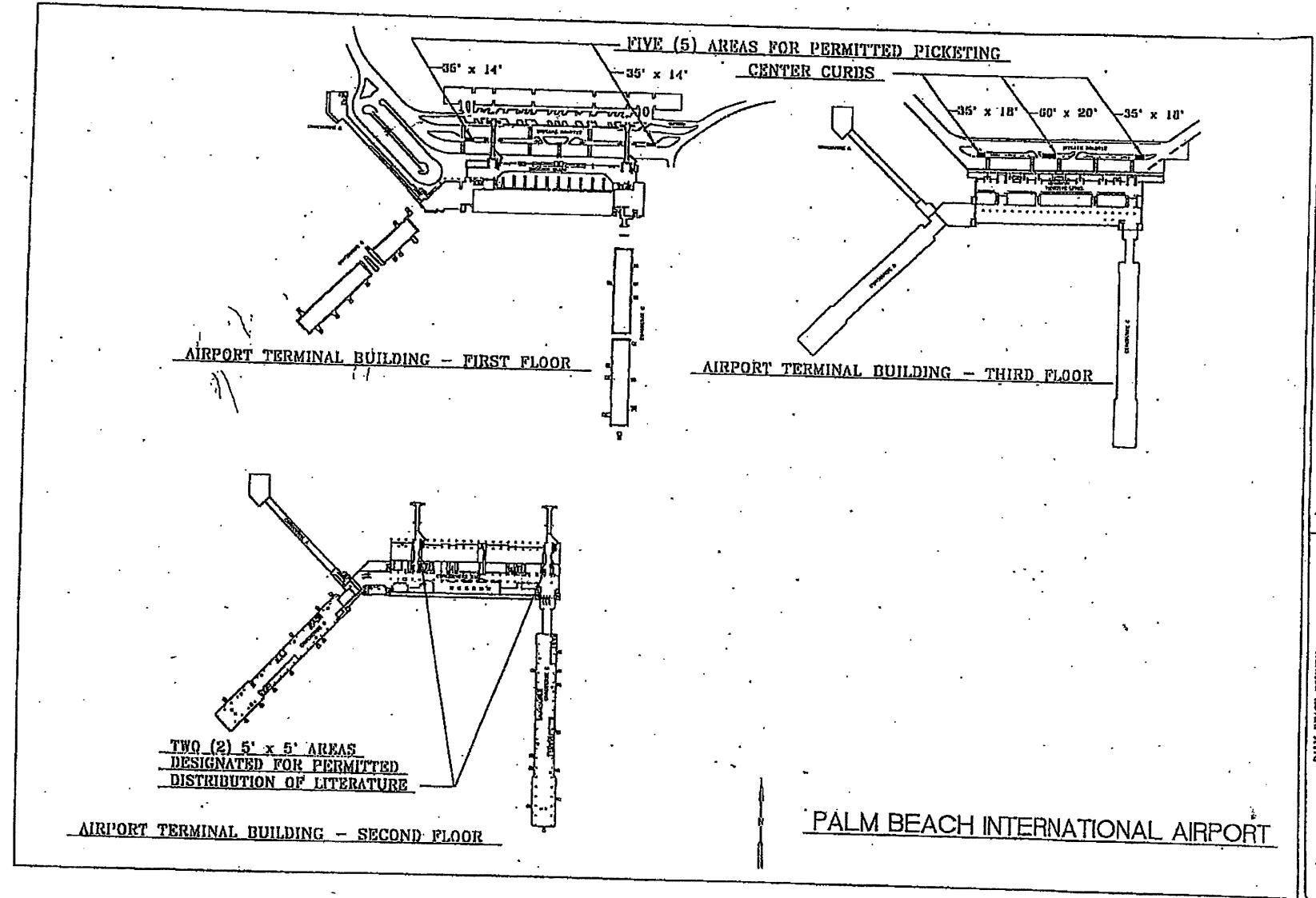


EXHIBIT "2-6. A."
REGISTRATION FOR DISTRIBUTION
OF LITERATURE AT AIRPORT

PALM BEACH COUNTY
DEPARTMENT OF AIRPORTS
PALM BEACH INTERNATIONAL AIRPORT
RECORDING DIV.
WEST PALM BEACH, FL 33406-1101 DRAWN BY: DJT



STOP THE SHUTDOWN!

The partial government shutdown is detrimental to the safety and efficiency of our National Airspace System (NAS). The National Air Traffic Controllers Association (NATCA) and the aviation safety professionals we represent strongly oppose the government shutdown, which includes the Federal Aviation Administration (FAA). The shutdown of the FAA threatens the NAS and negatively affects the 12 million aviation-related jobs and the \$1.5 trillion that aviation annually contributes to the U.S. economy.

No one should be under the illusion that it's business as usual for aviation safety during the shutdown. Every day the shutdown continues, the negative consequences to the NAS and its employees are compounding. Inside are examples of the effects the government shutdown has on the FAA and our workforce. We implore Congress to end the shutdown.



NATCA.ORG



@NATCAFAMILY



@NATCA



@NATCANATIONAL

**CONTACT YOUR
REPRESENTATIVES:**



natca.org/writecongress



(844)-336-1123

END THE GOVERNMENT SHUTDOWN IMMEDIATELY!



**PROTECT THE
NATIONAL AIRSPACE
SYSTEM, AVIATION
SAFETY
PROFESSIONALS, AND
THE U.S. ECONOMY**

SAFETY

Approximately 3,000 NATCA-represented FAA safety professionals are furloughed. That includes staff support specialists who provide tactical, strategic, and administrative support at air traffic control facilities.

Air traffic controllers are working to maintain the safety and efficiency of the NAS without the necessary contribution of other safety professionals.

- ✈ The FAA has stopped issuing Airworthiness Directives, which mandate safety fixes to existing aircraft.
- ✈ FAA workgroups are unable to meet, which will delay implementation of new safety procedures.
- ✈ Delays in maintenance put the technology we rely on at risk of falling behind or malfunctioning.

TRAINING

The FAA has suspended hiring and closed its training academy in Oklahoma City where new air traffic controller hires begin their careers. Classroom and simulator training at air traffic control facilities also is suspended. And training development for controllers relating to safety and modernization is delayed due to the shutdown.

- ✈ The number of fully certified controllers is now at a 30-year low.
- ✈ Due to a halt in hiring and training, the current air traffic controller staffing crisis will be exacerbated. If the staffing shortage gets any worse, we will see reduced capacity in the NAS, meaning more flight delays.

MODERNIZATION

Critical work on FAA NextGen modernization and new user integration projects has stopped. Despite the great progress the FAA has made on modernization projects, the shutdown will cause significant delays to these projects implementing new technology and procedures and waste federal taxpayer dollars.

- ✈ Infrastructure construction and equipment modernization has ceased at airports and radar facilities across the country, including the new air traffic control tower and terminal radar approach control facility in Charlotte and modernization of the Seattle Air Route Traffic Control Center.
- ✈ Air traffic controllers and aviation safety professionals are prevented from participating as subject matter experts on modernization projects, which limits the collaboration between the FAA and its workforce.
- ✈ Work to integrate new users such as Unmanned Aircraft Systems (UAS), commercial space launches, and supersonic aircraft into the NAS has been put on hold, negatively affecting private sector innovation.

END THE GOVERNMENT SHUTDOWN
VISIT NATCA.ORG FOR MORE INFORMATION