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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: July 17, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 8(A)(1)(G)

From: George M. Burgess
County Manager

Resolution No. R-833-08

Subject: Ratification of Acceptance and Execution of Agreement with the Federal Aviation Administration (FAA) for Grant amounting to $4,000,000.
AIP No. 3-12-0049-056-2008

RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the acceptance and execution, pursuant to provisions of the Aviation Department's Expedite Ordinance No. 95-64 codified as Section 2-285(6) of the Miami-Dade County Code, of the most recent grant offer and associated grant agreement from the Federal Aviation Administration (FAA) in regard to AIP Number 3-12-0049-056-2008 in the amount of $4,000,000, relating to the new Northside Runway Project at Miami International Airport (MIA). This grant offer and agreement represents the ninth installment from the FAA of the anticipated eleven grant installments for the funding of the costs of the already-constructed runway pursuant to the FAA's previously approved Letter of Intent (LOI) with Miami-Dade County.

SCOPE

This project associated with this Airport Improvement Program (AIP) is located within District Six of Commissioner Rebeca Sosa. However, the impact of this project is Countywide in nature as Miami International Airport is a regional asset.

FISCAL IMPACT

This Airport Improvement Program (AIP) Grant represents an additional $4,000,000 in FAA funding for the subject project.

PROJECT MONITOR

The grant monitor is Norma Mata, Acting Chief of Grants, Planning Division, Miami-Dade Aviation Department (MDAD).

BACKGROUND

On April 3, 2000, MDAD submitted its application for federal assistance for the construction of the new Northside Runway at MIA. Thereafter, the FAA issued an LOI under which the FAA indicated its intent to provide grants to the County in a maximum amount of $101,040,000 towards the cost of the runway project. Under the LOI, the FAA provides grant funds periodically through grant offers that are reflected in individual grant agreements.

The grant funds that are actually made available are from two sources of funds: Discretionary Funds which, as the name suggests, are discretionary with the FAA; and Entitlement Funds, which MIA is entitled to as a matter of law.

On July 15, 2000, the Board, by Resolution No. R-783-00, authorized the acceptance of $12 million as a first installment of the FAA's total commitment of $101,040,000 under the LOI to help offset the cost of the construction of the new runway. On March 11, 2004, the LOI was amended to reflect an additional $3 Million towards the project, bringing the total potential FAA participation in the runway project to $104,040,000.

The following is the schedule of LOI Grant payments paid to date and to be paid in the future as they relate to the runway project:

Received Installments #1 through #8

FY	Discretionary	Entitlement	Total
2000	$ 5,000,000	$ 7,000,000	$12,000,000
2001	3,000,000	7,000,000	10,000,000
2002	2,840,000	8,475,703	11,315,703
2003	4,000,000	7,000,000	11,000,000
2004	8,000,000	5,524,297	13,524,297
2005	8,000,000	0	8,000,000
2006	7,550,000	0	7,550,000
2007	8,000,000	0	8,000,000
Total:	$46,390,000	$35,000,000	$81,390,000
	To Be Received in Current Installment #9		
2008	4,000,000	0	4,000,000
	To Be Received in Installments #10 through #11		
2009-2010	$18,650,000	0	$18,650,000
Total LOI Amount:	**$69,040,000**	**$35,000,000**	**$104,040,000**

The Northside Runway opened in September, 2003.

It is recommended that the Board approve the attached resolution which ratifies the execution of the FAA Grant Agreement for the ninth installment of the total FAA grant.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: July 17, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(A)(1)(G)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

✓ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(A)(1)(G)
7-17-08

RESOLUTION NO. R-833-08

RESOLUTION RATIFYING ACCEPTANCE AND EXECUTION OF THE NINTH GRANT AGREEMENT BETWEEN THE COUNTY AND THE FEDERAL AVIATION ADMINISTRATION (FAA) APPLICABLE TO THE PARTIAL RELEASE IN THE AMOUNT OF $4,000,000 OF A TOTAL FUNDING OF $104,040,000 PREVIOUSLY APPROVED BY THE FAA UNDER A LETTER OF INTENT TO PROVIDE GRANT FUNDS FOR CONSTRUCTION OF THE NEW NORTHSIDE RUNWAY AT MIAMI INTERNATIONAL AIRPORT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and document, copies of which are incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies, confirms, and approves the acceptance and execution of a grant agreement between the County and the Federal Aviation Administration (FAA) under which the FAA will make the ninth grant distribution in the amount of four million dollars ($4,000,000), such amount being a portion of the total grant of one hundred four million forty thousand dollars ($104,040,000) previously approved by the FAA under a Letter of Intent applicable to AIP No. 3-12-0049-056-2008 to provide such funds in installments to the County, such grant distribution to be applied towards the cost of the already-constructed Northside Runway at Miami International Airport.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Carlos A. Gimenez** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of July, 2008. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. TPA

Thomas P. Abbott

GRANT AGREEMENT

U. S. Department
of Transportation
Federal Aviation
Administration

Date of Offer: April 23, 2008

Project Number: **3-12-0049-056-2008**
Recipient: **Miami-Dade County Board of County Commissioners** (Herein called Sponsor)
Airport: Miami International Airport

OFFER

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share, seventy-five percent (75%) of the allowable costs incurred in accomplishing the project consisting of the following:

"Ninth (9th) Installment under LOI ASO 99-02 for Construction of Runway 8L/26R and Construction of Trac one Apron Drainage, Grading and Pavement Improvement "

as more particularly described in the Project Application dated March 12, 1998 and Letter of Intent Amendment dated March 29, 2006.

The maximum obligation of the United States payable under this Offer shall be $4,000,000 for airport development.

This offer is made in accordance with and for the purpose of carrying out the applicable provisions of the Federal Aviation Act of 1958, as amended, codified at Title 49 of the United States Code. Acceptance and execution of this offer shall comprise a Grant Agreement, as provided by Title 49 of the United States Code, constituting the contractual obligations and rights of the United States and the Sponsor.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

Acting Manager, Airports District Office

ACCEPTANCE

The Sponsor agrees to accomplish the project in compliance with the terms and conditions contained herein and in the document "Terms and Conditions of Accepting Airport Improvement Program Grants" dated March 29, 2006.

Executed this 20th day of May, 2008

(Seal)

Miami-Dade Board of County Commissioners
Name of Sponsor

Attest:

Deputy Clerk
Title

JOSE ABRELIS
Signature of Sponsor's Designated Official Representative

DIRECTOR - Aviation
Title

CERTIFICATE OF SPONSOR'S ATTORNEY

I, THOMAS P. ABBOTT, ESQ, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of State of Florida. Further, I have examined the foregoing Grant Agreement, and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the applicable provisions of the Federal Aviation Act of 1958, as amended, codified at Title 49 of the United States Code. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Signature of Sponsor's Attorney

5/20/08
Date