RESOLUTION - ACTION REQUESTED 2015-267

MEETING: June 2, 2015

TO: The Board of Supervisors

FROM: Tony Stobbe, Public Works Director

RE: Approve Transfer of FAA Funds to Nevada County Airport

RECOMMENDATION AND JUSTIFICATION:
Approve the Agreement for Transfer of Entitlements Between Mariposa-Yosemite Airport and Nevada County Airport in the Amount of $150,000; Authorize the Public Works Director to Sign the Agreement.

On Thursday, May 14, 2015, staff was notified by the California Department of Transportation, Division of Aeronautics, that Mariposa-Yosemite Airport had fiscal year 2012 expiring FAA Entitlement funds in the amount of $150,000 and no projects in the pipeline for fiscal year 2015. Staff was contacted by two county airports on May 14, 2015, one on May 20, 2015, and another on May 21, 2015. Originally it was planned to offer the funds as a loan with pay back in fiscal year 16/17, but with no guarantee of entitlement funds in future fiscal years, counties preferred not to take the risk. By transferring the funds to another California airport, funds will remain within the State. Staff is recommending the transfer of the unused entitlement funds to the Nevada County Airport.

BACKGROUND AND HISTORY OF BOARD ACTIONS:
None

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:
Do not approve the transfer of funds agreement; the unused entitlement funds will be returned at the federal level rather than remain within the State of California.

FINANCIAL IMPACT:
No direct financial impact as these funds were not allocated or budgeted.

ATTACHMENTS:
Entitlement Funds Email (PDF)
FAA-Form-5100-110-Agreement-for-Transfer-of-Entitlements (2) (PDF)

CAO RECOMMENDATION
RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier
AGREEMENT FOR TRANSFER OF ENTITLEMENTS

In accordance with section 47117(c)(2) of Title 49 U.S.C. (hereinafter called the "Act).

Mariposa – Yosemite Airport
(Name of Transferor Sponsor)

Hereby waives receipt of the following amount of funds apportioned to it for each fiscal year specified under section 47114(c)(1) of the Act.

<table>
<thead>
<tr>
<th>Amount</th>
<th>Fiscal Year</th>
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<tr>
<td>$150,000</td>
<td>2012</td>
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TOTAL $150,000

On the condition that the Federal Aviation Administration makes the waived amount available to:

Nevada County Airport
(Name of Transferee Sponsor)

for eligible projects under section 47104(a) Act. This waiver shall expire on earlier of _______ (date) or when the availability of apportioned funds would lapse under section 47117(b) of the Act.

FOR THE UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

(Signature)
Maverick Douglas
(Typed Name)
Acting Manager, San Francisco Airports District Office
(Title)
(Date)

(Signature)
Tony Stobbe
(Typed Name)
Director Public Works
(Title)
(Date)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, Steven W. Dahlem, acting as Attorney for the Sponsor do hereby certify:

That I have examined the foregoing Agreement and find that the Sponsor has been duly authorized to make such transfer and that the execution thereof is in all respects due and proper and in accordance with the laws of the State of California and the Act.

Dated at Mariposa County this 2nd day of June, 2015.

By:
(Signature of Sponsor's Attorney)

FAA Form 5100-110 (10-89)
TO: STEVE JOHNSON, Human Resources/Risk Management

FROM: RENE’ LaROCHE, Clerk of the Board

SUBJECT: Approve the Agreement for Transfer of Entitlements Between Mariposa-Yosemite Airport and Nevada County Airport in the Amount of $150,000; Authorize the Public Works Director to Sign the Agreement

Resolution: 15-267

The following action was taken by the Mariposa County Board of Supervisors on June 2, 2015:

4. Public Works RES-2015-267
   Approve the Agreement for Transfer of Entitlements Between Mariposa-Yosemite Airport and Nevada County Airport in the Amount of $150,000; Authorize the Public Works Director to Sign the Agreement

Tony Stobbe/Public Works Director gave the staff report.

Supervisor Jones inquired if the action could include a clause that Nevada County would pay back the money if the Federal Aviation Administration (FAA) continues to fund it. Mr. Stobbe replied that he would be willing to take the lead, but that we may be at a disadvantage as we will have already approved; and noted that we are already over the deadline so need to approve.

Supervisor Jones required clarification that direction could be given along those lines. Steve W. Dahlem/County Counsel noted that that would be appropriate direction, and discussed the possibility of getting such an agreement after passage.

Supervisor Cann remarked that he did not think it was farfetched as we have a good relationship with the Nevada County Board of Supervisors; and noted that he would work concurrently with Mr. Stobbe on the issue.

No public input.

Action was taken to approve the item as requested, and to follow up with Nevada County to see if they would be amenable to an agreement. Supervisor Cann will follow up with Nevada County, and direction was given to the Public Works Director to do the same.
RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Smallcombe, Jones, Long, Cann, Carrier