

City of Fort Lauderdale

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Meeting Minutes

Tuesday, September 6, 2022

6:00 PM

**City Hall - City Commission Chambers
100 North Andrews Avenue, Fort Lauderdale, FL 33301**

City Commission Regular Meeting

FORT LAUDERDALE CITY COMMISSION

DEAN J. TRANTALIS Mayor

BEN SORENSEN Vice Mayor - Commissioner - District IV

HEATHER MORAITIS Commissioner - District I

STEVEN GLASSMAN Commissioner - District II

ROBERT L. McKINZIE Commissioner - District III

GREG CHAVARRIA, City Manager

DAVID R. SOLOMAN, City Clerk

ALAIN E. BOILEAU, City Attorney

PATRICK REILLY, Interim City Auditor

CALL TO ORDER

Mayor Trantalis called the meeting to order at 6:21 p.m.

Pledge of Allegiance

Mayor Dean J. Trantalis

MOMENT OF SILENCE

Mayor Trantalis requested a moment of silence in remembrance of Community Activist David Parker.

ROLL CALL

Present: 4 - Commissioner Steven Glassman, Vice Mayor Ben Sorensen, Commissioner Heather Moraitis and Mayor Dean J. Trantalis

Not Present: 1 - Commissioner Robert L. McKinzie

QUORUM ESTABLISHED

Also Present: City Manager Greg Chavarria, City Clerk David R. Soloman, City Attorney Alain E. Boileau, and Interim City Auditor Patrick Reilly

AGENDA ANNOUNCEMENTS

Mayor Trantalis announced the following changes to the published Agenda:

WALK ON:

Resolution Approving a Grant Agreement and Authorizing the Acceptance of Grant Funds from the Federal Aviation Administration for the Construction of Runway 9 Run-up Area Relocation and South End Taxiways Intersection (Taxiway Echo and Taxiway Juliet) at the Fort Lauderdale Executive Airport - (Commission District 1)

REVISIONS:

OSR-7 - Minor change to Section 1 of Exhibit 5

Walk On and Revisions are attached to the Meeting Minutes.

Approval of MINUTES and Agenda

[22-0853](#)

Minutes for May 17, 2022, Commission Joint Workshop with Citizens' Police Review Board, May 17, 2022, Commission Conference Meeting, May 17, 2022, Commission Regular Meeting and June 7, 2022 Commission Conference Meeting - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman noted a correction to the June 7, 2022, Commission Conference Meeting minutes. The Historic Preservation Board communication was duplicated under the Marine Advisory Board communication. City Clerk David Soloman confirmed the correction would be made.

Vice Mayor Sorensen made a motion to approve the Minutes as amended and Agenda and was seconded by Commissioner Moraitis.

APPROVED AS AMENDED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

PRESENTATIONS

PRES- [22-0860](#)
1

Vice Mayor Sorensen to present a Proclamation declaring September 2022, as Suicide Prevention Awareness Month in the City of Fort Lauderdale

Vice Mayor Sorensen presented a Proclamation declaring September 2022, as Suicide Prevention Awareness Month in the City of Fort Lauderdale, reading the Proclamation in its entirety.

Bonnie Gross accepted the Proclamation and thanked the Commission for the Proclamation. Ms. Gross commented on the importance of removing lethal methods from a home of a depressed individual and provided the telephone helpline, 988, for individuals in crisis.

PRESENTED

PRES- [22-0861](#)
2

Commissioner Glassman to present a Proclamation declaring September 2022, as Childhood Cancer Awareness Month in the City of Fort Lauderdale

Commissioner Glassman presented a Proclamation declaring September 2022, as Childhood Cancer Awareness Month in the City of Fort Lauderdale, reading the Proclamation in its entirety.

Steven Greenbaum, on behalf of Alex's Lemonade Stand, accepted the

Proclamation and thanked the Commission for the Proclamation. Heather Havericak, on behalf of Broward Health, discussed the importance of bringing awareness to childhood cancer.

PRESENTED

PRES- [22-0862](#)
3

Commissioner Moraitis to present a Proclamation declaring September 2022, as Hunger Action Month in the City of Fort Lauderdale

Commissioner Moraitis presented a Proclamation declaring September 2022, as Hunger Action Month in the City of Fort Lauderdale, reading the Proclamation in its entirety.

Stuart Haniff, on behalf of Feeding South Florida, accepted the Proclamation, noting the services their organization and similar organizations provide, and thanked the Commission for the Proclamation.

PRESENTED

PRES- [22-0863](#)
4

Fire Chief Rhoda Mae Kerr Citizen Recognition

Fire-Rescue Department Chief Rhoda Mae Kerr presented a Commendation to Scott Rochford for assisting an individual who suffered a severe laceration. Mr. Rochford discussed the importance of citizens attending *Stop the Bleed* training and thanked the Fire-Rescue Department for the Commendation.

PRESENTED

CONSENT AGENDA PUBLIC COMMENT

Mayor Trantalis explained details and procedures regarding the manner in which members of the public could speak on Consent Agenda items.

CONSENT AGENDA

Mayor Trantalis announced the following Consent Agenda items were pulled by Commission Members for separate discussion:

CR-1 - Mayor Trantalis

Approval of the Consent Agenda

Vice Mayor Sorensen made a motion to approve the Consent Agenda and was seconded by Commissioner Glassman.

Approve the Consent Agenda

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CONSENT MOTION

CM-1 [22-0764](#) Motion Approving an Event Agreement for Afro Pride Music & Arts Festival - (Commission District 3)

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CM-2 [22-0745](#) Motion Accepting Broward County Enhanced Marine Law Enforcement Grant Program Funds - \$184,104 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CONSENT RESOLUTION

CR-1 [22-0536](#) Resolution Approving the Design, Installation and Maintenance of Signal Control Box Wraps and Execution of a Community Aesthetic Feature Agreement with the Florida Department of Transportation for Signal Control Box Wrap Projects along Davie Boulevard, State Road A1A, and SE 17th Street within FDOT Right-of-Way - (Commission Districts 1, 2 and 4)

Mayor Trantalis recognized Marilyn Mammano, Harbordale Civic Association President, who spoke in support of this agenda item and thanked City Staff for their efforts.

Vice Mayor Sorensen introduced this Resolution which was read by title only.

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-2** [22-0679](#) Resolution Approving and Authorizing the Execution of a Landscape Maintenance Memorandum of Agreement for State Road 5 (US 1) with the Florida Department of Transportation for Improvements Within the Right-of-Way of State Road 5 (US 1) and Assumption of Liability and Hold Harmless Agreement with Flagler Sixth, LLC - (Commission District 2)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-3** [22-0693](#) Resolution Imposing Special Assessment Liens for Lot Clearing - (Commission Districts 2, 3 and 4)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-4** [22-0694](#) Resolution Imposing Special Assessment Liens for Costs Associated with Securing of Multiple Properties - (Commission Districts 1, 3 and 4)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-5** [22-0718](#) Resolution Increasing the Compensation to be Paid to Special Counsel, Haliczzer, Pettis & Schwamm, P.A., Nabors, Giblin & Nickerson, P.A., Kim Vaughan Lerner LLP, T.S. Alvarez, P.A., d/b/a Martin, Lister & Alvarez, Billing, Cochran, Lyles, Mauro & Ramsey, P.A., and Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A., for Legal Services for General Liability Claims and Related Litigation and Appeals and Haliczzer, Pettis & Schwamm, P.A., and Massey, Coican & King, PLLC, for Legal Services for Workers' Compensation Claim Cases - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-6** [22-0736](#) Resolution Approving a Public Transportation Grant Agreement with the Florida Department of Transportation for the Design of Runway 9-27 Pavement Rehabilitation Project at Fort Lauderdale Executive Airport - \$25,000 - (Commission District 1)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-7** [22-0752](#) Resolution Authorizing the City Manager to Execute a Project Agreement Accepting a Grant of up to \$7,312 from the Florida Inland Navigation District - Small Scale Derelict Vessel Removal Program to Remove a Derelict Vessel from the Intracoastal Waterway / ICW-BR-FL-22- 03 - (Commission District 1)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-8** [22-0760](#) Resolution Authorizing the City Manager to Submit a Grant Application for \$600,000 to Broward County - Broward Boating Improvement Program to Renovate the Cooley's Landing Marina - (Commission District 2)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-9** [22-0772](#) Resolution Approving an Amendment to Interlocal Agreement for the NE 4th Avenue Complete Street Project between Broward County, the City of Fort Lauderdale, and the Fort Lauderdale Community Redevelopment Agency - (Commission District 2)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- CR-10** [22-0773](#) Resolution Accepting Grant Funds from the United States Department of Homeland Security, Urban Area Security Initiative, State of Florida

Division of Emergency Management through the City of Miami, FY 2021 Urban Area Security Initiative (UASI), for \$477,666 - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CR-11 [22-0818](#)

Resolution Approving a Public Transportation Grant Agreement with the Florida Department of Transportation for Runway 13-31 Pavement Sealing at Fort Lauderdale Executive Airport - \$371,200 - (Commission District 1)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CR-12 [22-0681](#)

Resolution Approving the Consolidated Budget Amendment to Fiscal Year 2022 - Appropriation - (Commission Districts 1, 2, 3 and 4)

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CONSENT PURCHASE

CP-1 [22-0575](#)

Motion Awarding Contract for Pumping Services - Green Team Plumbing, LLC d/b/a Greenteam Service Corporation, A & A Drainage & Vac Services, Inc., EnviroWaste Services Group, Inc., and All Liquid Environmental Services LLC d/b/a Johnson Environmental Services - \$400,000 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CP-2 [22-0582](#)

Motion Approving a Design Criteria Package Agreement for the 17th Street Causeway Large Water Main Replacement Project - Chen Moore and Associates, Inc. - \$427,868 - (Commission District 4)

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CP-3 [22-0717](#)

Motion Approving Agreement for the Purchase of Hauling and Disposal of Silts and Soils and for the Sale of Dewatering Containers - MST Scrap Metal Inc. d/b/a MST Dumpsters - \$133,881 - (Commission Districts 1, 2, 3 and 4)

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

CP-4 [22-0689](#)

Motion Approving a Design Build Agreement for Flagler Village New Pumping Station A-24 - David Mancini & Sons, Inc. - \$3,615,000 - (Commission District 2)

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

MOTIONS**M-1** [22-0830](#)

Motion Approving Event Agreements and Related Road Closures for NOBE Sunday Block Party, Vegan BBQ Party (presented by: Vegan Block Party), 17th Annual Duck Fest Derby, 35th Annual Las Olas Art Fair, Uptown 5K on the Runway, and First Street Cars and Coffee - (Commission Districts 1, 2 and 4)

Vice Mayor Sorensen made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

M-2 [22-0831](#)

Motion Approving an Event Agreement and Request for Music Exemption for Family Fest - (Commission District 3)

Vice Mayor Sorensen made a motion to approve this Agenda item and

was seconded by Commissioner Moraitis.

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- M-3** [22-0832](#) Motion Approving an Event Agreement, Related Road Closures and Request for Music Exemption for Christmas on Las Olas - (Commission District 4)

Vice Mayor Sorensen made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

- M-4** [22-0785](#) Motion Approving a Non-Federal Reimbursable Agreement with the Federal Aviation Administration to Provide Air Traffic Control Services at Fort Lauderdale Executive Airport - (Commission District 1)

Vice Mayor Sorensen made a motion to approve this Agenda item and was seconded by Commissioner Moraitis.

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

RESOLUTIONS

- R-1** [22-0824](#) Appointment of Board and Committee Members - (Commission Districts 1, 2, 3 and 4)
- City Clerk David Soloman read the names of Board and Committee nominees for appointment and/or reappointment at the September 22, 2022, Commission Regular Meeting.
- City Clerk Soloman read into the record the names of the Board and Committee appointments and reappointments for Agenda item R-1 along with additional appointments and reappointments added subsequent to Agenda publishing.

Commissioner Glassman introduced this Resolution as amended which was read by title only.

ADOPTED AS AMENDED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

R-2 [22-0744](#)

Quasi-Judicial Resolution Approving Vacation of Utility Easement Located at 300 W. Broward Boulevard - FTL/AD, LTD. - 300 W. Broward Project - Case No. UDP-EV21010 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Commissioner Glassman introduced this Resolution which was read by title only.

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

R-3 [22-0746](#)

Quasi-Judicial Resolution Vacating a Ten-Foot Wide By 125-Foot-Long Drainage Easement Located at 64 Isla Bahia Drive - Case No. UDP-EV22001 - (Commission District 4)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Moraitis. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Vice Mayor Sorensen introduced this Resolution which was read by title only.

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

R-4 [22-0792](#) Resolution Approving Agreement for Sale of Potable Water between the City of Fort Lauderdale and the City of Oakland Park and Authorizing the Director of Finance to Write Off Approximately \$2,923,000 in the Water and Sewer Fund Relating to the 25% Surcharge that was Effective October 1, 2019 - (Commission Districts 1, 2, 3 and 4)

Vice Mayor Sorensen introduced this Resolution which was read by title only.

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

PUBLIC HEARINGS

PH-1 [22-0708](#) Public Hearing - Quasi-Judicial Resolution Approving the Historic Designation of the Property Commonly Known as "Castro Convertibles," located at 2860 N. Federal Highway as a Historic Landmark- Historic Preservation Board Case No. UDP-HPD21003 - (Commission District 1)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Vice Mayor Sorensen made a motion to defer this Public Hearing to October 18, 2022, and was seconded by Commissioner Moraitis.

DEFERRED to October 18, 2022

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

PH-2 [22-0742](#)

Public Hearing - Quasi-Judicial Ordinance Rezoning 0.87 Acres from Broward County Commercial Warehouse District (C-1) to Community Business (CB) District - SCC Property Holdings and Management, LLC. - 2525 NW 19th Street - Case No. UDP-Z22002 - (Commission District 3)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

Mayor Trantalis opened the public hearing.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Commissioner Glassman introduced this Ordinance on first reading which was read by title only.

PASSED FIRST READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

PH-3 [22-0800](#)

Public Hearing Approving the Issuance of a Certificate of Public Convenience and Necessity for Dreamride, LLC to Operate Four Mercedes-Benz Sprinter Passenger Vans within the City of Fort Lauderdale - (Commission Districts 1, 2, 3 and 4)

Vice Mayor Sorensen made a motion to approve this Agenda item and was seconded by Commissioner Glassman.

APPROVED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

ORDINANCE FIRST READING

OFR-1 [22-0706](#) First Reading - Ordinance Amending the City of Fort Lauderdale Code of Ordinances Chapter Nine Building and Construction, Article Two Permits and Inspections, Division Two Fees to Adjust Building Fees for Services Related to Land Development and Permitting- (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman introduced this Ordinance on first reading which was read by title only.

PASSED FIRST READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

OFR-2 [22-0777](#) First Reading - Ordinance Amending the City of Fort Lauderdale Code of Ordinances Section 25, Streets and Sidewalks, to Update Sidewalk Installation Requirements - Case No. UDP-T22008 - (Commission Districts 1,2,3 and 4)

Commissioner Glassman introduced this Ordinance on first reading which was read by title only.

PASSED FIRST READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

ORDINANCE SECOND READING

OSR-1 [22-0833](#) Second Reading - Quasi-Judicial Ordinance Vacating a Right-of-Way Identified as a 50-foot wide by 300-foot long Portion of SE 4th Avenue located North of SE 11th Street, South of the Tarpon River, West of South Federal Highway and East of SE 3rd Avenue - United States of America - Case No. UDP-V21004 - (Commission District 4)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written

communications, site visits and expert opinions received.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Moraitis. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Vice Mayor Sorensen introduced this Ordinance on second reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

OSR-2 [22-0834](#)

Second Reading - Quasi-Judicial Ordinance Vacating a Right-of-Way Identified as a 28-foot wide by 304-foot long Portion of SE 10th Court located North of SE 11th Street, South of the Tarpon River, West of SE 4th Avenue and East of SE 3rd Avenue - United States of America - Case No. UDP-V21005 - (Commission District 4)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Vice Mayor Sorensen introduced this Ordinance on second reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

OSR-3 [22-0835](#)

Second Reading - Quasi-Judicial Ordinance for Vacation of Right-of-Way - 40-Foot-Wide by 100-Foot-Long Portion of SW 1st

Street - Fort Lauderdale Police Headquarters - Case No. UDP-V22003 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

There being no one wishing to speak on this item, Commissioner Glassman made a motion to close the public hearing, which was seconded by Vice Mayor Sorensen. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Commissioner Glassman introduced this Ordinance on second reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

OSR-4 [22-0836](#)

Second Reading - Quasi-Judicial Ordinance for Vacation of Right-of-Way - 10-Foot-Wide by 100-Foot-Long Portion of East-West Alley, Lying North of SW 2nd Court, East of SW 14th Avenue, South of Broward Boulevard, and West of SW 12th Avenue - Fort Lauderdale Police Headquarters - Case No. UDP-V22004 - (Commission District 2)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Vice Mayor Sorensen introduced this Ordinance on second reading

which was read by title only.

ADOPTED ON SECOND READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

OSR-5 [22-0838](#)

Second Reading - Quasi-Judicial Ordinance Rezoning of 0.11 Acres from Residential Multifamily Mid Rise - Medium High Density (RMM-25) District to Community Business (CB) District, through the allocation of 0.11 Acres of Nonresidential Flex Acreage and Approval of an Associated Site Development Permit for a Self-Storage Facility- 1800 State Road, LLC - 1800 West State Road 84 - Case No. UDP-SR21002 - (Commission District 4)

Anyone wishing to speak must be sworn in. Commission will announce any site visits, communications or expert opinions received and make them part of the record.

Each Commission Member disclosed verbal communications, written communications, site visits and expert opinions received.

There being no one wishing to speak on this item, Vice Mayor Sorensen made a motion to close the public hearing, which was seconded by Commissioner Glassman. Roll call showed: AYES: Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Vice Mayor Sorensen introduced this Ordinance on second reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

OSR-6 [22-0841](#)

Second Reading - Ordinance Repealing Ordinance No. C-12-10 adopted May 1, 2012, and Amending Chapter 16, Article VI of the Code of Ordinances of the City of Fort Lauderdale, Florida, to Delete and Replace Section 16-82 entitled "Panhandling, Begging or Solicitation" with Section 16-82 entitled "Obstructing Public Streets and Rights-of-Way." - (Commission Districts 1, 2, 3 and 4)

Vice Mayor Sorensen introduced this Ordinance on second reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

OSR-7 [22-0842](#)

Second Reading - An Ordinance of the City Commission of the City of Fort Lauderdale, Florida, Amending Article XI Entitled "Solicitation and Display on Public Rights-of-Way", Section 25-267 Entitled "Right-of-Way Solicitors and Canvassers" of the Code of Ordinances of the City of Fort Lauderdale, Florida - (Commission Districts 1, 2, 3 and 4)

Commissioner Glassman introduced this Ordinance on second reading which was read by title only.

ADOPTED ON SECOND READING

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

[22-0892](#)

WALK ON - Resolution Approving a Grant Agreement and Authorizing the Acceptance of Grant Funds from the Federal Aviation Administration for the Construction of Runway 9 Run-up Area Relocation and South End Taxiways Intersection (Taxiway Echo and Taxiway Juliet) at the Fort Lauderdale Executive Airport - (Commission District 1)

Vice Mayor Sorensen introduced this Resolution which was read by title only.

ADOPTED

Yea: 4 - Commissioner Glassman, Vice Mayor Sorensen, Commissioner Moraitis and Mayor Trantalis

Not Present: 1 - Commissioner McKinzie

ADDITIONAL DISCUSSION

In response to Mayor Trantalis' request for an update on the new police headquarters, Anthony Fajardo, Assistant City Manager, noted that the estimated project hard costs have risen to over \$120,000,000 and soft costs are around \$23,500,000. City Staff believes there is an opportunity to bring costs down and there is language in the contracts with the contractor that allows for a third party auditor. Further comment and discussion ensued on funding and hiring a third party auditor.

REQUEST FOR EXECUTIVE CLOSED-DOOR SESSION

Pursuant to Florida Statute, Section 286.011(8), City Attorney Boileau requested an Executive Closed-Door Session on September 22, 2022, at 4:30 p.m. or as soon thereafter as it may be heard to seek Commission on the following matter:

Hinterland Group, Inc. v. City of Fort Lauderdale
Case No.: CACE 22-004751 (05)

ADJOURNMENT

Mayor Trantalis adjourned the meeting at 7:30 p.m.

Dean J. Trantalis
Mayor

ATTEST:

David R. Soloman
City Clerk



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
CONFERENCE MEETING**

#22-0855

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Patrick Reilly, CPA
Interim City Auditor

DATE: September 6, 2022

TITLE: **REVISED CF-2** - Fort Lauderdale Executive Airport (FXE) Lease
Compliance Audit - **(Commission District 2 1)**

We performed an audit of the Fort Lauderdale Executive Airport (FXE) Lease Compliance (attached).

RESOLUTION NO. 22-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE FEDERAL AVIATION ADMINISTRATION IN THE AMOUNT OF \$4,048,500.00 FOR THE FORT LAUDERDALE EXECUTIVE AIRPORT, DELEGATING AUTHORITY TO THE CITY MANAGER TO NEGOTIATE THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION TO ACCEPT SUCH GRANT FUNDING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Aviation Administration ("FAA") has agreed to provide grant funding for \$4,048,500.00 for the construction of Runway 9 Run-up Area Relocation and South End Taxiways Intersection at the Fort Lauderdale Executive Airport ("FXE"); and

WHEREAS, the City Commission finds that authorizing the execution of the Grant Agreement and acceptance of the grant funds is in the best interest of the City of Fort Lauderdale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the above recitals are true and correct and incorporated into this Resolution by this reference.

SECTION 2. The City Manager is hereby authorized to accept grant funds on behalf of the City of Fort Lauderdale, Florida, from the Federal Aviation Administration in the amount of Four Million Forty-Eight Thousand and Five Hundred Dollars (\$4,048,500.00).

SECTION 3. The City Commission hereby authorizes the City Manager to negotiate the terms and conditions of the grant agreement with the Federal Aviation Administration and the City Manager is authorized to execute the Grant Agreement on behalf of the City of Fort Lauderdale, Florida, with the Federal Aviation Administration.

SECTION 4. The Office of the City Attorney shall review and approve as to form all documents prior to their execution by the proper City officials.

SECTION 5. This Resolution shall be in full force and effect upon final passage and adoption.

ADOPTED this ____ day of _____, 2022.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN

APPROVED AS TO FORM:

City Attorney
ALAIN E. BOILEAU

Dean J. Trantalis _____
Heather Moraitis _____
Steven Glassman _____
Robert L. McKinzie _____
Ben Sorensen _____

ORDINANCE NO. C-22-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING ARTICLE XI ENTITLED "SOLICITATION AND DISPLAY ON PUBLIC RIGHTS-OF-WAY", SECTION 25-267 ENTITLED "RIGHT-OF-WAY SOLICITORS AND CANVASSERS" OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO AMEND REGULATIONS PERTAINING TO PERSONS SOLICITING IN RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; REPEAL OF CONFLICTING ORDINANCE PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Lauderdale desires to amend Article XI entitled "Solicitation and Display on Public Rights-of-Way", Section 25-267 entitled "Right-of-Way Solicitors and Canvassers", of the City of Fort Lauderdale Code of Ordinances; and

WHEREAS, the City Commission of the City of Fort Lauderdale has a significant interest in protecting the health, safety and welfare of the pedestrians and motorists in the City; and

~~WHEREAS, the City Commission finds that use of the public right of way for solicitation of donations or for the storage, sale or exhibition of merchandise and materials can pose significant hazards to the solicitors, other pedestrians and motorists; and~~

WHEREAS, the City Commission finds that pedestrians who hand or seek to transmit by hand tangible materials to persons operating or occupying motor vehicles engaged in travel on the streets and roadways in the city can pose significant hazards to themselves, other pedestrians and motorists; and

WHEREAS, such hazards can be created by the actions of either solicitors or occupants of vehicles who want to interact with solicitors; and

WHEREAS, solicitors create a safety hazard for themselves and the motorists when entering upon public streets, distributing items to vehicle occupants, or receiving money or other items from vehicle occupants; and

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WHEREAS, distraction of motorists occasioned by solicitations or by the storage or exhibition of goods and materials in the right-of-way impedes the safe and orderly flow of traffic, causes vehicles to stop unexpectedly, causes vehicles to linger at traffic control devices, and causes motorists to fail to attend to driving; and

WHEREAS, distracted drivers pose a significant risk of physical injury to other motorists and pedestrians; and

WHEREAS, roads are primarily designed for vehicular traffic and are not suited to safely accommodate right-of-way canvassers and solicitors; and

WHEREAS, according to the Florida Department of Highway Safety and Motor Vehicles data a total of 35,296 crashes occurred within the municipal boundaries of the City of Fort Lauderdale between January 1, 2019 and July 31, 2022; and

WHEREAS, according to Fort Lauderdale Police Department response records approximately 810 pedestrians were involved in traffic accidents between January 1, 2019 and July 31, 2022 in the City of Fort Lauderdale; and

WHEREAS, a density-based cluster analysis identified twenty intersections with a high rate of crashes for the time period between January 1, 2019 and July 31, 2022; and

WHEREAS, public health, safety and welfare requires the imposition of reasonable manner and place restrictions on solicitation and the storage and exhibition of goods and other materials in the public right-of-way, while respecting the constitutional right of free speech for all citizens; and

WHEREAS, such regulations are necessary to prevent dangers to persons and property, and to prevent delays and interference with vehicular traffic flow; and

WHEREAS, in an effort to narrowly tailor the regulation to further the City's interests in improving traffic safety for pedestrians and the occupants of motor vehicles as well as to improve and/or prevent the further degradation of traffic congestion, the regulation has been limited to streets and roadways with a functional classification of arterial on the Broward County Highway Functional Classifications Map that have an unacceptable Broward County roadway capacity and peak level of service designation level of D, E or F for vehicular traffic and areas with a high number of traffic crashes; and

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WHEREAS, it is necessary and appropriate to create Chapter 25, Article XI of the Code of Ordinances to address the concerns identified herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Article XI entitled "Solicitation and Display on Public Rights-of-Way" of the Code of Ordinances of the City of Fort Lauderdale, is hereby amended as follows:

Sec. 25-267. Right-of-way solicitors and canvassers.

- (a) Purpose. The purpose of this section is to provide regulation to improve traffic safety for motorists and pedestrians and more efficiently move traffic along already over capacity roadways.
- (ab) Definition. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Right-of-way canvasser or solicitor shall mean any person ~~who sells or offers for sale anything or service of any kind, or advertises for sale anything or service of any kind, or who seeks any donation of any kind, or who personally hands to or seeks to transmit by hand or receive by hand anything or service of any kind, whether or not payment in exchange is required or requested, to any person who operates or occupies a motor vehicle of any kind, which vehicle is engaged in travel on or within any portion of any of the streets or roadways in the city, whether or not such vehicle is temporarily stopped in the travel lanes of the road.~~

Right-of-way shall have the same definition as provided in section 25-97 of the Code of Ordinances.

- (bc) Prohibition of right-of-way canvassers and solicitors. It shall be unlawful for any person to act as a right-of-way canvasser or solicitor on any portion of a public right-of-way with a functional classification of arterial on the Broward County Highway Functional Classifications Map and a Broward County Metropolitan Planning Organization Roadway 2012 Peak Level of Service (LOS) designation of D, E or F, (See Exhibit "A" following §

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25-267), or within 200 hundred feet of the following intersections as measured from the edge of the curb of the intersecting streets:

1. Northwest 62nd Street and Northwest 31st Avenue
2. Northwest 62nd Street and Powerline Road
3. West Commercial Boulevard and Powerline Road
4. East Commercial Boulevard and North Federal Highway
5. North Federal Highway and East Oakland Park Boulevard
6. Northeast 26th Street and North Federal Highway
7. East Sunrise Boulevard and Bayview Drive
8. East Sunrise Boulevard and Northeast 15th Avenue
9. East Sunrise Boulevard and North Federal Highway
10. East Sunrise Boulevard and Northeast 7th Avenue
11. West Sunrise Boulevard and Northeast 9th Avenue
12. West Sunrise Boulevard and Northwest 15th Avenue
13. State Road 9 and West Sunrise Boulevard
14. Northwest 31st Avenue and Northwest 19th Street
15. West Broward Boulevard and Northwest/Southwest 31st Avenue
16. West Broward Boulevard and Northwest/Southwest 27th Avenue
17. West Broward Boulevard and Northwest/Southwest 9th Avenue
18. West Broward Boulevard and Northwest/Southwest 7th Avenue
19. East Broward Boulevard and North/South Federal Highway
20. State Road 9 and Davie Boulevard
21. South Federal Highway and Southeast 17th Street

(ed) ~~Prohibition of storage of goods, and merchandise and other materials~~. It shall be unlawful for any person to store or exhibit any goods, or merchandise ~~or other materials~~ on any portion of the public street, including the median, or bicycle lane.

~~(d) It is a violation of this section for any right-of-way canvasser or solicitor to hold, carry, possess or use any sign or other device of any kind, within any portion of the public right-of-way contrary to any of the terms and provisions of section 47-22, of the Unified Land Development Regulations.~~

(e) Nothing in this section shall be construed to apply to:

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- (1) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineering surveys.
- (2) Any of the following persons while engaged in the performance of their respective occupations: firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.
- (3) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the city.

(f) Violations of this section shall be punishable as provided in section 1-6 of this Code.

SECTION 2. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 4. That nothing in this ordinance shall be construed so as to affect any past or pending actions, notice of violation, or order of the code enforcement board or special magistrate, or any past, pending, or existing liens, fines, costs, or other obligations arising from code enforcement, or otherwise, all of which shall continue in full force and effect as if this ordinance has not been adopted.

SECTION 5. That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

PASSED FIRST READING this 16th day of August, 2022
PASSED SECOND READING this ____ day of _____, 2022.

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Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
DAVID R. SOLOMAN


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CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#22-0892

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager 

DATE: September 6, 2022

TITLE: **WALK ON** - Resolution Approving a Grant Agreement and Authorizing the Acceptance of Grant Funds from the Federal Aviation Administration for the Construction of Runway 9 Run-up Area Relocation and South End Taxiways Intersection (Taxiway Echo and Taxiway Juliet) at the Fort Lauderdale Executive Airport - (**Commission District 1**)

Recommendation

Staff recommends the City Commission adopt a resolution approving a grant agreement and the acceptance grant funds from Federal Aviation Administration (FAA) for the construction of Runway 9 Run-up Area Relocation and South End Taxiways Intersection in the amount of \$4,048,500, at the Fort Lauderdale Executive (FXE) Airport.

Background

This project is for the design of rehabilitation and realignment of Taxiway Echo and relocation of Runway 9 Run-up area. Taxiway Echo pavement is in fair condition with a Pavement Condition Index (PCI) of 64, which indicates a need for rehabilitation to enhance safety at the airport. In addition, Taxiway Echo will be shifted and realigned to meet standards and to eliminate a nonstandard and confusing taxiway intersection.

The realignment of the taxiway requires relocation of an existing run-up pad and a minor geometric design to Taxiway Juliet to comply with current FAA design standard, which are both logically necessary to accomplish the rehabilitation of Taxiway Echo.

Taxiway Echo edge lighting system has outlived its useful life and will need to be reconstructed to enhance airfield safety.

The FAA has agreed to provide grant funding of \$4,048,500 for 90% reimbursement of eligible construction costs for this project. Florida Department of Transportation's Public Transportation Grant Agreement grant will cover 5% of the construction cost and City will have to match 5% of the construction cost.

Staff recommends the acceptance of grant funds for the FAA in the amount of \$4,048,500.

Resource Impact

This action will result in a positive impact to the City in the amount of \$4,048,500, which

will be appropriated to the accounts below contingent upon the approval of the November 1, 2022, Consolidated Budget Amendment CAM. This grant does not require match funds.

Source:

Funds available as of September 2, 2022					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
468-P12708-468B-C404	Runway 9 Run-Up Area(South)	Intergov't Revenue/Federal Aviation Adm	\$0	\$0	\$4,048,500
APPROPRIATION TOTAL ►					\$4,048,500

Use:

ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
468-P12708-468B-C404	Runway 9 Run-Up Area(South)	Capital Outlay/ Construction	\$4,048,500	\$	\$4,048,500
APPROPRIATION TOTAL ►					\$4,048,500

Strategic Connections

This item is a Top Commission Priority, advancing the *Infrastructure* initiative.

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Business Development Focus Area
- Goal 5: Build an attractive global and local economic community marketplace.
- Objective: Provide best-in-class regional general aviation airport amenities and services

This item supports the *Advance Fort Lauderdale 2040 Comprehensive Plan* specifically advancing:

- The Infrastructure Focus Area
- The Transportation and Mobility Network
- Goal 3: Ensure the cohesive transportation network, among local, regional, and state regulatory institutions.

This item advances the *Fast-Forward Fort Lauderdale Vision Plan 2035: We are Prosperous*.

Attachments

Exhibit 1 – Grant Agreement

Exhibit 2 – Resolution

Prepared by: Khanh Myat, Project Manager II – Executive Airport
 Rufus A. James, Airport Director - City Manager's Office

Charter Officer: Greg Chavarria, City Manager



U.S. Department
of Transportation
Federal Aviation
Administration

Orlando Airports District Office:
8427 South Park Circle, Suite 524
Orlando, FL 32819

July 19, 2022

Mr. Christopher Lagerbloom
City Manager
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Mr. Lagerbloom:

The Grant Offer for Airport Improvement Program (AIP) Project No. 3-12-0024-038-2022 at Fort Lauderdale Executive Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the grant offer carefully.

You may not make any modification to the text, terms or conditions of the grant offer.

Steps You Must Take to Enter Into Agreement.

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **August 26, 2022**.
6. The fully executed grant will then be automatically sent to all parties as an email attachment.

Payment. Subject to the requirements in 2 CFR § 200.305 (Federal Payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Project Timing. The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date (1,460 days from the grant execution

date). We will be monitoring your progress to ensure proper stewardship of these Federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in "inactive" status if you do not make draws on a regular basis, which will affect your ability to receive future grant offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

Reporting. Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
 1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
 2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit FAA Form 5100-140, Performance Report within 30 days of the end of the Federal fiscal year.
- For construction projects, you must submit FAA Form 5370-1, Construction Progress and Inspection Report, within 30 days of the end of each Federal fiscal quarter.

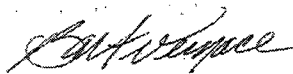
Audit Requirements. As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

Closeout. Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

FAA Contact Information. Vernon Rupinta, (407) 487-7228, vernon.rupinta@faa.gov is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,



Bart Vernace, P.E.
Manager



U.S. Department
of Transportation
Federal Aviation
Administration

FAA Airport Improvement Program (AIP)

GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date July 19, 2022

Airport/Planning Area Fort Lauderdale Executive

FY2022 AIP Grant Number 3-12-0024-038-2022

Unique Entity Identifier EYC3YWKM3H25

TO: City of Fort Lauderdale

(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated March 9, 2022, for a grant of Federal funds for a project at or associated with the Fort Lauderdale Executive Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Fort Lauderdale Executive Airport (herein called the "Project") consisting of the following:

"Rehabilitate & Realign Taxiway E (+/-700' x 50') Pavement (Construction); Rehabilitate portion of Taxiway E Realignment Lighting System, Includes Relocate Runway 9 Run-Up Area Lighting (Construction)"

which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out the Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (Public Law Number 115-254); the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L); the Consolidated Appropriations Act, 2022 (Public Law 117-103); and the representations contained in the Project Application; and in consideration of: (a) the Sponsor's adoption and ratification of the Grant Assurances attached hereto; (b) the Sponsor's acceptance of this Offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurance and conditions as herein provided;

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

Assistance Listings Number (Formerly CFDA Number): 20.106

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$4,048,500.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$ 0 for planning

\$ 4,048,500 airport development or noise program implementation; and,

\$ 0 for land acquisition.

2. **Grant Performance.** This Grant Agreement is subject to the following Federal award requirements:

- a. **Period of Performance:**

1. Shall start on the date the Sponsor formally accepts this Agreement and is the date signed by the last Sponsor signatory to the Agreement. The end date of the Period of Performance is 4 years (1,460 calendar days) from the date of acceptance. The Period of Performance end date shall not affect, relieve, or reduce Sponsor obligations and assurances that extend beyond the closeout of this Grant Agreement.
2. Means the total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions or budget periods. (2 Code of Federal Regulations (CFR) § 200.1).

- b. **Budget Period:**

1. For this Grant is 4 years (1,460 calendar days) and follows the same start and end date as the period of performance provided in paragraph (2)(a)(1). Pursuant to 2 CFR § 200.403(h), the Sponsor may charge to the Grant only allowable costs incurred during the Budget Period.
2. Means the time interval from the start date of a funded portion of an award to the end date of that funded portion during which the Sponsor is authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 CFR § 200.308.

- c. **Close Out and Termination**

1. Unless the FAA authorizes a written extension, the Sponsor must submit all Grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the end date of the period of performance. If the Sponsor does not submit all required closeout documentation within this time period, the FAA will proceed to close out the grant within one year of the period of performance end date with the information available at the end of 120 days. (2 CFR § 200.344).

2. The FAA may terminate this Grant, in whole or in part, in accordance with the conditions set forth in 2 CFR § 200.340, or other Federal regulatory or statutory authorities as applicable.
3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** The Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 U.S.C. § 47109, the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"), and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this Agreement, 49 U.S.C. Chapters 471 and 475, and the regulations, and the Secretary's policies and procedures. Per 2 CFR § 200.308, the Sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the grant assurances, which are part of this Agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before August 26, 2022, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this Grant Agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this Grant Agreement.
11. **System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).**

- a. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR § 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this Grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
 - b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/content/entity-registration>.
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this Agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1, Maximum Obligation.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.
14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all Federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this Grant.
17. **Build America, Buy America.** The sponsor must comply with the requirements under the Build America, Buy America Act (Public Law 117-58).
18. **Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b)(3), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this Grant Offer:

- a. May not be increased for a planning project;
- b. May be increased by not more than 15 percent for development projects if funds are available;
- c. May be increased by not more than the greater of the following for a land project, if funds are available:
 - 1. 15 percent; or
 - 2. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 U.S.C. § 47110, or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same Federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the Federal share as applicable through an informal letter of amendment.

19. Audits for Sponsors.

PUBLIC SPONSORS. The Sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the Sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than \$750,000 in Federal awards and are exempt from Federal audit requirements must make records available for review or audit by the appropriate Federal agency officials, State, and Government Accountability Office. The FAA and other appropriate Federal agencies may request additional information to meet all Federal audit requirements.

20. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:

- a. Verify the non-Federal entity is eligible to participate in this Federal program by:
 - 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-Federal entity is excluded or disqualified; or
 - 2. Collecting a certification statement from the non-Federal entity attesting they are not excluded or disqualified from participating; or
 - 3. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g., Sub-contracts).
- c. Immediately disclose in writing to the FAA whenever (1) the Sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the Public Sponsor suspends or debars a contractor, person, or entity.

21. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- b. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this Grant.

22. Trafficking in Persons.

- a. You as the recipient, your employees, subrecipients under this Grant, and subrecipients' employees may not:
 - 1. Engage in severe forms of trafficking in persons during the period of time that the Grant and applicable conditions are in effect;
 - 2. Procure a commercial sex act during the period of time that the Grant and applicable conditions are in effect; or
 - 3. Use forced labor in the performance of the Grant or any subgrants under this Grant.
- b. We as the Federal awarding agency, may unilaterally terminate this Grant, without penalty, if you or a subrecipient that is a private entity:
 - 1. Is determined to have violated a prohibition in paragraph (a) of this condition; or
 - 2. Has an employee who is determined by the agency official authorized to terminate the Grant to have violated a prohibition in paragraph (a) of this Condition through conduct that is either –
 - a. Associated with performance under this Grant; or
 - b. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement), as implemented by our agency at 2 CFR Part 1200.
- c. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph (a) of this Condition.
- d. Our right to terminate unilaterally that is described in paragraph (a) of this Condition:
 - 1. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and

2. Is in addition to all other remedies for noncompliance that are available to us under this Grant Agreement.
23. **AIP Funded Work Included in a PFC Application.** Within 90 days of acceptance of this Grant Agreement, the Sponsor must submit to the FAA an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this Grant Agreement as described in the project application. The airport sponsor may not make any expenditure under this Grant Agreement until project work addressed under this Grant Agreement is removed from an approved PFC application by amendment.
24. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated August 2019 is incorporated herein by reference or is submitted with the project application and made part of this Grant Agreement.
25. **Employee Protection from Reprisal.**
 - a. Prohibition of Reprisals
 1. In accordance with 41 U.S.C. § 4712, an employee of a Sponsor, grantee, subgrantee, contractor, or subcontractor may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (a)(2) below, information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
 2. Persons and bodies covered. The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal employee responsible for contract or grant oversight or management at the relevant agency;
 - v. A court or grand jury;
 - vi. A management official or other employee of the Sponsor, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct; or
 - vii. An authorized official of the Department of Justice or other law enforcement agency.
 3. Submission of Complaint. A person who believes that they have been subjected to a reprisal prohibited by paragraph (a) of this Condition may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
 4. Time Limitation for Submittal of a Complaint. A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
 5. Required Actions of the Inspector General. Actions, limitations, and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
 6. Assumption of Rights to Civil Remedy. Upon receipt of an explanation of a decision not to conduct or continue an investigation by the OIG, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c)(2).

SPECIAL CONDITIONS

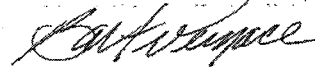
26. **Buy American Executive Orders.** The Sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



(Signature)

Bart Vernace

(Typed Name)

Manager

(Title of FAA Official)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

Part II - Acceptance

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this Offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated July 19, 2022

City of Fort Lauderdale

(Name of Sponsor)

Chris Lagerbloom

Chris Lagerbloom (Jul 19, 2022 11:45 EDT)

(Signature of Sponsor's Authorized Official)

By: Chris Lagerbloom

(Typed Name of Sponsor's Authorized Official)

Title: City Manager

(Title of Sponsor's Authorized Official)

² Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, 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 the State of Florida. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (U.S.C.), Chapters 471 and 475; 49 U.S.C. §§ 40101 et seq., and 48103; FAA Reauthorization Act of 2018 (Public Law Number 115-254); the Department of Transportation Appropriations Act, 2021 (Public Law 116-260, Division L); the Consolidated Appropriations Act, 2022 (Public Law 117-103); and the representations contained in the Project Application. 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.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at _____

By: _____

(Signature of Sponsor's Attorney)

³ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability:

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, and 37 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Grant including but not limited to the following:

FEDERAL LEGISLATION

- a. 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act, as amended. — 40 U.S.C. §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. § 201, et seq.
- d. Hatch Act — 5 U.S.C. § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 — Section 106 - 54 U.S.C. § 306108.1.¹
- g. Archeological and Historic Preservation Act of 1974 - 54 U.S.C. § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended - 42 U.S.C. § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended - 16 U.S.C. § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 U.S.C. § 4012a.¹
- l. 49 U.S.C. § 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 - 29 U.S.C. § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended - 42 U.S.C. § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 — Section 403 - 42 U.S.C. § 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. § 3701, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. § 874.¹
- v. National Environmental Policy Act of 1969 - 42 U.S.C. § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended — 16 U.S.C. § 1271, et seq.
- x. Single Audit Act of 1984 - 31 U.S.C. § 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Build America, Buy America Act, P.L. 117-58, Title IX.

EXECUTIVE ORDERS

- a. Executive Order 11246 — Equal Employment Opportunity¹
- b. Executive Order 11990 — Protection of Wetlands

- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 – Intergovernmental Review of Federal Programs
- e. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 – Environmental Justice
- g. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- h. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- i. Executive Order 13988 – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- j. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America's Workers
- k. Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.^{4, 5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice For Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.
- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this Grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this Grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance-Management.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 U.S.C. § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this Grant, the total cost of the project in connection with which this Grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents,

papers, and records of the recipient that are pertinent to this Grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a Grant or relating to the project in connection with which this Grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 U.S.C. §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 U.S.C. § 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this Grant Agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, State and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 - 1. Operating the airport's aeronautical facilities whenever required;
 - 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 - 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such

airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a Grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 U.S.C. § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 U.S.C. § 47107.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, it will keep up to date at all times an airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;

2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.

Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, if a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:

1. eliminate such adverse effect in a manner approved by the Secretary; or
2. bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4); creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this Grant.

- a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 3. Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language: It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The City of Fort Lauderdale, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability in consideration for an award."

e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 - 1. Reinvestment in an approved noise compatibility project;
 - 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 - 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117
 - 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 - 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 - 1. Reinvestment in an approved noise compatibility project;
 - 2. Reinvestment in an approved project that is eligible for grant funding under 49 U.S.C. § 47117(e);
 - 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117
 - 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 - 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this Grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (<https://www.faa.gov/airports/aip/media/aip-pfc-checklist.pdf>) for AIP projects as of March 9, 2022.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin, or sex, in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3809, 3812).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in 49 U.S.C. § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 1. Describes the requests;
 2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.