



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
Operating Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	=====	=====	=====	=====	=====
<b># ADDITIONAL FTE POSITIONS (Cumulative)</b>	_____	_____	_____	_____	_____

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 \_\_\_\_\_

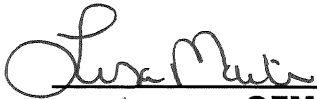
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

No fiscal impact.

**C. Departmental Fiscal Review:** 

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

  
 11/30/2022  
 OFMB  
 11/30 MG 11/30

  
 11/30/22  
 Contract Dev. and Control

**B. Legal Sufficiency:**

  
 11/30/22  
 Assistant County Attorney

**C. Other Department Review:**

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

REVISED 11/17

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

**Background and Policy Issues: (Continued on Page 3)** The County adopted the Jet Restriction in 1973. The County has successfully defended the Jet Restriction against several challenges, dating back to at least 2000. However, the FAD and the U.S. Court of Appeals have now determined that the County repealed the Jet Restriction in 1988 (Ordinance 88-11). ANCA became effective in 1990, significantly limiting an airport sponsor's legal authority to adopt restrictions on aircraft operations. In March 1991, the County and City entered into the Interlocal, providing the County would enforce the Jet Restriction to the extent of its authority. In 1992, the Airport Director issued a directive restricting jet aircraft from operating at the Lantana Airport. In 1998, the County passed a resolution adopting the Airport Rules and Regulations with the Jet Restriction (R-98-220, as amended). The Jet Restriction has been subject to several legal challenges over a period of more than 20 years. In August 2017, a formal complaint was filed with the FAA alleging, among other things, that the Jet Restriction was not adopted in accordance with ANCA. In February 2019, the FAA issued a Director's Determination, concluding the Jet Restriction was repealed in 1988, its post-ANCA reenactment was subject to and did not comply with ANCA, and the Jet Restriction violates the County's federal grant obligations. The County appealed the Director's Determination. On January 13, 2021, the FAA's Associate Administrator issued the FAD, affirming the earlier Director's Determination. The U.S. Court of Appeals denied the County and City's petition for review of the FAD. As a result, the County remains in violation of federal law and its grant assurance obligations. The County's outside legal counsel and County Attorney's office have advised that there are no viable options for further appeal of this matter.

## **CORRECTIVE ACTION PLAN**

*Palm Beach County, Florida, as the Sponsor of the  
Palm Beach County Park (Lantana) Airport*

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1. The Palm Beach County Board of County Commissioners (“BOCC”) will adopt a resolution repealing Section 12-6(a) of the Airport Regulations, which provides “ [p]ure turbo-jet aircraft and aircraft in excess of 12,500 pounds engaging in air cargo operations are prohibited” at LNA (“Jet Restriction”) at a public meeting of the BOCC and direct the County Clerk to deliver the resolution to the Municipal Code Corporation for codification upon receipt of an affidavit that the requirements of Florida law (Fl. Stat. 332.08(2)) related to posting or publication have been satisfied. Following the BOCC’s adoption of the resolution, the resolution will be publicly posted for a period of four weeks or published in a newspaper once a week for four weeks, in accordance with Florida law (Fl. Stat. 332.08(2)). At the end of that waiting period, the Department of Airports will prepare and file an affidavit with the County Clerk certifying the posting or publication requirements have been satisfied so that the resolution may be provided to the Municipal Code Corporation for codification in the Palm Beach County Code.
2. The County will promptly notify the Complainant by letter (U.S. Mail and email to his counsel), that he may operate his Cessna 500 Citation at LNA.
3. The County will promptly submit a request through the FAA’s Airport Data and Information Portal to remove the text “ARPT CLSD TO JET ACFT & ALL ACFT OVER 12500 MAX GWT” notation from LNA’s Master Record.
4. The County will submit a request with the Florida Department of Transportation’s Aviation and Spaceports Office to remove the notation “Airport CLSD to Jet tfc & acft over 12500 max GWT” notation from LNA’s facility information sheet.
5. The County will remove language from the Palm Beach County Park Airport web page, which states that “jet aircraft are prohibited from operating at Park Airport.”
6. The County will continue to suspend its enforcement of the Jet Restriction (*e.g.*, will not issue warnings, notices of violations, or citations).
7. The County Attorney will inform the City of Atlantis that it is unable to continue to enforce the Jet Restriction as set forth in the “Interlocal Governmental Agreement for Lantana Airport” (1991) pursuant to FAA order.
8. If required, the County will update the forecast submitted to the FAA in accordance with the County’s LNA Part 150 Noise Compatibility Study and resubmit the updated forecast for FAA approval.
9. Upon FAA approval of the forecast, the County will schedule, post notice of, and conduct, at least one public meeting announcing and discussing the forecast, which includes jet operations at LNA. The primary purpose of this meeting will be to explain the introduction of jet aircraft to LNA. The County will request FAA ADO participation in this meeting to explain the

agency's requirement that the County rescind the Jet Restriction and its effect on aircraft operations and the Part 150 process.

10. The County will complete the Part 150 Noise Compatibility Study and submit to FAA.