

BOCA RATON AIRPORT AUTHORITY MEETING AGENDA

Wednesday, August 21, 2019
Council Chambers – City Hall
201 W. Palmetto Park Road, Boca Raton, Florida

The Boca Raton Airport Authority Agenda will be considered by the Chair and Authority Members Wednesday, August 21, 2019 at 6 p.m. All requests to be placed on the agenda by the public must be submitted to the Executive Director, in writing, via the Agenda Request Form, at least twenty (20) days before the Authority meeting. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Authority. The Boca Raton Airport Authority reserves the right to not consider matters over which the Authority has no jurisdiction.

This meeting will be televised on Comcast channel 20 in the City of Boca Raton, and on AT&T U-Verse channel 99 throughout Palm Beach County and will be videotaped for broadcast at a later date. The meeting will also be streamed live to the Boca Raton Airport Authority Website, www.bocaairport.com and may also be heard on the radio on 1650 AM.

I. ROLL CALL

MELVIN POLLACK	CHAIR
RANDY NOBLES	VICE-CHAIR
JAMES R. NAU	SECRETARY/TREASURER
CHERYL BUDD	BOARD MEMBER
MITCHELL FOGEL	BOARD MEMBER
GENE FOLDEN	BOARD MEMBER
BOB TUCKER	BOARD MEMBER

II. APPROVAL OF MINUTES

Consider approval of Minutes for the Regular Meeting of July 17, 2019.

III. AGENDA CHANGES

IV. PUBLIC REQUESTS

If any member of the public wishes to provide comment on any item, the time to do so is now. Please complete a public comment card identifying the item upon which you wish to be heard and provide it to Ms. Landers. The public comment

cards are located in the lobby. Each member of the public wishing to comment will be provided with 5 minutes to do so. The Chair reserves the right to move the public comment opportunity on a specific agenda item to the point in the agenda when that item is to be considered and /or to extend the allotted time per speaker.

V. CONSENT AGENDA

VI. FEDERAL, STATE AND MUNICIPAL INPUT

VII. FINANCIAL REPORT

A. Presentation of the July 2019 Financial Report.

Consider a Motion for approval of the Financial Report for July 2019.

VIII. TENANT REPORTS AND REQUESTS

A. Atlantic Aviation Extension request.

Consider Resolution No. 08-14-19 of the Boca Raton Airport Authority approving a request from Atlantic Aviation to extend the approved term of temporary office space in use by Sky One Holdings LLC d/b/a Privaira for a period not to exceed 18 months.

IX. EXECUTIVE DIRECTOR AND STAFF REPORTS

A. Noise Abatement/Operations Summary for the month of July 2019.

B. Presentation of the Boca Raton Airport Authority's proposed Annual Operating and Capital Budgets for Fiscal Year 2020 (October 1, 2019 through September 30, 2020)

Consider Resolution No. 08-15-19 of the Boca Raton Airport Authority adopting the Annual Operating and Capital Budgets for Fiscal Year 2020 (October 1, 2019 through September 30, 2020).

X. AUTHORITY BOARD MEMBER REQUESTS AND REPORTS

A. Amy Petrick, Esquire, Lewis Longman Walker will present information on state and federal laws related to wireless communication equipment.

XI. PUBLIC COMMENT

XII. OTHER BUSINESS

XIII. MISCELLANEOUS

The next meeting is scheduled for September 18, 2019 at 6:00 p.m. in the Boca Raton Council Chambers at City Hall.

XIV. ADJOURNMENT

Respectfully Submitted,
Clara Bennett
Executive Director

**Boca Raton Airport Authority
Meeting Minutes
July 17, 2019
Boca Raton City Hall – Council Chambers**

Chair Melvin Pollack called the meeting to order at 6:00 P.M.

BOARD MEMBERS

Melvin Pollack	Chair
Randy Nobles	Vice-Chair - ABSENT
James R. Nau	Secretary/Treasurer
Cheryl Budd	Board Member
Mitchell Fogel	Board Member
Gene Folden	Board Member
Bob Tucker	Board Member

COUNSEL

Amy Petrick, Esquire – Lewis Longman Walker

STAFF

Clara Bennett, Executive Director
Scott Kohut, Deputy Director
Ariadna Camilo, Finance and Administration Manager
Travis Bryan, Operations Manager
Christine Landers, Business Manager
Robert Abbott, Operations Coordinator
William Urbanek, Operations Coordinator

The meeting was televised live and videotaped for broadcast at a later date. The meeting was also streamed live to the Boca Raton Airport Authority Website, www.bocaairport.com and aired on the radio at 1650 AM.

APPROVAL OF MINUTES

A MOTION to approve the minutes of the June 19, 2019 Regular Meeting was made by Ms. Budd and seconded by Mr. Fogel. The Motion was carried unanimously.

AGENDA CHANGES

There were no agenda changes.

PUBLIC REQUESTS

Mr. Bob Trinka expressed his concerns regarding noise abatement and the flight school training flight pattern.

Ms. Budd requested additional information regarding the flight path as detailed in the hand out that Mr. Trinka provided.

A discussion ensued.

Ms. Bennett explained the Airport's Noise Abatement Program and advised she would investigate Mr. Trinka's concerns.

Mr. Samir Changela, Owner of the Tilted Kilt Pub & Eatery provided an update regarding the recent closing of the restaurant and stated that he is working with Premier Aviation to bring an updated concept and sublease to the Board for approval.

Mr. Pollack presented Mr. Fogel with a plaque thanking him for serving two years as the Board Chair.

Mr. Fogel presented Mr. Pollack a plaque thanking him for service as Vice-Chair the previous year.

Ms. Bennett introduced one of the 2019 Boca Raton Airport Authority Scholarship recipients, Mr. Samir Ahmed. Mr. Ahmed thanked the Board and shared his story and his plans for the future.

CONSENT AGENDA

There were no items on the consent agenda.

FEDERAL, STATE AND MUNICIPAL INPUT

There was no Federal, State or Municipal Input.

FINANCIAL REPORT

Ms. Camilo presented the Financial Report for June 2019.

A MOTION to approve the Financial Report for June 2019 was made by Mr. Nau and seconded by Mr. Folden. The Motion carried unanimously.

TENANT REPORTS AND REQUESTS

Ms. Bennett presented the Seventh Amendment to the lease agreement with Premier Aviation of Boca Raton, LLC, extending the time tables for Phase III development by an additional year. Ms. Bennett noted that the pending FAA approval of the lease amendment had been received and provided to the Board for review. Ms. Bennett informed the Board of the FAA's concern regarding the lack of progress on the Phase III development in accordance with the terms of the lease.

Mr. Hamid Hashemi, CEO of Premier Aviation of Boca Raton, LLC provided a brief history of the lease and details for the request.

A discussion ensued.

Ms. Budd and Mr. Pollack expressed concern over the continued delays for the development of Phase III.

Further discussion ensued regarding potential Airport Authority actions related to the lease.

A MOTION to approve Resolution No. 07-11-19 of the Boca Raton Airport Authority approving a Seventh Amendment to the Premier Aviation of Boca Raton, LLC Lease was made by Ms. Budd and seconded by Mr. Fogel. The Motion carried unanimously.

EXECUTIVE DIRECTOR AND STAFF REPORTS

Mr. Urbanek presented the Noise Abatement/Operations Summary for the month of June 2019.

Mr. Bryan presented a Licensing Agreement from AT&T for 5G telecommunications equipment installation.

Mr. Bryan Bailiff, VP of Operations, Draft Pros, Inc. provided input on the installation process and answered questions.

A discussion ensued.

The Board requested that Lewis Longman and Walker review the laws pertaining to wireless communication equipment colocation and provide a presentation at the next board meeting.

Mr. Folden requested that the License Agreement be amended to broaden the definition of Airport Authority Operations and include a provision that, to the extent permitted by law, a best effort for colocation of future equipment will be made.

A Motion to approve Resolution No. 07-12-19 of the Boca Raton Airport Authority, as amended, approving an Access License Agreement with AT&T, and granting the Executive Director and Airport Legal Counsel authority to execute on the Board's behalf was made by Mr. Nau and seconded by Mr. Tucker. The Motion carried unanimously.

Mr. Bryan provided an update on Airport Projects.

Mr. Bryan provided an update on the Air Traffic Control Tower Renovations Project. The Board was advised that only one bid was received, and that bid was found to be unresponsive.

A MOTION to reject all bids was made by Ms. Budd and seconded by Mr. Fogel. The Motion carried unanimously.

Mr. Kohut presented the FY2020 Boca Raton Airport Authority Fee Schedule.

A MOTION to approve Resolution No. 07-13-19 of the Boca Raton Airport Authority adopting the annual Airport Fee Schedule in accordance with the Accounting Policy was made by Mr. Fogel and seconded by Ms. Budd. The Motion carried unanimously.

Ms. Landers provided an update on the Corporate Identity and Community Engagement Program at the Boca Raton Airport.

AUTHORITY MEMBERS REQUESTS AND REPORTS

Mr. Pollack outlined the Board Member Assignments for July 2019 through June 2020.

PUBLIC INPUT

There was no public input.

OTHER BUSINESS

There was no other business.

MISCELLANEOUS

The next regularly scheduled meeting is Wednesday, August 21, 2019 at 6:00 p.m. in the Boca Raton Council Chambers at City Hall.

ADJOURNMENT

Meeting adjourned at 7:58 p.m.

Melvin Pollack, Chair

Date



Memo

To: Melvin Pollack, Chair and Board Members
From: Ariadna Camilo, Finance and Administration Manager
Date: August 21, 2019
RE: **Financial Report – July 2019**

AGENDA ITEM – VII – A

Airport Management and the Secretary/Treasurer will provide an overview of the Financial Report for the ten months ending July 31, 2019.

Total Operating Revenues as of July 31, 2019 were \$4,081,561 an increase of \$644,540 or 18.8% to budget. This increase in revenue year to date is attributable to an increase in Customs Facility and Fuel Flowage Revenue.

Total Non-Operating Revenues and Capital Contributions as of July 31, 2019 were \$988,691.

Total Operating Expenses as of July 31, 2019 were \$2,182,317 a decrease of \$472,647 or 17.8% compared to budget. Significant variances in expenses compared to budget for the ten months ending July 31, 2019 are as follows:

- Personnel Expenses are down \$35,757 or 3.9% to budget, primarily due to a vacant part-time position.
- Project expenditures are down \$371,921 or 88.0% to budget, primarily due to the ATCT rehabilitation project.
- Professional Services are down \$74,663 or 50.2% to budget, primarily due to Legal Service expenditures being lower than anticipated. Year to date expenditures are detailed below, including a breakdown of costs for board member related matters and capital projects.

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	TOTAL
GENERAL	\$ 2,517	\$ 1,196	\$ 650	\$ 858	\$ 5,642	\$ 5,675	\$ 6,809	\$ 4,498	\$ 3,538	\$ 7,421	\$ -	\$ -	\$ 38,804
BOARD	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 156	\$ -	\$ 578	\$ -	\$ 754	\$ -	\$ -	\$ 1,488
CUSTOMS	\$ 1,300	\$ 1,555	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,855

Total Capital Expenditures as of July 31, 2019 were \$1,426,533. The majority of Capital Expenditures were attributable to Task 41 – Security Enhancements, Task 47 – Access Road Improvements, and Task 56 – Airfield Pavement Rejuvenator of the Capital Improvement Program. Of the total \$1,426,533 in Capital Expenditures, \$2,855 were attributable to project-related legal fees, while \$62,965 were attributable to Capital Outlay.



Boca Raton Airport Authority
Income Statement: Budget Variance Summary
For the Ten Months Ending July 31, 2019
(unaudited)

Summary Results

	FY 2019 Annual Budget	FY 2019 July Actual	FY 2019 July Budget	Variance FY 2019 Actual vs. Budget	
				Dollars	Percent
Operating Revenues	\$ 4,124,425	\$ 4,081,561	\$ 3,437,021	\$ 644,540	18.8%
Operating Expenses	\$ 3,185,957	\$ 2,182,317	\$ 2,654,964	\$ (472,647)	-17.8%
Operating Income/(Loss) before Depreciation	\$ 938,468	\$ 1,899,244	\$ 782,057	\$ 1,117,187	142.9%
Depreciation	\$ 1,641,650	\$ 1,368,042	\$ 1,368,042	\$ -	0.0%
Net Operating Income/(Loss)	\$ (703,182)	\$ 531,202	\$ (585,985)	\$ 1,117,187	-190.7%
Non-Operating Revenues	\$ 405,932	\$ 24,480			
Income/(Loss) before Capital Contributions	\$ (297,250)	\$ 555,682			
Capital Contributions from State and Federal Grants	\$ 1,060,000	\$ 964,211			
Change in Net Position	\$ 762,750	\$ 1,519,893			



Boca Raton Airport Authority
Income Statement: Budget Variance Summary
For the Ten Months Ending July 31, 2019
(unaudited)

Revenue Summary

	FY 2019 Annual Budget	FY 2019 July Actual	FY 2019 July Budget	Variance FY 2019 Actual vs. Budget	
				Dollars	Percent
Rent Revenue	\$ 3,063,351	\$ 2,770,547	\$ 2,552,792	\$ 217,755	8.5%
Fuel Flowage Fees	\$ 700,000	\$ 684,368	\$ 583,333	\$ 101,035	17.3%
Customs Facility Revenue	\$ 165,000	\$ 433,775	\$ 137,500	\$ 296,275	215.5%
Interest Income	\$ 120,000	\$ 135,694	\$ 100,000	\$ 35,694	35.7%
Other Revenue	\$ 76,074	\$ 57,177	\$ 63,395	\$ (6,218)	-9.8%
Total Operating Revenues	\$ 4,124,425	\$ 4,081,561	\$ 3,437,021	\$ 644,540	18.8%
FDOT Grants	\$ 405,932	\$ 24,480			
Non-Operating Revenues	\$ 405,932	\$ 24,480			
FDOT Grants	\$ 910,000	\$ 955,958			
FAA Grants	\$ 150,000	\$ 8,253			
Capital Contributions from State and Federal Grants	\$ 1,060,000	\$ 964,211			



Boca Raton Airport Authority
Income Statement: Budget Variance Summary
For the Ten Months Ending July 31, 2019
(unaudited)

Expense Summary

	FY 2019 Annual Budget	FY 2019 July Actual	FY 2019 July Budget	Variance FY 2019 Actual vs. Budget	
				Dollars	Percent
Personnel Expenses	\$ 1,104,721	\$ 884,844	\$ 920,601	\$ (35,757)	-3.9%
Professional Services	\$ 178,500	\$ 74,087	\$ 148,750	\$ (74,663)	-50.2%
Office Operating Expenses	\$ 248,985	\$ 226,778	\$ 207,487	\$ 19,291	9.3%
Airport Operations	\$ 446,211	\$ 359,377	\$ 371,842	\$ (12,465)	-3.4%
Insurance Expense	\$ 153,147	\$ 133,438	\$ 127,622	\$ 5,815	4.6%
ATCT Facility	\$ 46,800	\$ 36,213	\$ 39,000	\$ (2,788)	-7.1%
Customs Facility	\$ 317,576	\$ 260,642	\$ 264,647	\$ (4,005)	-1.5%
Marketing & Special Events	\$ 182,602	\$ 156,014	\$ 152,168	\$ 3,846	2.5%
Projects	\$ 507,415	\$ 50,925	\$ 422,846	\$ (371,921)	-88.0%
Total Operating Expenses	\$ 3,185,957	\$ 2,182,317	\$ 2,654,964	\$ (472,647)	-17.8%
Capital Outlay	\$ 62,500	\$ 62,965			
Capital Improvement Program	\$ 1,300,000	\$ 1,363,568			
Total Capital Expenditures	\$ 1,362,500	\$ 1,426,533			



Boca Raton Airport Authority
Balance Sheet Summary
July 31, 2019
(unaudited)

Summary Results

ASSETS		LIABILITIES AND CAPITAL	
Current Assets		Current Liabilities	
Cash and Cash Equivalents	\$ 567,121	Accounts Payable	\$ 137,491
Receivables	\$ 93,759	Due to Other Governments	\$ -
Due From Other Governments	\$ 14,670	Compensated Absences, short-term	\$ 39,264
Money Markets	\$ 1,767,128	Deferred Rent Income	\$ 92,636
Certificates of Deposit	\$ 7,737,561		
Certificates of Deposit, Restricted	\$ 182,055	Total Current Liabilities	\$ 269,392
Other Assets	\$ 160,091		
Total Current Assets	\$ 10,522,384	Non-Current Liabilities	
		Security Deposits	\$ 167,879
Non-Current Assets		Compensated Absences, long-term	\$ -
Rent Receivable	\$ 441,242	Total Non-Current Liabilities	\$ 167,879
Capital Assets			
Land	\$ 1,791,886	Total Liabilities	\$ 437,271
Avigation Easements	\$ 4,835,961		
Project in Progress	\$ 3,459,445	Capital	
Buildings	\$ 11,526,229	Florida Operations Trust Fund	\$ 267,950
Land Procurement	\$ 955,070	Retained Earnings	\$ 39,087,563
Leasehold Improvements	\$ 8,253,726	Contributed Capital - Federal	\$ 317,029
Furniture, Fixtures, and Equipment	\$ 2,805,210	Contributed Capital - State	\$ 6,430,281
Infrastructure	\$ 24,809,710	Net Income	\$ 1,519,893
Less Accumulated Depreciation	\$ (21,340,875)		
Total Non-Current Assets	\$ 37,537,603	Total Capital	\$ 47,622,717
Total Assets	\$ 48,059,988	Total Liabilities & Capital	\$ 48,059,988



Memo

To: Melvin Pollack, Chair and Board Members

From: Scott Kohut, Deputy Director

Date: August 21, 2019

RE: **Atlantic Aviation Extension Request – Temporary Office Building
Occupied by Sky One Holdings LLC d/b/a Privaira**

AGENDA ITEM – VIII - A

Atlantic Aviation is requesting the Authority's approval to extend the use of the temporary office structure adjacent to Hangar 9 for a period of 18 months.

The Authority approved a request from Atlantic Aviation to construct improvements to Hangar 9 including temporary office space adjacent to Hangar 9 to house then prospective tenant Privaira in August 2015. The approval for the temporary office included a timeframe of two years from occupancy and included significant improvements to the existing office space in Hangar 9, which have been completed. The temporary structure was installed and Privaira began operations in April 2016 and a subsequent eighteen-month extension was approved in March 2018.

Based on the results of the lease reversions completed in June 2019, Atlantic Aviation is currently in the process of finalizing plans for significant investment in their facilities at the Boca Raton Airport, but require additional time to complete the planning process. To that end, Atlantic Aviation has submitted a request to extend use of the temporary office building for a period of 18 months.

Airport Management recommends approval of Resolution No.08-14-19 approving the request of Atlantic Aviation to extend the approved term of temporary office space in use by Sky One Holdings LLC d/b/a Privaira for a period not to exceed 18 months.

BOCA RATON AIRPORT AUTHORITY

RESOLUTION 08-14-19

A Resolution of the Boca Raton Airport Authority approving a request from Atlantic Aviation to extend the approved term of temporary office space in use by Sky One Holdings LLC d/b/a Privaira for a period not to exceed 18 months.

WHEREAS, The Boca Raton Airport Authority Act, Laws of Florida, provides that the Boca Raton Airport Authority (the "Authority") shall have jurisdiction over the operation, maintenance of, and improvements to the Boca Raton Airport (the "Airport");

WHEREAS, on November 28, 1984, the Authority entered into a Lease and Operating Agreement with Boca Airport Inc. d/b/a Boca Aviation ("Boca Aviation"), and the Lease and Operating Agreement has been amended throughout the years (collectively with all amendments, the "Boca Aviation Lease");

WHEREAS, on March 19, 2014, pursuant to Resolution No. 03-14-14, the Authority, Atlantic Aviation FBO, Inc. and Atlantic Aviation – Boca Raton, LLC ("Atlantic Aviation") entered into a Consent and Recognition Agreement, which recognized the assignment of the Boca Aviation Lease to Atlantic Aviation;

WHEREAS, on August 19, 2015, the Authority approved a request from Atlantic Aviation for provisional approval of hangar and property improvements to Hangar 9, which included refurbishing the hangar and the addition of approximately 3,600 square feet of office space (the "Hangar 9 Request"), for a new subtenant, Sky One Holdings LLC d/b/a Privaira ("Privaira") including temporary office structure for a period of two years from time of occupancy;

WHEREAS, in April 2016 the temporary structure was occupied;

WHEREAS, on March 21, 2018 Atlantic requested and the Authority granted an additional 18-month extension,

WHEREAS, Atlantic Aviation has requested additional time to finalize an overall development proposal and the Airport Authority has determined that it is in the best interests of the Boca Raton Airport to grant the extension

NOW THEREFORE BE IT RESOLVED BY THE BOCA RATON AIRPORT AUTHORITY, BOCA RATON, FLORIDA, IN PUBLIC MEETING DULY ASSEMBLED, THIS 21st DAY OF AUGUST 2019, AS FOLLOWS:

- 1. The foregoing recitals are hereby incorporated as the legislative intent of the Authority.**
- 2. The Authority hereby approves extending the allowable term for the temporary offices in use by Privaira for a period not to exceed 18 months.**
- 3. The Authority hereby authorizes the Executive Director and Airport Legal Counsel to do all things necessary and prudent to effectuate the intent of this Resolution Number 08-14-19.**
- 4. The Authority hereby authorizes the Chair or Vice-Chair to execute Resolution Number 08-14-19.**

ADOPTED by the Boca Raton Airport Authority, this 21st day of August 2019.

ATTEST:

BOCA RATON AIRPORT AUTHORITY

James Nau
Secretary & Treasurer

Melvin Pollack
Chair



To: Clara Bennett
Executive Director
Boca Raton Airport

August 12, 2019

From: Richard D. Thacker
Regional Director
Atlantic Aviation

Re: Extension Request

Ms. Bennett,

Atlantic Aviation respectfully requests consideration of extension of tenancy for Privaira Aviation at the Boca Raton Airport. The submitted extension request put forth now is a term of 18 months from date of approval by the Boca Raton Airport Board Authority.

As with the previous request submitted and approved, Atlantic continues to strive in finalizing plans to bring a significant capital investment plan to our leasehold. This new request allows for additional time to conclude financial analysis and seek approval from our governing board prior to submitting these plans to the Airport Board for approval.

I am available to both you and the Airport Board to answer any questions regarding the consideration of this request.

Very Sincerely and Respectfully,

A handwritten signature in black ink, appearing to be "R. Thacker", written over a horizontal line.

Richard D. Thacker
Regional Director
Atlantic Aviation BCT-BHM-OPF-PBI-SUA



Memo

To: Melvin Pollack, Chair and Authority Members

From: William Urbanek, Operations Coordinator

Date: August 21, 2019

RE: **Operations and Noise Abatement Report, July 2019**

AGENDA ITEM – IX- A

Airport Management provides an overview of the Noise Abatement/Operations Summary for the month of July. This report is derived from the Air Traffic Control Tower operations report.

During the month of July 2019 there were 6,310 operations reported by the Tower, which is a 7% increase from the operations reported in July 2018.

Deliveries of Jet A fuel to the Airport in July were 14% more than July of the previous year. Avgas deliveries were 66% less than in July 2018.

There were 210 noise calls made by 7 different households received on the Airport Authority Noise Hotline and Online Noise Reporting Form.

During the month, 88 aircraft cleared Customs from eight different countries. Two vessels cleared. There were 20 afterhours clearings. Of these flights, ten cleared on Tuesdays and Wednesdays, when the facility is normally closed.

BOCA RATON AIRPORT AUTHORITY

OPERATIONS AND NOISE ABATEMENT REPORT



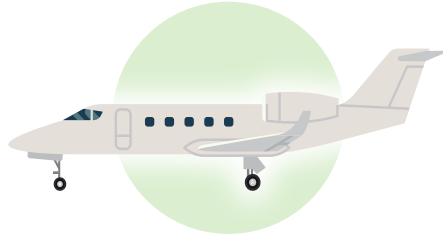
JULY
2019

JULY 2019

OPERATIONS REPORT



45%
TRAINING



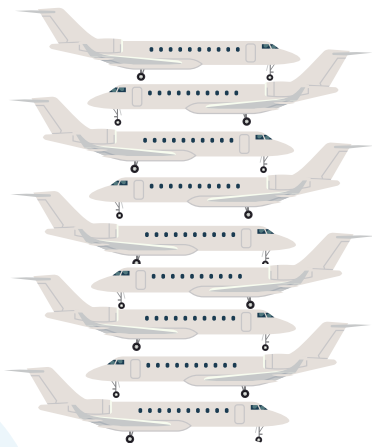
22%
IFR



33%
VFR

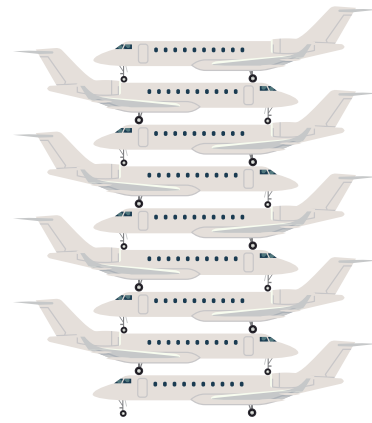
OPERATIONS BREAKDOWN

Chart 1: Breakdown of last month's operations based on type of operation (ex. Training, Instrument Flight Rules, Visual Flight Rules). An operation is counted as an arrival or a departure, a touch-and-go operation counts as two operations.



5,889
JULY 2018

+7%



6,310
JULY 2019

TOWER OPERATIONS

1 PLANE = 650 OPERATIONS

Chart 2: July 2018 operations compared to July 2019 tower operations.

ABBREVIATIONS:

*IFR (Instrument Flight Rules): Planes flying on an instrument flight plan - Primarily jets. VFR (Visual Flight Rules): - Primarily propeller aircraft.
TFR (Temporary Flight Restriction): Airspace flight restriction imposed by the Federal Aviation Administration (FAA) when there is a government VIP or special event in the area.*

JULY 2019

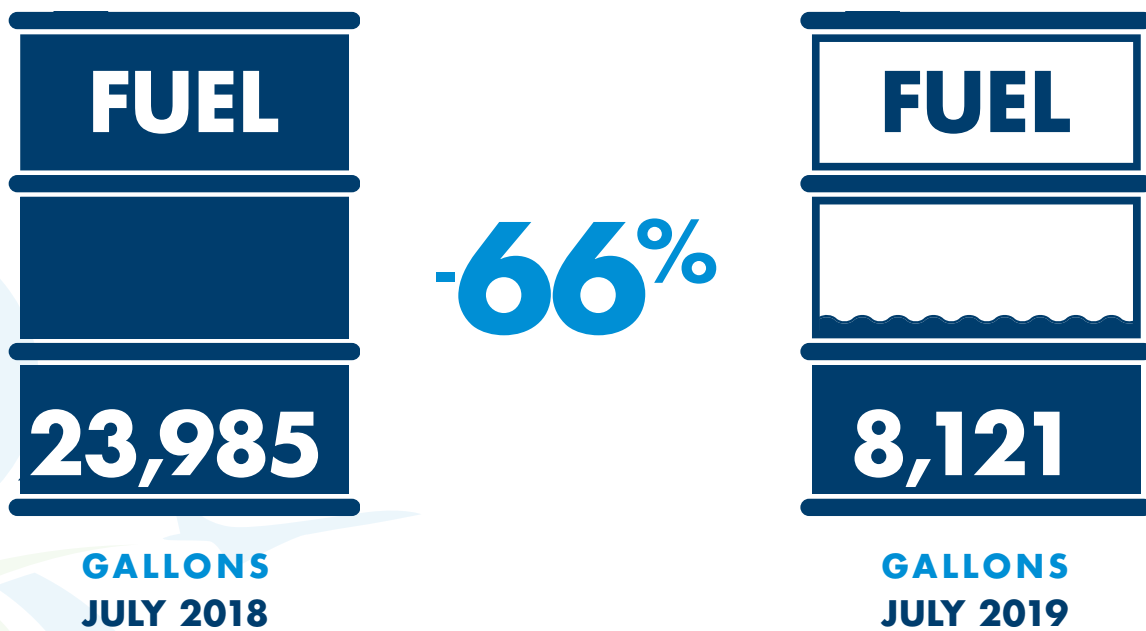
OPERATIONS REPORT



JET A FUEL REPORT

Jet A: Aviation fuel designed for use in aircraft powered by gas-turbine engines (jet aircraft).

Chart 3: Month of July 2018 deliveries of Jet A in gallons compared to July 2019 deliveries of Jet A.



AVGAS FUEL REPORT

Avgas: Aviation gasoline designed for use in piston-engine aircraft.

Chart 4: Month of July 2018 deliveries of Avgas in gallons compared to July 2019 deliveries of Avgas.

JULY 2019

NOISE ABATEMENT REPORT

NOISE CONCERNS BY HOUSEHOLD PER QUADRANT

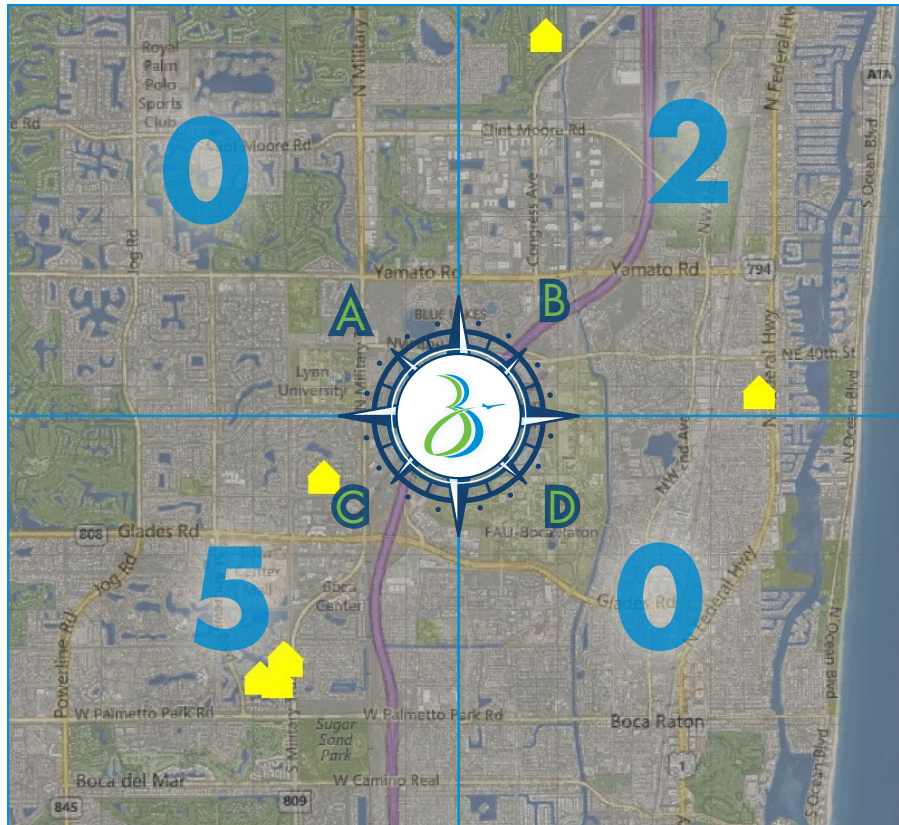


Chart 5: Noise concerns submitted via telephone, email, or on our website are tracked by quadrant where the noise concern occurred in relation to the airport.

NAME	COMMUNITY	QUADRANT	A/D/O/T	RUNWAY	CONCERN	# CALLS
Ross Rosenberg	Wimbledon Villias	C	N/A	N/A	Low and Loud	96
Wolf Lehmkuhl	Wimbledon Villias	C	N/A	N/A	Low and Loud	56
Adam Cogly	Wimbledon Villias	C	N/A	N/A	Low and Loud	44
Donna Lennon	N/A	B	N/A	N/A	Low and Loud	9
Arash Rahi	Wimbledon Villias	C	N/A	N/A	Low and Loud	3
Diane Paez	Boca Bath and Tennis	C	T	5	Flight Training	1
Peter Pinter	N/A	B	D	5	Low and Loud	1

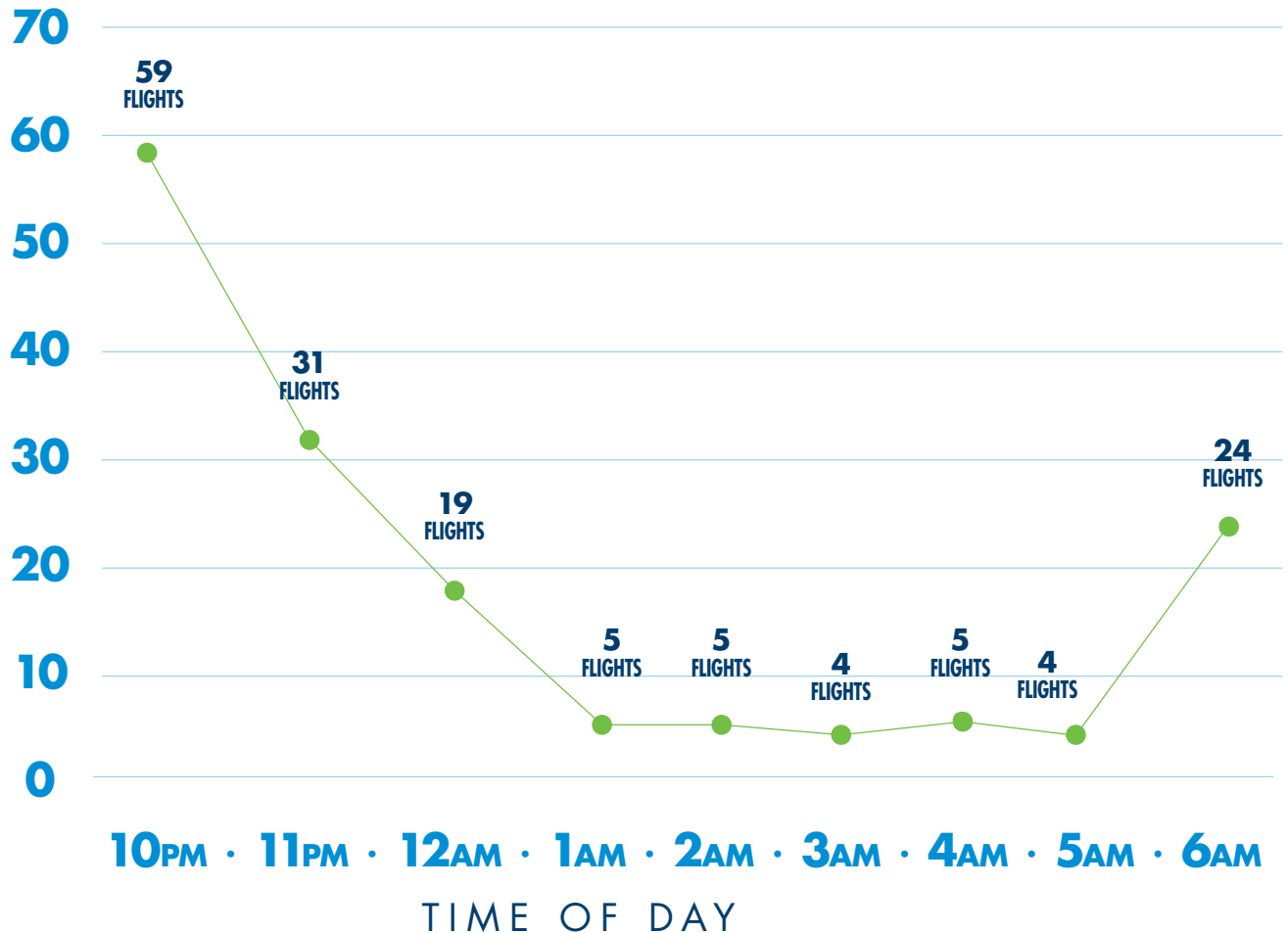
Chart 6: List of callers who submitted noise concerns via telephone, email, or on our website during the month of July.

JULY 2019

NOISE ABATEMENT REPORT

156
TOTAL NIGHT OPERATIONS

OPERATIONS - MONTHLY CUMMULATIVE TOTAL PER HOUR



NOT FOLLOWING **VOLUNTARY**
CURFEW PROCEDURES

69
OPERATIONS

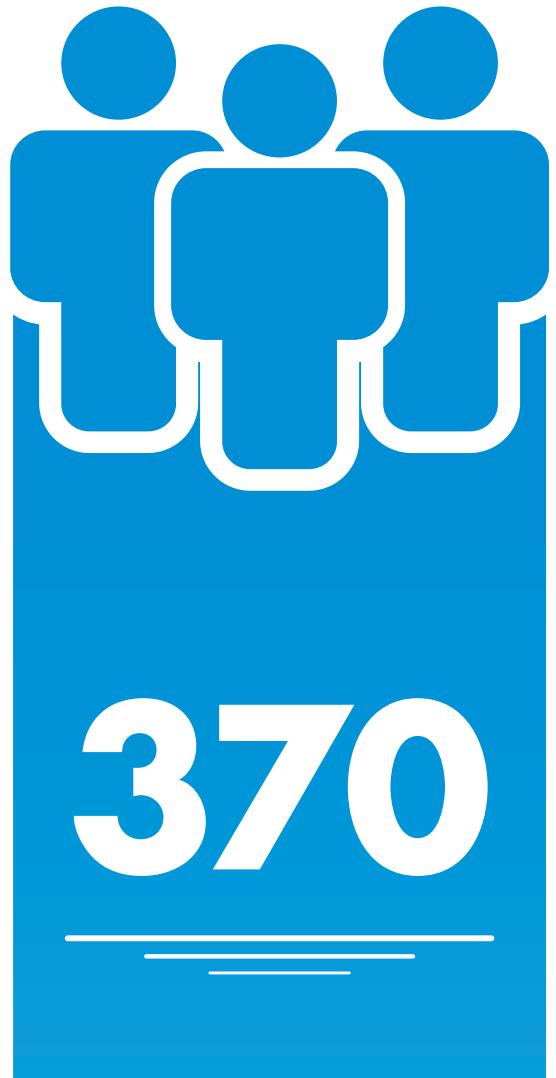
Chart 7: A voluntary curfew operation is an operation that occurred during our voluntary night curfew from 22:00 – 07:00. Chart breaks down the number of operations per hour during the voluntary curfew period in July 2019.

JULY 2019

CUSTOMS OPERATIONS REPORT



**FLIGHTS &
OPERATIONS**



PASSENGERS

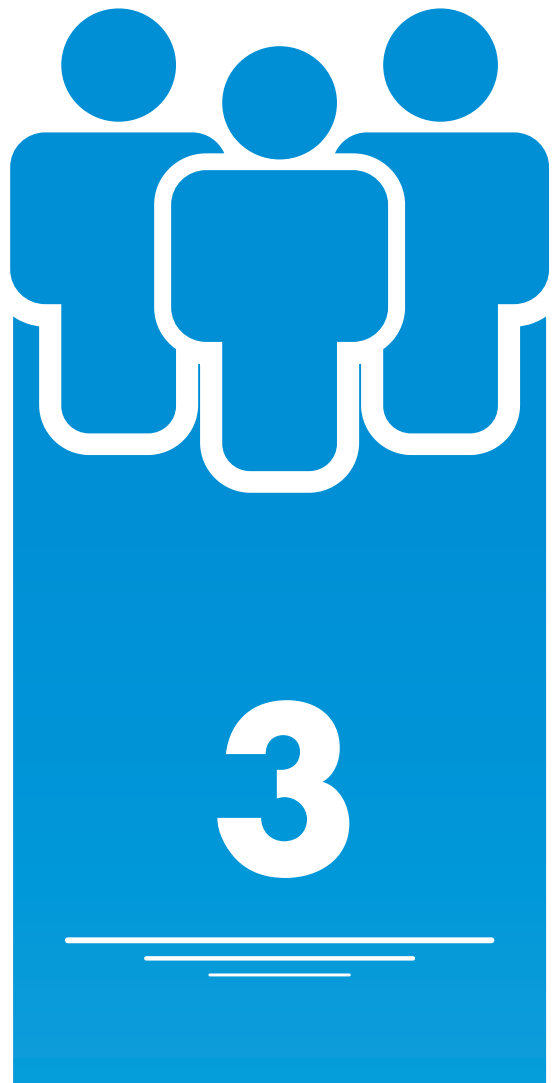
Charts 8 & 9: Total operations ran and total passengers during the month of July 2019.

JULY 2019

CUSTOMS OPERATIONS REPORT



VESSELS



PASSENGERS

Charts 10 & 11: Total operations ran and total passengers during the month of July 2019.

JULY 2019

CUSTOMS OPERATIONS REPORT

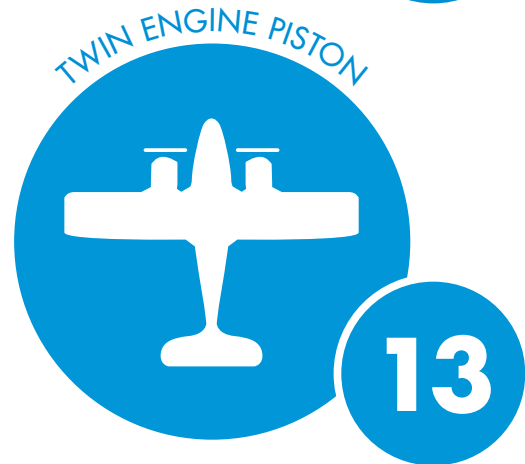


Country	No. of Flights
Bahamas	64
Canada	10
Cayman Islands	5
Bermuda	4
Mexico	2
Costa Rica	1
St. Martin	1
Virgin Islands	1

Charts 14: Total flights into BCT mapped by country of the flight's origin.

JULY 2019

CUSTOMS OPERATIONS REPORT



Charts 15: Total operations by type of aircraft.

JULY 2019

CUSTOMS OPERATIONS REPORT

AFTERHOURS CUSTOMS CLEARINGS

20
CLEARINGS



2 OUT OF 20
DURING **VOLUNTARY CURFEW**

Chart 16: An afterhours clearing refers to any aircraft who clears Customs outside of their normal hours of operation. These hours are Thursday - Monday from 10:30 - 18:30. This includes all aircraft who clear on Tuesdays and Wednesdays. Voluntary Curfew hours clearings refer to any aircraft who clears customs between the hours of 22:00 – 07:00.

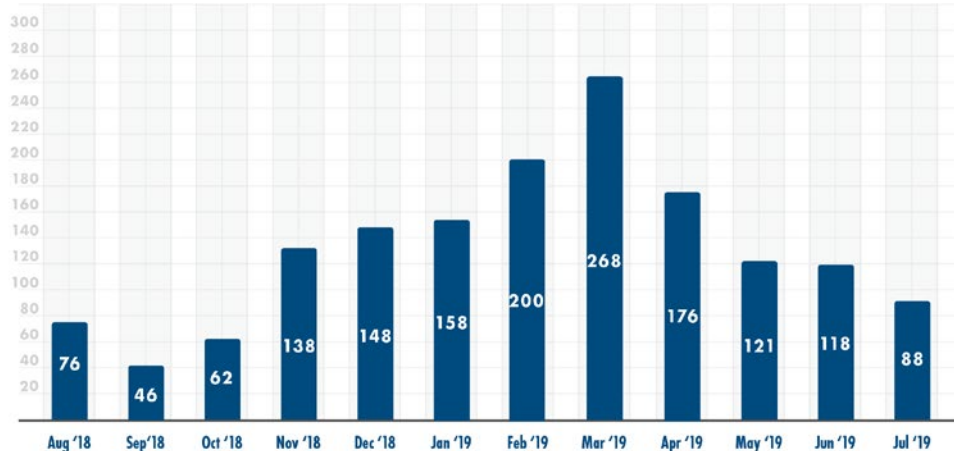
JULY 2019

CUSTOMS OPERATIONS REPORT



Chart 17: July 2018 total clearings compared to July 2019.

Monthly - Customs Operations





Memo

To: Melvin Pollack, Chair and Board Members

From: Clara Bennett, Executive Director

Date: August 21, 2019

RE: **BRAA Fiscal Year 2020 Operating and Capital Budget**

AGENDA ITEM – IX - B

Secretary/Treasurer Mr. James R. Nau and Airport Management will present the proposed Annual Operating and Capital Budget for Fiscal Year 2020.

BOCA RATON AIRPORT AUTHORITY

RESOLUTION 08-15-19

A Resolution of the Boca Raton Airport Authority adopting the Boca Raton Airport Authority's Annual Operating and Capital Budget for Fiscal Year 2020

WHEREAS, The Boca Raton Airport Authority Act, Laws of Florida, provides that the Boca Raton Airport Authority (the "Authority") shall have jurisdiction over the operation, maintenance of, and improvements to the Boca Raton Airport;

WHEREAS, the Boca Raton Airport Authority has prepared the Annual Operating and Capital Budget for Fiscal Year 2020 (October 1, 2019 through September 30, 2020) (the "FY2020 Budget"), in accordance to applicable requirements of the State of Florida; and

WHEREAS, the Boca Raton Airport Authority finds it to be in the public's interest to adopt the FY2020 Budget, which is attached hereto as Exhibit "A."

NOW THEREFORE BE IT RESOLVED BY THE BOCA RATON AIRPORT AUTHORITY, BOCA RATON, FLORIDA, IN PUBLIC MEETING DULY ASSEMBLED, THIS 21st DAY OF AUGUST 2019, AS FOLLOWS:

1. The foregoing recitals are true and correct and set forth the legislative intent of the Resolution.
2. The Authority hereby adopts the FY2020 Budget.
3. The Chair or Vice-Chair of the Authority is hereby authorized to execute Resolution Number 08-15-19.
4. This Resolution Number 08-15-19 shall take effect upon adoption.

ADOPTED by the Boca Raton Airport Authority, this 21st day of August 2019.

ATTEST:

BOCA RATON AIRPORT AUTHORITY:

James R. Nau
Secretary & Treasurer

Melvin Pollack
Chair

BOCA RATON AIRPORT AUTHORITY

OPERATING AND CAPITAL BUDGETS



FISCAL YEAR

2020



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Boca Raton Airport Authority

Executive Summary

As required in the Special Act, the Boca Raton Airport Authority (BRAA) adopts an operating and capital budget by September 30th of each year. The 2020 Operating, Capital Outlay, and Capital Improvement Plan Budgets cover the operation, maintenance, and improvement costs necessary to operate the Boca Raton Airport and construct planned infrastructure projects.

The Airport Authority generates revenues from land leases and fuel fees that sustain the Airport's operations. The Operating and Capital Budgets for FY 2020 reflect an increase in revenues resulting from expected sustained air traffic activity, stable fuel sales, and increased rents generated by a recent reversion of certain buildings on the Atlantic Aviation leasehold. Operating expenses include personnel and professional expenses, airport operating costs, Air Traffic Control Tower operating expenses and project expenses.

The first full year of operation of the US Customs and Border Protection Facility was celebrated in May 2019. The BRAA is responsible for all maintenance and operating costs of the facility and reimburses the federal government for all staffing and data processing costs, which has resulted in an increase in operating expense. Service is provided on a user fee basis, resulting in additional operating revenue that helps offset operating expenses.

For FY 2020 Airport Management expects that 38% of revenue will be derived from aviation land rents and 38% will be derived from non-aviation land rents, while fuel flowage fees and Customs Facility user fees will comprise 15% and 9% of total revenue respectively.

Total budgeted operating revenues are expected to total \$5,439,500. This is an increase of \$1,435,075 or 35.8% compared with the FY 2019 budget and a \$702,500 or 14.8% increase compared with FY 2019 projected.

Total operating expenses before depreciation are budgeted at \$3,763,000. This is an increase of \$577,043 or 18.1% over current year budget and \$1,093,500 or 41.0% compared with 2019 projected. The increase is attributable to grant reimbursable, project-related expenses and one-time expenses required for airfield and facility maintenance.

Based on anticipated revenues of \$5,439,500 and proposed expenses before depreciation of \$3,763,000, operating income before depreciation is budgeted at \$1,676,500. This is \$858,032 or 104.8% more than current year budget and \$391,000 or 18.9% less than current year projections.

The 2020 Operating Budget also includes \$815,200 in non-operating revenue from interest income and grant reimbursements. The resulting income before capital contributions from operating and non-operating revenue minus expenses, not including depreciation, is budgeted at \$2,491,700 for FY 2020.

2019 Budget vs. 2020 Proposed Budget

	2019 Budget	2020 Proposed Budget	Change from Prior Year	
Total Operating Revenues	\$4,004,425	\$5,439,500	\$1,435,075	35.8%
Total Operating Expenses	\$3,185,957	\$3,763,000	\$577,043	18.1%
Operating Income Before Depreciation	\$818,468	\$1,676,500	\$858,032	104.8%

2019 Projected vs. 2020 Proposed Budget

	2019 Projected	2020 Proposed Budget	Change from Prior Year	
Total Operating Revenues	\$4,737,000	\$5,439,500	\$702,500	14.8%
Total Operating Expenses	\$2,669,500	\$3,763,000	\$1,093,500	41.0%
Operating Income Before Depreciation	\$2,067,500	\$1,676,500	\$(391,000)	-18.9%

The 2020 Capital Improvement Plan Budget includes projects totaling \$4,125,000. FAA and FDOT grant contributions are projected to total \$3,675,000, or 89% of total project costs. The Airport Authority contribution is projected at \$450,000, or 11% of total project costs.

The proposed FY 2020 Budget includes capital outlays of \$44,000 for the purchase of airfield operations equipment.

Based on the proposed FY 2020 Operating, Capital Outlay, and Capital Improvement Plan Budgets, the projected Airport Reserve Balance is \$12,382,000.

A summary of Key Business Objectives completed in 2019 and Business Objectives planned for 2020 is also included in the budget report.

Management Recommendation

On behalf of Boca Raton Airport Management, I respectfully present the Fiscal Year 2020 Operating, Capital Outlay, and Capital Improvement Plan Budgets.

Clara Bennett
Executive Director

August 21, 2019

Introduction

The Boca Raton Airport (BCT) is publicly-owned by the State of Florida and is designated as a general aviation transport facility, serving the corporate, recreational, and flight training needs of the region. It is located on 220 acres in Boca Raton adjacent to I-95, between Spanish River Boulevard and Glades Road. The Airport's single runway 5-23 is 6,276 feet long and 150 feet wide.

Boca Raton Airport is home to more than 50 aviation and non-aviation businesses and approximately 227 based aircraft. According to the State of Florida, the Airport contributes an estimated \$201 million in annual economic impact to the local economy, an employment base of 3,055, total labor income of over \$135 million, and total output of \$434 million.

The Boca Raton Airport Authority

Boca Raton Airport is operated by the Boca Raton Airport Authority (BRAA), a seven-member Board established by the Florida Legislature as an Independent Special District that is not part of any other unit of local government. Five members are appointed by the Boca Raton City Council and two are appointed by the Palm Beach County Commission. Each Board member serves a term of two years.

The BRAA was established to operate, maintain, and develop the Boca Raton Airport in a safe, professional manner; enhance services and facilities available to the Airport's tenants and users; improve the Airport's relationship with surrounding communities; eliminate financial subsidies by local taxpayers and the Board of Trustees; and limit the potential for operational liability by the State of Florida.

BRAA developed a Strategic Business Plan that articulated the Airport's mission to be a world class public use general aviation facility that benefits our growing business and regional communities. Its mission is to operate a first-class public use general aviation facility dedicated to embracing its core values; promoting safety, efficiency, and environmental excellence; and advancing aeronautical and economic benefits to our business and regional communities.

The Airport's Strategic Goals are to:

1. Effectively Operate in a Changing Government Environment
2. Enhance Financial Performance
3. Strengthen Community Relations
4. Mitigate Noise Impacts
5. Explore Land Opportunities

The Airport Authority Board held a Visioning Workshop in January 2016 that affirmed these goals and outlined objectives to meet short-term needs. The Airport Authority has initiated a project to update its Strategic Plan, to be completed in mid-2020.

Boca Raton Airport (BCT)

The Airport Authority sustains the Airport's operations by generating revenue from land leases and fuel fees, requiring no funding from property taxes or general funds of local governments. Operating surpluses are reinvested in improvements included in the Airport Capital Improvement Program and are used to match FAA Airport Improvement Program and Florida Department of Transportation Aviation Work Program grants.

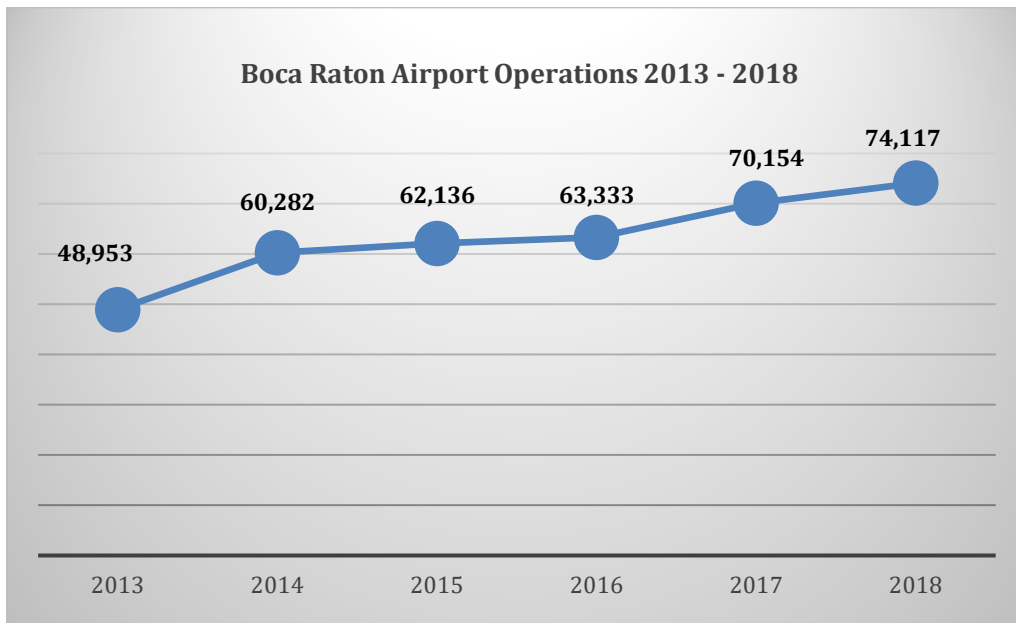
BCT is categorized as a general aviation reliever airport by the Federal Aviation Administration. Reliever airports are designated by the FAA to relieve congestion at commercial service airports and to provide improved general aviation access to the overall community.

In May 2012, the FAA released the results of an 18-month study titled General Aviation Airports: A National Asset. This study highlights the role general aviation airports play in the aviation system and in meeting important social and community needs. The study also aligned the GA airports into four categories – national, regional, local, and basic – based on their existing activity levels and number and types of based aircraft.

Boca Raton Airport was identified as a national airport, meaning that it serves national and global markets with very high activity levels by jets and multiengine propeller aircraft. National airports serve the community by providing a broad spectrum of services including emergency preparedness and response, critical community access, all types of aviation functions, commercial industrial and economic activities, and connectivity to major destinations and special events.

Air Traffic Activity

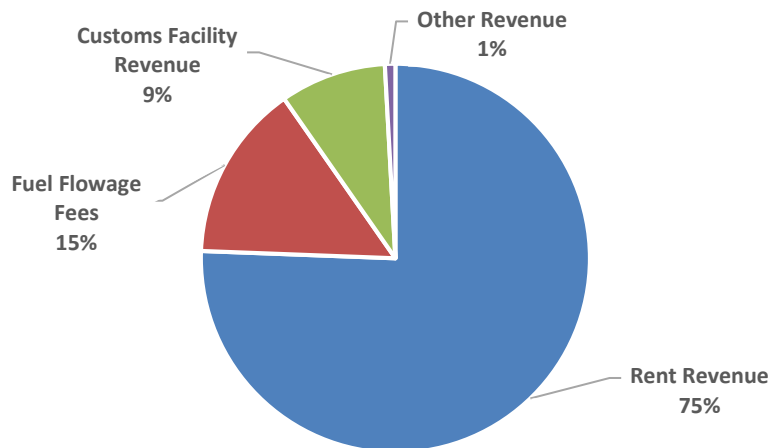
Airport traffic increased by 6% in 2018 compared with 2017, for a total of 74,117 takeoffs and landings. This has been a consistent trend for the past five years as a result of improved economic activity. Operations are expected to continue to increase in 2020 as air traffic related to local business and leisure activity continues to increase and with additional Presidential visits expected during the winter months.



Major Sources of Revenue

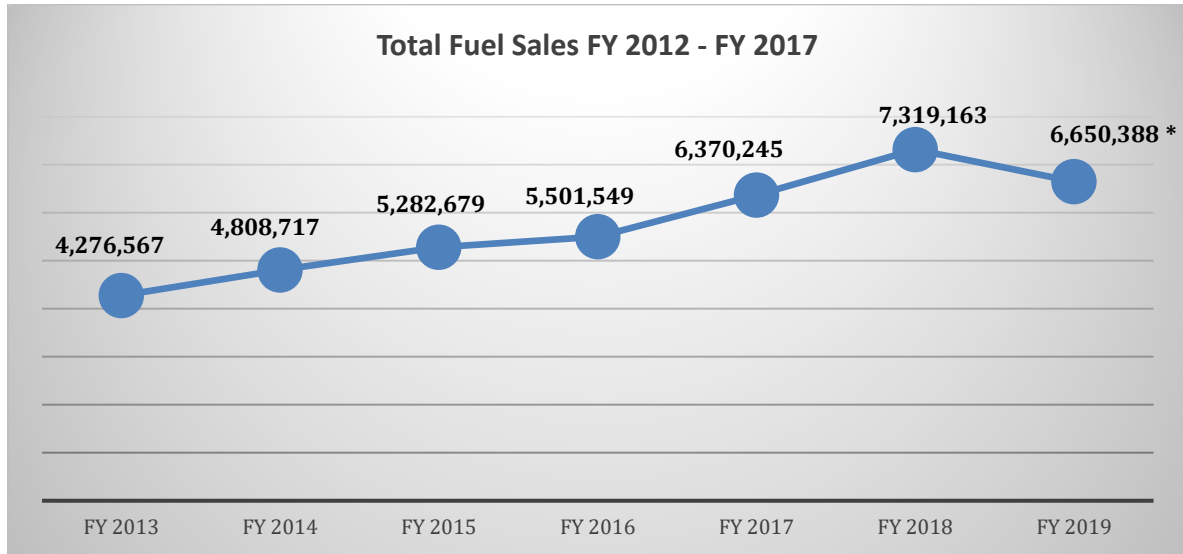
The largest sources of Airport revenues, approximately 75%, are the Authority's six land leases: Atlantic Aviation, Boca Aircraft Owners, Boomers, Cinemark, City Furniture and Premier Aviation. Fuel flowage fees make up the second largest source of revenue at approximately 15% of total revenue. The US Customs Facility is a new source of revenue and is expected to generate approximately 9% of total revenue, helping offset operating costs of the facility. Other sources include interest income, miscellaneous income and rental car fees.

2020 Revenue Sources

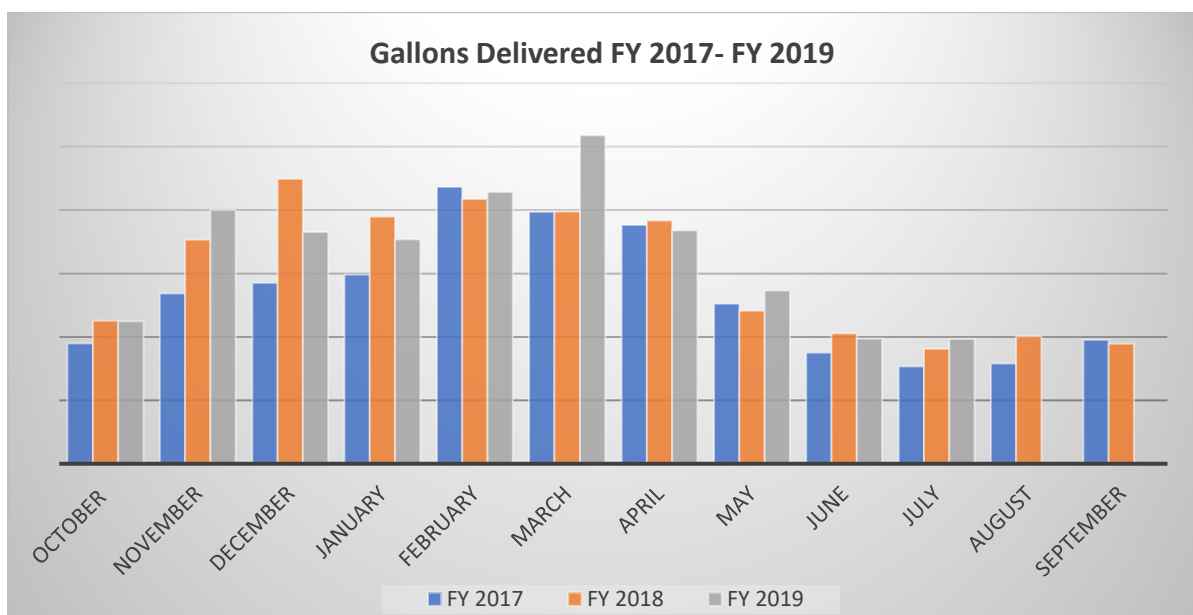


Fuel Sales

Gallons of fuel sold in FY 2019 totaled 6,650,399 through July 2019. In FY 2018, fuel sales totaled 7,319,163 compared with 6,370,245 on the prior year. The increase in fuel sales volume is attributable to increased demand in Q2 and Q3 resulting from positive economic conditions and the Presidential visits to South Florida.



* Through July 2019





Budget Approach

Budget Process:

As required in the Special Act, the Airport Authority adopts an operating and capital budget by September 30th of each year. The budget covers the operation, maintenance, and improvement costs necessary to operate the Boca Raton Airport and construct planned infrastructure projects.

In accordance with the Airport Authority's Bylaws, Airport Management prepares the annual budget based on a thorough analysis of anticipated operational, contractual, and programmatic needs for the coming year. Airport Management utilizes a zero-based budget approach in which each line item is evaluated on its own merit every year. Each department prepares individual line item requests by reviewing planned work goals and identifying resources necessary to achieve the Airport's strategic priorities, meet the day-to-day needs in operating the Airport, and implement the required Airport infrastructure improvements.

This structured process has built a culture of cost management as each team member strives to reduce costs and maximize efficiency while enhancing service levels for Airport tenants and the community.

Budget Overview:

The Boca Raton Airport Authority functions as an enterprise fund in governmental accounting. Enterprise Funds function as business-like funds and provide goods or services to the general public for a fee, with the purpose of being self-supporting. In accordance with standards for Enterprise Funds and similar to businesses, the Authority's financial records are maintained on the full accrual basis of accounting and conform to accounting principles generally accepted in the United States. Enterprise Funds are also required to record expenses not normally recorded by general funds. Under this method, revenues are recorded when earned and expenses are recorded when the liability is incurred, and all assets and liabilities are included on the balance sheet.

Enterprise Funds distinguish operating revenue and expenses from non-operating items. Operating revenues and expenses generally result from providing services in connection with the fund's principal ongoing operations. The operating revenues of the Airport Authority primarily consist of rent and fuel flowage fees. Operating expenses include the cost of services, administrative expenses, and depreciation of capital assets. All revenue and expenses not meeting this definition are reported as non-operating revenues and expenses.

Capital assets which include property, plant and equipment, and infrastructure assets such as pavement rehabilitation, the Blast Fence, Perimeter Road, and the EMAS System, are defined by the Authority as

assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of one year. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed.

Depreciation is recorded using the straight-line method over the estimated useful life of the asset or, in the case of leasehold improvements, the shorter of useful life or lease term. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend the asset's useful life are not capitalized.

The 2020 budget reflects a 19.1% increase in depreciation compared with 2019. Below is a summary of 2020 budgeted depreciation by capital asset type. The categories showing zero are not being depreciated.

Buildings	\$430,100	22%
Infrastructure	\$977,500	50%
Machinery, Equipment, and Fixtures	\$215,050	11%
Leasehold Improvements	\$332,350	17%
Land Avigation Easement	\$-	0%
Avigation Easement	\$-	0%
Procurement Fee	\$-	0%
Projects In Progress	\$-	0%
Total Depreciation	\$1,955,000	



Current Year Projected Actuals

Current Year Operating Revenues:

Operating Revenues for FY 2019 (current year) are projected to total \$4,737,000. This is an increase of \$732,575 or 18.3% compared with 2019 budgeted revenues, and a \$744,830 or 18.7% increase compared with 2018 (prior year) actual revenues.

Some key areas comprising the overall increase in operating revenues in the current year are:

- Rent revenue increased by \$333,258 or 10.9% over prior year and \$329,649 or 10.8% compared with current year budget as a result of lease adjustments. This includes an increase of an estimated \$236,860 in rent collected from Atlantic Aviation due to the reversion of the 3700 Building and Hangar Buildings 1-4, Hangars 6 and 7, the “Blue Hangar”, and the Lynn University Flight School Building.
- Fuel Flowage Fees are down \$12,471 or 1.5% over prior year and up by \$100,000 or 14.3% over current year budget.
- Customs Facility revenue is projected at \$480,000, which is a \$315,000 or 190.9% increase to budget. The variance is due to the difficulty in projecting revenues in the first year due to lack of historical budget data.

Current Year Operating Expenses:

Operating Expenses before depreciation are projected to total \$2,669,500 at the end of FY 2019. This is a 16.2% decrease compared with budget and a 9.5% increase compared with 2018 actuals.

Some key areas comprising the overall decrease in operating expenses in the current year compared to budget are:

- Personnel Expenses are down by \$37,121 or 3.4% compared with budget. This is as a result of a vacancy for a part-time position.
- Professional Services are projected to decrease by 41.0% compared with budget and 20.8% compared with 2018 actuals as a result of reductions in legal expenses and consulting fees.
- CBP Facility Expenses are up \$30,624 or 9.6% to budget, due to afterhours usage of the facility being higher than anticipated.

Included in current year operating expenses are project expenses totaling \$69,500 associated with the 3700 Building Assessment, ATCT Rehabilitation Phase 2, and the Facilities Management Plan. These expenses are offset by FDOT Operating Grants, which fund 80% of the total project costs.

Current Year Operating Income:

Overall operating income (surplus of revenues minus expenses) before depreciation is projected to total \$2,067,500, which is \$1,249,032 or 152.6% higher than budgeted as a result of higher revenues from aviation leases and Customs Facility user fees and reduced operating expenses related to the timing of certain construction projects. Compared with 2018 actuals, operating income before depreciation is projected to increase by \$513,585 or 33.1%.

An additional \$235,600 is projected as non-operating revenue resulting from grant reimbursements for project expenses included in the operating budget, in addition to interest income generated from Airport reserves. Interest Income is projected to total \$180,000, an increase of \$60,000 or 50% compared with budget and a 132.7% increase compared with 2018 actuals as a result of rising interest rates and increased reserves balance.

The resulting income before capital contributions, not including depreciation, totals an estimated \$2,303,100 in FY 2019.



2020 Proposed Budget

2020 Operating Revenues:

Operating Revenues are expected to total \$5,439,500 in 2020. This is an increase of \$1,435,075 or 35.8% compared with current year budget and \$702,500 or 14.8% compared with current year projected. This budgeted increase in revenues is based on the following key assumptions:

- Budgeted rent revenue is expected to increase by \$1,048,949 or 34.2% compared with 2019 budget and \$719,300 or 21.2% compared with current year projected due to lease adjustments in accordance with lease terms.
- Fuel flow revenue is budgeted at \$800,000, an increase of \$100,000 or 14.3% compared with current year budget due to current trends in fuel sales.
- Customs Facility Revenue is budgeted at \$480,000, based on revenues collected during the first year of operation.

2020 Operating Expenses:

Operating expenses before depreciation for 2020 are budgeted at \$3,763,000. This is an increase of \$577,043 or 18.1% over current year budget and \$1,093,500 or 41.0% compared with year-end projections. This increase is attributable to grant reimbursable expenses for airport improvement projects and one-time expenses required for airfield and facility maintenance.

Expenses for the coming year are budgeted based on the following key assumptions:

- Personnel expenses are expected to increase by \$109,179 or 9.9% compared with budget and 13.7% compared with current year projected due to salary adjustments and a 16% rate increase in health insurance costs.
- Professional services are increased by \$2,000 or 1.1% compared with the 2019 budget and increased by \$75,150 or 71.3% compared with 2019 projected to account for anticipated one-time consulting projects.
- Office operating expenses are increased by \$67,215 or 27.0% compared with 2019 budget and increased by \$53,200 or 20.2% compared with 2019 projected due to one-time maintenance projects including Administration Building interior painting, tile work and parking lot striping and resealing.
- Airport operations expenses are increased by \$83,889 or 18.8% compared with 2019 budget and increased by \$90,600 or 20.6% compared with 2019 projected due to one-time maintenance projects including rubber removal and airfield signage replacements.

- Insurance expense is increased by \$18,153 or 11.9% compared with 2019 budget due to anticipated market rate increases.
- Air Traffic Control Tower expenses are increased by \$33,700 or 72.0% compared with current year budget due to one-time project in partnership with FAA for the replacement of FIDO equipment.
- Customs facility expenses are increased by \$5,424 compared with 2019 budget and decreased by \$25,200 or 7.2% compared with 2019 project due to one-time maintenance projects completed in 2019.
- Marketing and Special Event expenses are expected to increase by \$8,398 compared with current year budget and to increase by \$21,150 compared with current year projected due to addition of new community partnerships in 2020, as well as increased tenant/pilot outreach.
- Planning, design, and construction project expenses are budgeted at \$756,500. These projects are eligible for 80% reimbursement through Florida Department of Transportation grants.

2020 Operating Income:

Based on anticipated revenues and operating expenses, operating income before depreciation is budgeted at \$1,676,500, which is \$858,032 or 104.8% more than current year budget and \$391,000 or 18.9% less than current year projections.

An additional \$815,200 is projected as non-operating revenue resulting from grant reimbursements for project expenses included in the operating budget, in addition to interest income generated from Airport reserves. Interest Income is projected to total \$210,000, a modest increase to compared with 2019 actuals as a result of investments committed to fixed terms in a decreasing rate environment.

The resulting income before capital contributions, not including depreciation, totals an estimated \$2,491,700 in 2020.

2020 Proposed Operating Budget

	FY 2018 Actual	FY 2019 Budget	FY 2019 Projected	FY 2020 Budget	Change from FY 2019 Projected	
Operating Revenues:						
Rent Revenue	\$3,059,742	\$3,063,351	\$3,393,000	\$4,112,300	\$719,300	21.2%
Fuel Flowage Fees	812,471	700,000	800,000	800,000	-	0.0%
Customs Facility Revenue	49,385	165,000	480,000	480,000	-	0.0%
Other Revenue	70,572	76,074	64,000	47,200	(16,800)	-26.3%
Total Revenue	3,992,170	4,004,425	4,737,000	5,439,500	702,500	14.8%
Operating Expenses:						
Personnel Expenses	978,626	1,104,721	1,067,600	1,213,900	146,300	13.7%
Professional Services	133,034	178,500	105,350	180,500	75,150	71.3%
Office Operating Expenses	225,417	248,985	263,000	316,200	53,200	20.2%
Airport Operations	410,205	446,211	439,500	530,100	90,600	20.6%
Insurance Expense	149,452	153,147	160,000	171,300	11,300	7.1%
ATCT Facility	33,821	46,800	46,500	80,500	34,000	73.1%
Customs Facility	141,357	317,576	348,200	323,000	(25,200)	-7.2%
Marketing & Special Events	198,203	182,602	169,850	191,000	21,150	12.5%
Projects	168,140	507,415	69,500	756,500	687,000	988.5%
Total Operating Expenses	2,438,255	3,185,957	2,669,500	3,763,000	1,093,500	41.0%
Total Operating Income before Depreciation	1,553,915	818,468	2,067,500	1,676,500	(391,000)	-18.9%
Depreciation	1,565,659	1,641,650	1,641,650	1,955,000	313,350	19.1%
Net Operating Income/(Loss)	(11,744)	(823,182)	425,850	(278,500)	(704,350)	-165.4%
Non-Operating Revenues (Expenses):						
Interest Income	77,354	120,000	180,000	210,000	30,000	16.7%
Operating Grants	134,512	405,932	55,600	605,200	549,600	988.5%
Total Non-Operating Revenues (Expenses)	211,866	525,932	235,600	815,200	579,600	246.0%
Income/(Loss) before Capital Contributions	200,122	(297,250)	661,450	536,700	(124,750)	-18.9%
Capital Contributions from State and Federal Grants	839,559	1,060,000	1,015,000	3,675,000	2,660,000	262.1%
Change in Net Position	\$1,039,681	\$762,750	\$1,676,450	\$4,211,700	\$2,535,250	151.2%



2020 Proposed Capital Outlays

The proposed Fiscal Year 2020 Budget includes capital outlays of \$44,000 for a lift boom for safe and efficient maintenance of Airport facilities including the Administration Building, the Air Traffic Control Tower, the US Customs Facility, light poles, camera poles and the rotating beacon.

2020 Proposed Capital Outlays

Description	Proposed Budget
Furniture & Fixtures	-
Airfield & Office Equipment	44,000
Information Systems Equipment	-
Airport Vehicles	-
Total Capital Outlay	\$44,000



2020 Proposed Capital Improvement Plan

The Capital Improvement Plan (CIP) for 2019 includes projects for widening and relocation of several taxiways to conform to Federal Aviation Administration standards, widening certain taxiways to minimize operational issues at the FBO entrances, security system enhancements, and development of an observation area along the Airport perimeter.

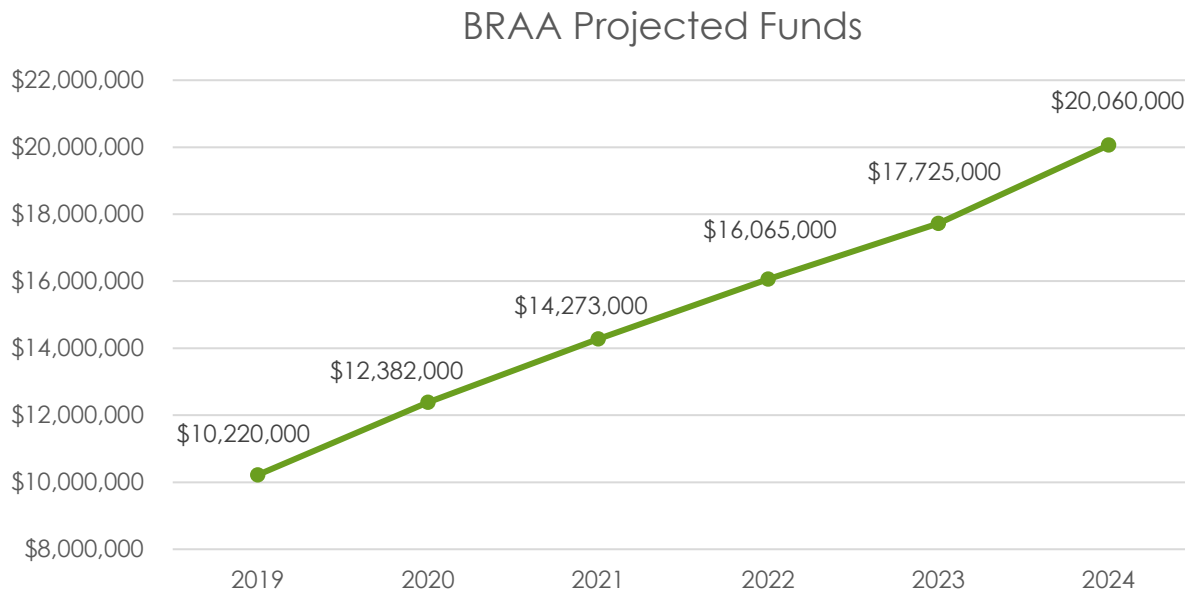
Proposed Fiscal Year 2020 CIP

Description	FAA	FDOT	Local	Total
Taxiways Papa 4, Charlie, and Foxtrot Widening - Construction	\$2,250,000	\$125,000	\$125,000	\$2,500,000
Taxiways Papa 5, Charlie, Papa 9, and Papa 10 Widening - Construction	-	520,000	130,000	650,000
Security Enhancements - Phase 4	-	600,000	150,000	750,000
Observation Area	-	180,000	45,000	225,000
Total	\$2,250,000	\$1,425,000	\$450,000	\$4,125,000



2020 Projected Reserve Balance

Based on the proposed Fiscal Year 2020 Operating, Capital Outlay, and Proposed Capital Improvement Plan Budgets, the projected Airport Reserve Balance is \$12,382,000. This represents an increase of \$2,162,000 compared with Fiscal Year 2019 projected year-end balances.





BRAA Business Objectives

The Airport Authority's Mission and Vision drive the Airport's Strategic Plan and identify five strategic focus areas that are used to align annual business objectives and actions. These strategic goals are:

Effectively Operate in a Changing Government Environment

Prepare for and respond to changes in federal, state, and local governments.

Enhance Financial Performance

The BRAA must sustain existing and create new revenue streams to maintain a positive cash flow. Additionally, the BRAA will continue to secure ongoing federal and state funding to support its Capital Improvement Program.

Strengthen Community Relations

The BRAA must proactively serve and satisfy multiple stakeholder groups, each of which has unique interests in the Airport.

Mitigate Airport Noise Impacts

The BRAA must continue to seek collaborative Airport noise solutions that positively affect stakeholders.

Explore Land Opportunities

The BRAA has an immediate opportunity to explore land parcels that are directly adjacent to the Airport. Each parcel presents an opportunity for the BRAA to address existing and future user needs consistent with its vision.

People

Additionally, with the support of the Airport Authority Board, Management has worked to create a culture of continuous improvement through an employee devolvement program that enhances efficiency, productivity, and accountability, reduces costs, and attracts and retains industry leaders.

Core Values

The following Core Values guide the behavior and decision-making process of the BRAA:

Integrity

Do the right thing

Leadership

Shape a better future

Quality

Demand safety, efficiency, and excellence

Collaboration

Leverage collective ideas

Airport Management develops business objectives to guide the organization each year. These business objectives are focused on the Authority's Strategic Goals of **Ensuring Operational Effectiveness and Efficiency, Enhancing Financial Performance, Strengthening Community Relations, Mitigating Airport Noise Impacts, Maximizing Land Opportunities**, and developing its **People**.

Review of Key 2019 Business Objectives

Ensuring Operational Effectiveness and Efficiency

Airport Road Improvements – Airport Management finalized the proposed roadway concepts in October and subsequently initiated a design task order with FPL to relocate the existing overhead powerlines underground. Along with undergrounding of the powerlines, the project includes roadway, lighting, signage, and landscape improvements. Thirty percent design was completed in December and 60% design was completed in June 2019.

Landside Access Pavement Rehabilitation – Ninety percent design of this project, which involves rehabilitation of pavements, sidewalks, signage and landscaping on the section from Airport Road to the Customs Facility roadway, was completed in the first quarter of FY 2019. This project will be included in the bid package for the work planned along Airport Road.

Taxiways Papa 4, Charlie, and Foxtrot Widening – Airport Management and the General Consultant completed the design of the widening Taxiway Papa 4 and the widening and relocation of Taxiways Charlie and Foxtrot. Changes to FAA standards resulted in additional costs exceeding the original budget. Airport Management applied for a supplemental grant totaling approximately \$2 million in federal funds in October 2018. The request is currently under review by the FAA. The construction portion was added to the Airport's capital plan for 2020, including a request for discretionary federal grant funds, in the event the supplemental funds are not received.

Taxiways Papa 5, Charlie, Papa 9, and Papa 10 Widening Design – This was a new project identified mid-year to address an operational issue resulting from several aircraft excursions that occurred along the taxiway entrances to the FBO ramps during the busy traffic season. Airport Management worked with the Airport General Consultant to develop a project scope and a budget estimate of \$745,000 and requested design and construction grant funding from the Florida Department of Transportation. Design funds were accepted in July 2019 and the design started in August 2019. Construction funds will be received in the fall of 2019.

Storm Drainage System Upgrades – The Airport Authority accepted a grant in 2019 from the Florida Department of Transportation for \$350,000 to evaluate various improvements to the Airport's Storm Drainage System, including replacement and expansion of certain existing storm drains and drainage infrastructure to allow unrestricted water flow and improve flow during extraordinary storm events.

Air Traffic Control Tower Rehabilitation – Phase II – Airport Management released a bid to replace the Air Traffic Control Tower windows in the fall of 2018 and received no bids. The project was re-released in the spring of 2019 with additional scope including cabinetry and console work included. The sole bidder was found non responsive by the Authority's general consultant and legal firm. Airport management is currently exploring additional options for obtaining a contractor to replace the windows.

Airfield Pavement Rejuvenator – The runway rejuvenator and remarking project was successfully completed within budget in November of 2018. The final grant close out occurred in January 2019.

Airport Inspection Program – This project consisted of the implementation of additional software to automate and streamline multiple inspection processes around the airfield. The streamlining included the option of issuing work orders for repair tracking and parts usage. Additional software to incorporate Safety Management Systems (SMS) into future processes was tested and determined unsuitable to the Airport's immediate needs and budget. Further software evaluation is ongoing.

Airfield Equipment Asset Management Program – This project consisted of tying additional software to the inspection program application to allow Airport Management to maintain appropriate inventories of potential high use items, (lights, electrical component, fasteners, etc.) utilizing work orders and parts requests.

Wildlife Hazard Management Plan – Management submitted the draft Wildlife Hazard Management Plan to the FAA for review in November 2018. The FAA approved the plan in July 2019. Throughout the year, various recommendations from the draft plan have been implemented including auditory and visual hazing and habitat management.

GIS Implementation Phase 1 – Airport Management secured a grant for \$100,000 for Geographic Information System (GIS) Implementation – Phase 1 and initiated the study in summer 2019. The project includes geospatial information gathering for all Airport features and assets, database construction and FAA aGIS/eALP conversions.

Security Training – Management conducted several training classes with tenants and contract security staff to enhance overall airport security and efficiency. Training sessions included several Active Shooter classroom sessions hosted by the Boca Raton Police Department and offered free to Airport tenants. Airport Management continues to conduct quarterly training sessions with the security contractor to enhance awareness during routine patrols, ensure proper response to emergency situations, and enhance efficiency and accuracy of inspection and reporting of incidents.

Enhancing Financial Performance

Clean Audit – The Authority's independent auditor conducted an audit of the Authority's finances and issued a clean report with no findings. The audit was accepted by the Board in May 2019.

Grant Funding – Airport management secured approximately \$1.5 million in FAA and FDOT grants for a variety of Airport improvement projects.

U.S. Customs and Border Protection Facility – Airport Management continued to promote the U.S. Customs and Border Protection Facility to the aviation and boating communities. Total activity exceeded projections by 113% and revenues exceeded budget by \$315,000 at the end of first year of operation.

Lease Negotiations – Airport Management successfully negotiated the reversions of several hangars and the office building on the Atlantic leasehold resulting in an increase in rents revenue of approximately \$950,000 in the first year.

Strengthening Community Relations

Community Engagement – Airport Management continued to expand the Authority’s community engagement program participating in various outreach events including Veteran’s Day, the Boca Raton Annual Holiday Parade, Wings of Freedom, Chamber of Commerce Community Cookout, Airport Career Day, Toys for Tots and Back to School drives and tenant appreciation events. A coffee table book celebrating the Airport’s 70th Anniversary was published and received an award from a national communication organization.

Airport Informational Blogs – Airport Management posted a series of blogs on the Authority’s website and social media covering a wide variety of airport topics including community engagement events, construction projects, airport security and temporary flight restrictions.

Social media – Airport Management took an active role in managing the Authority’s social media platforms, posting Airport events, community events, and several focused efforts such as “What is it Wednesday”. This resulted in a 5% increase in followers and likes across all platforms.

Mitigating Airport Noise Impacts

Pilot Noise Abatement and Training Outreach – Updates were made to the Pilot Procedures section of the Airport’s website including detailed information on the recommended noise abatement procedures. The Airport’s noise abatement procedures were published in the Aircraft Owners and Pilots Association (AOPA) pilot guide to allow wider distribution of program information. Automatic reporting was implemented to facilitate data analysis and pilot outreach and a new noise concern form was added to the website, allowing noise reports to automatically integrate into the noise database.

City of Boca Raton Development Review Process – The Airport continued to coordinate with the City of Boca Raton regarding new developments planned in areas near the Airport, providing information regarding potential impacts to the surrounding airspace and impacts from air traffic and suggestions on height and land use restrictions.

Maximizing Land Opportunities

Evaluate Current Airport Land Use – Airport Management and the Authority’s General Consultant initiated a storm water vault feasibility study to investigate the possibility of creating additional developable property along Airport Road. Airport Management also programmed a future project to relocate the beacon and electrical vault from the west side of the field to the east side, allowing for additional developable property.

People

Administrative Training Manual – Airport Management completed a draft administrative training manual in August 2019. The manual covers daily administrative tasks including Board Meeting processes, filing, P-card procedures, accounts receivable/payable procedures, travel and time keeping. The draft is under review and will be completed in September 2019.

Employee Development – Airport Management continued to work with staff to provide opportunities for employee and career development. Team members attended various conferences and training sessions, earning one American Association of Airport Executives (AAAE) Certified Member designation, one AAAE Airport Certified Employee designation, FDOT pavement inspection and repair training, and one Florida Records Management certification.

Key 2020 Planned Business Objectives

Ensuring Operational Effectiveness and Efficiency

Strategic Airport Business Plan Update – An update to the 2011 Airport Business Plan will be completed. The Plan will outline organizational priorities for the next five to eight years and will involve stakeholder engagement, a managerial and environment assessment, benchmarking, evaluation of feasible Airport development scenarios, development of strategic initiatives and objectives, and an implementation and monitoring plan.

Airport Road Improvements – Final design of the various elements of this multi-phase, multi-element project will be completed by December 2019. Start of construction is planned for mid-2020.

Landside Access Pavement Rehabilitation – Ninety percent design was completed in the first quarter of FY 2019. In order to achieve efficiencies and economies of scale, the 90% design will be packaged with the Airport Road Improvements bid and is expected to begin construction in mid-2020.

Taxiways Papa 4, Charlie, and Foxtrot Widening – Airport Management and the General Consultant completed the design of the widening Taxiway Papa 4 and the widening and relocation of Taxiways Charlie and Foxtrot. Changes to FAA standards resulted in additional costs exceeding the original budget. Management applied for a supplemental grant totaling approximately \$2 million in federal funds in October 2018. The request is currently under review by the FAA. The construction portion was added to the Airport's capital plan for 2020, including a request for discretionary federal grant funds, in the event supplemental funds are not received.

Taxiways Papa 5, Charlie, Papa 9, and Papa 10 Widening Construction – This project involves widening the taxiway entrances to the FBO ramps to address aircraft excursions that have occurred during the busy traffic season. Design began in August 2019 and will be completed in the fall. Construction is expected to begin in mid-2020.

Air Traffic Control Tower Rehabilitation – Phase II – Airport Management will continue to pursue alternative options, consistent with the BRAA Procurement Code, to replace the Air Traffic Control Tower windows and complete this phase of the project.

GIS Implementation Phase 1 – Airport Management and the Airport General Consultant will complete Phase I of the GIS Implementation project in 2020. The project includes geospatial information gathering for all airport features and assets, database construction and FAA aGIS/eALP conversions. The project will be followed by Phase 2 in 2021.

Information Technology Equipment and Services – Airport Management will develop and release a Request for Proposals for a new contract to assist with the management of the Airport’s IT infrastructure and provide equipment and software support services.

Airport Security Program – A review of airport security program services was conducted in 2019 in preparation for the upcoming expiration of the existing contract. In 2020 Airport Management will develop a Request for Proposals to solicit proposals from qualified area security service providers and manage the transition to a new contract period.

Security/Emergency Response Training – Airport Management will continue to conduct Airport security and emergency response training classes with tenants, the Boca Raton Police Department, the Boca Raton Fire Department, and contract security staff to enhance overall airport security and emergency preparedness.

Enhancing Financial Performance

Clean Audit – Airport Management will work with the Secretary/Treasurer and the Authority’s external auditors to review the year’s financial transactions and conduct an audit in compliance with State Statutes and federal requirements.

Grant Funding – Approximately \$4.1 million in improvement projects will be planned, designed, and constructed. Working with the FAA and FDOT, over 89% of the project costs are expected to be reimbursed through grants.

Operating Margin – Airport Management will achieve an operating margin (not including projects and depreciation) of 30% or greater at the end of the fiscal year.

Expense Control – Operating expenses (not including projects and depreciation) will be controlled and shall not exceed 100% of the approved 2020 budget.

GASB 87 Implementation – Airport Management will work with the Secretary/Treasurer to evaluate and implement the requirements established by the Government Accounting Standards Board (GASB) in Statement No. 87: Leases.

External Auditor Services – Airport Management will work with the Secretary/Treasurer to develop a Request for Proposals and select an external auditing firm in compliance with State Statutes.

U.S. Customs and Border Protection Facility – Airport Management will analyze operational and revenue/expense data to determine appropriate service levels. The analysis will be based on existing and forecast demand, operating costs and revenue offsets.

Asset Inventory – Airport Management will complete the biennial inventory of Airport assets in accordance with Federal Grant regulations and Airport Authority policy.

Strengthening Community Relations

Social media – Social media presence during events and regular daily Airport activities will be enhanced through use of technology and timely posts, with a goal of increasing engagement by 10%.

Community Engagement – Activities related to the community engagement program will continue in FY 2020, including an annual toy drive, a Wings of Freedom veterans and student's day, an annual airport career day, the City's Fourth of July celebration, and the Chamber of Commerce's Community Cookout. Tenant and pilot outreach initiatives, including Airport employee appreciation and pilot meetings, will be held throughout the year to encourage dialogue and camaraderie among Airport tenants, employees, Airport users and the BRAA.

ADA Compliance – Airport Management will work with a consultant to audit and update the Airport Authority website to conform with Americans with Disabilities Act (ADA) standards.

Airport Observation Area – Airport Management and the General Consultant will design a dedicated observation area that can be used by the general public and aviation enthusiasts to watch airplane activity in a park-like setting.

Crisis Communication Plan – Airport Management will update the Crisis Communication Plan and implement training to ensure that the Management Team is prepared to respond promptly, accurately and confidently during an emergency; that information specific to different audiences is properly prepared and disseminated; and that the image of the Airport Authority is protected.

Media Kit – Airport Management will develop informational materials focused on the media in order to facilitate communication and coordination with reporters and news organizations.

Public Officials Outreach Materials – A briefing packet will be developed to provide relevant information to local, state and federal elected officials and their staff. The materials will include information on the Airport, its role in the community, and its legislative and strategic priorities.

Mitigating Airport Noise Impacts

Pilot Noise Abatement and Training Outreach – Airport Management will hold an airport-wide pilot meeting to discuss operational issues, airport projects, and emergency procedures.

Flight School Briefings – Airport Management will conduct briefings with on- and off-airport flight schools to discuss noise abatement procedures and minimize noise impacts.

Neighbor Outreach – Airport Management will coordinate with local homeowner associations to present noise abatement program information to concerned citizens as requested.

City of Boca Raton Development Review Process – The Airport will continue to coordinate with the City of Boca Raton regarding new developments planned in areas near the Airport to provide information regarding potential impacts to the surrounding airspace and impacts from air traffic.

Maximizing Land Opportunities

Evaluate Current Airport Land Use – Airport Management will evaluate the current land use and development on the west side of the Airport to ensure maximum useful development.

People

Employee Development – Employee development will continue in order to provide opportunities for job growth and to equip employees with critical skills to meet ever-changing conditions. Emphasis will be on earning job-related certifications and industry participation.

Employee Handbook Revision – Airport Management and Airport Legal Counsel will revise the employee handbook to ensure compliance with current employment laws and Florida Statutes and organizational best practices. Implementation will include employee training and certification as necessary.

Compensation Study – In keeping with organizational best practices, Airport Management will engage a consulting firm with expertise relevant to airports to conduct a study and make recommendations regarding employee compensation.



Memo

To: Melvin Pollack, Chair and Board Members

From: Clara Bennett, Executive Director

Date: August 21, 2019

RE: **State and Federal Laws related to Wireless Communication Equipment**

AGENDA ITEM X – A

Ms. Amy Petrick, Esquire, Lewis Longman Walker will present information on state and federal laws related to wireless communication equipment.

Wireless Facilities in Public Rights of Way

Prepared by Lewis Longman & Walker, P.A.

August 21, 2019



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Wireless Facilities

A distinction is made between small wireless facilities (“small cell”) and regular wireless facilities.

“Small wireless facility” means a wireless facility that meets the following qualifications:

- a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume... and
- b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. (does not include utility pole or ancillary equipment)

There is also a category called “micro wireless facility” 24x15x12 inches, 11 inch antenna.

F.S. 337.401(7)(b)(9)&(10).



Wireless Facilities - Small Cell Facilities Examples

Small Cell Facility Options

				
Hollow Power Pole Full Concealment	Freestanding Small Cell Full Concealment	Wood Power Pole Installation on Top of Pole	Wood Power Pole Installation in Communication Space	Strand Mount Attachment to Wires

Source: myedmondnews.com (March 24, 2019).

Presentation on Wireless Facilities
August 21, 2019

Wireless Facilities - Macro Cell Facilities Examples



Source: mynelloinc.com. (8/14/19)



Source: utilitycamo.com. (8/14/19)



Source: tacomapermit.com. (8/14/19)

Macro cell facilities can also be located on top of buildings with or without a pole.



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Wireless Facilities - 5G Facilities

- According to the Pensacola News Journal (August 13, 2019), 5G facilities use higher frequency, have shorter ranges, and are usually small cell facilities, which means hundreds of small cell facilities are projected to be installed throughout Florida.
- Other news outlets predict that thousands of facilities will be required to fully provide 5G in South Florida alone, which is identified as an underserved market for 5G. (South Florida Sun Sentinel, February 22, 2019.)
- In 2017, the laws governing the placement of utilities within public road rights-of-way were amended to facilitate this trend.
- Several cities have sued, challenging the requirement to allow co-located facilities on municipal utility poles for a limited charge of \$150 per year.



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Federal and State Statutes Both Restrict Local Government Regulation of Wireless Facilities

47 U.S.C. s. 332(7) - addresses the limited preservation of local government zoning authority against a general preemption of state and local regulation of wireless communication facilities.

- cannot discriminate
- cannot prohibit
- have to meet “Shot clock” for responding. (The state has its own “shot clock” provisions discussed below.)

However, 47 U.S.C. s. 253 provides that nothing in the Telecommunications Act affects a local government’s authority to manage its rights of way.



Florida Statutes 337.401

Governs regulation of wireless facilities in public rights of way.

Key Provisions:

- *Can regulate.*
- *Can require a permit, but not a franchise.*
- *Regulations must be competitively neutral and non-discriminatory.*
- *Regulations must be related to placement, maintenance of facilities.*
- *Regulations must only include those matters necessary to manage the road or the right-of-way.*
- *Limited right to charge fee for processing permit, cannot be more than \$100 (\$150 to co-locate on an authority utility pole).*
- *Can limit height for small wireless (50 feet or 10 feet above pole).*
- *Special limitations for co-location.*
- *Time limitations for responding to applications.*
- *Limited design requirements available.*
- *Litigation exposure Including attorney's fees for violations.*



Florida Statutes 337.401

General Right to Regulate

(1)(a) The department and local governmental entities, referred to in this section and in [ss. 337.402](#), [337.403](#), and [337.404](#) as the “authority,” that have jurisdiction and control of public roads ... **are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way** limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures referred to in this section and in [ss. 337.402](#), [337.403](#), and [337.404](#) as the “utility.”



Florida Statutes 337.401

Permit Required, No Discrimination

(2) The authority may grant to any person who is a resident of this state, or to any corporation which is organized under the laws of this state or licensed to do business within this state, the use of a right-of-way for the utility in accordance with such rules or regulations as the authority may adopt. **No utility shall be installed, located, or relocated unless authorized by a written permit issued by the authority.**

(3)(a) Because of the unique circumstances applicable to providers of communications services...and the fact that federal and state law require the nondiscriminatory treatment of providers of telecommunications services, and because of the desire to promote competition among providers of communications services, it is the intent of the Legislature that municipalities and counties treat providers of communications services in a **nondiscriminatory and competitively neutral manner** when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or rights-of-way.



Florida Statutes 337.401

Limits on Regulatory Scope and Fees

(3)(a)...Except as provided in this chapter or otherwise expressly authorized by chapter 202, chapter 364, or chapter 610, a municipality or county may not adopt or enforce any ordinance, regulation, or requirement as to the placement or operation of communications facilities in a right-of-way by a communications services provider authorized by state or local law to operate in a right-of-way; regulate any communications services; **or impose or collect any tax, fee, cost, charge, or exaction for the provision of communications services over the communications services provider's communications facilities in a right-of-way.**

(3)(b)...Any rules or regulations ...**must be related to the placement or maintenance of facilities in such roads or rights-of-way, must be reasonable and nondiscriminatory, and may include only those matters necessary to manage the roads or rights-of-way of the municipality or county.**

(c) In addition to the limitations set forth in this section, a fee levied by a municipality or charter county under this paragraph may not exceed \$100



Florida Statutes 337.401

Height

(5) An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.



Florida Statutes 337.401

Special Rules for Co-location

(7)(c) ... an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way or for the installation, maintenance, modification, operation, or replacement of utility poles used for the collocation of small wireless facilities in the public rights-of-way.

(7)(d) An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority.

(7)(d)2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes... An applicant may not be required to provide inventories, maps, or locations of communications facilities in the right-of-way other than as necessary to avoid interference with other at-grade or aerial facilities located at the specific location proposed for a small wireless facility or within 50 feet of such location.



Florida Statutes 337.401

Special Rules for Co-location

337.401(7)(d)3. An authority may not:

- a. Require the placement of small wireless facilities on any specific utility pole or category of poles;
- b. Require the placement of multiple antenna systems on a single utility pole;
- c. Require a demonstration that collocation of a small wireless facility on an existing structure is not legally or technically possible as a condition for granting a permit for the collocation of a small wireless facility on a new utility pole except as provided in paragraph (i);



Florida Statutes 337.401

Special Rules for Co-location

337.401(7)(d)3. An authority may not:

- d. Require compliance with an authority's provisions regarding placement of small wireless facilities or a new utility pole used to support a small wireless facility in rights-of-way under the control of the department unless the authority has received a delegation;
- e. Require a meeting before filing an application;
- f. Require direct or indirect public notification or a public meeting for the placement of communication facilities in the right-of-way;
- g. Limit the size or configuration of a small wireless facility or any of its components, if the small wireless facility complies with the size limits in this subsection;
- h. Prohibit the installation of a new utility pole used to support the collocation of a small wireless facility if the installation otherwise meets the requirements of this subsection; or
- i. Require that any component of a small wireless facility be placed underground except as provided in paragraph (i).



Florida Statutes 337.401

Special Rules for Co-location

337.401(7)(d)4. Subject to paragraph (r), an authority may not limit the placement, by minimum separation distances, of small wireless facilities, utility poles on which small wireless facilities are or will be collocated, or other at-grade communications facilities.

However,

- There is a negotiation period on 14 days notice to relocate, place on an alternative authority utility pole or support structure or placed on a new utility pole.
- The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request.
- If the alternative location is accepted by the applicant, the applicant must notify the authority ...and the application shall be deemed granted... and all other locations in the application.
- If an agreement is not reached, the applicant must notify the authority ...and the authority must grant or deny the original application within 90 days after the date the application was filed.



Florida Statutes 337.401

Timing

337.401(7)(d):

7. Within 14 days after receiving an application, an authority must ... notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the authority fails to provide notification to the applicant within 14 days.

8. ..A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. ...[T]he parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.

9. ...The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. ...If an authority provides for administrative review of the denial of an application, the review must be complete and a written decision issued within 45 days after a written request for review is made. ...



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Florida Statutes 337.401

Grounds for Denial

337.401(7)(d)11. An authority may deny an application to collocate ... or place a utility pole ... in the public rights-of-way if the proposed ...facility:

- a. Materially interferes with the safe operation of traffic control equipment.
- b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
- c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
- d. Materially fails to comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.
- e. Fails to comply with applicable codes.
- f. Fails to comply with objective design standards authorized under paragraph (r).



Florida Statutes 337.401

Conditions - Insurance, Bonds, and Indemnity

337.401(7)(d)(12) -

- An authority may adopt by ordinance provisions for insurance coverage, indemnification, force majeure, abandonment, authority liability, or authority warranties.
- Such provisions must be reasonable and nondiscriminatory.
- An authority may require a construction bond to secure restoration of the postconstruction rights-of-way to the preconstruction condition. However, such bond must be time-limited to not more than 18 months after the construction to which the bond applies is completed. ...the authority shall accept a letter of credit or similar financial instrument ... A provider of communications services may add an authority to any existing bond, insurance policy, or other relevant financial instrument, and the authority must accept such proof of coverage without any conditions other than consent to venue for purposes of any litigation to which the authority is a party.
- An authority may not require a communications services provider to indemnify it for liabilities not caused by the provider, including liabilities arising from the authority's negligence, gross negligence, or willful conduct.



Florida Statutes 337.401

Airport Airspace Protections Preserved and FDOT Manual Compliance Required:

337.401(7)(d)15. - A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.

337.401(9) - All work in the authority's rights-of-way under this section must comply with the 2017 edition of the Florida Department of Transportation Utility Accommodation Manual.



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Florida Statutes 337.401

Design Standards:

337.401(7)(r) - An authority may require wireless providers to comply with objective design standards adopted by ordinance. The ordinance may only require:

1. A new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color;
2. Reasonable spacing requirements concerning the location of a ground-mounted component of a small wireless facility which does not exceed 15 feet from the associated support structure; or
3. A small wireless facility to meet reasonable location context, color, camouflage, and concealment requirements, subject to the limitations in this subsection; and
4. A new utility pole used to support a small wireless facility to meet reasonable location context, color, and material of the predominant utility pole type at the proposed location of the new utility pole.

Such design standards under this paragraph may be waived by the authority upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or utility pole or are technically infeasible or that the design standards impose an excessive expense. The waiver must be granted or denied within 45 days after the date of the request.



Florida Statutes 337.401

Remedies for Violations:

(8)(a) Any person aggrieved by a violation of this section may bring a civil action in a United States District Court or in any other court of competent jurisdiction.

(b) The court may:

1. Grant temporary or permanent injunctions on terms as it may deem reasonable to prevent or restrain violations of this section; and
2. Direct the recovery of full costs, including awarding reasonable attorney fees, to the party who prevails.



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Recommendations

- Coordinate with City, FDOT, and FAA partners.
- Establish an adopted set of rules.
- Establish shot clock procedures.



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Presentation on Wireless Facilities
August 21, 2019

Thank you.

Questions?



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