



MARIPOSA COUNTY

Public Works · 209 966 5356



RESOLUTION - ACTION REQUESTED 2019-490

MEETING: August 20, 2019

TO: The Board of Supervisors

FROM: Mike Healy, Public Works Director

RE: Adopt a Resolution for Grant Fund Match from the FAA

RECOMMENDATION AND JUSTIFICATION:

Adopt a Resolution Authorizing the Public Works and Transportation Director to Submit an Application, Accept an Allocation of Funds and Sign Grant Agreements with California Department of Transportation, for an Airport Improvement Program (AIP) Matching Grant.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

On February 5, 2019, Resolution 2019-71 was adopted by the Board authorizing the Director of Public Works & Transportation to File a US Department of Transportation Application for Federal Assistance to Fund Design and Construction of Airport Airfield Improvements.

On July 23, 2019, Resolution 2019-439 was adopted by the Board Accepting an FAA Grant in the Amount Not to Exceed \$600,000 to Rehabilitate the Airport Apron Pavement, and Authorize the Director, Public Works & Transportation to Award Construction Contracts, Construction Inspection Agreement; and Sign Acceptance Documents Between the County and the FAA and Caltrans (Subject to County Counsel Approval as to Form).

Resolution 2019-71 and Resolution 2019-439 were not considered by the FAA to be "Formal" (conforming) Resolutions. Recently the FAA has Requested a Formal Resolution to move forward, therefore this item is to Adopt a Formal Resolution with no other Changes from Resolutions 2019-71 and 2019-439.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

Do not approve, the County would lose this funding opportunity and the money would be de-obligated.

ATTACHMENTS:

FAA Resolution (DOCX)

MARIPOSA COUNTY BOARD OF SUPERVISORS RESOLUTION 19-490

A resolution of the Mariposa County Board of Supervisors authorizing the submittal of an application, acceptance of an allocation of funds and execution of a grant agreement with the California Department of Transportation for an Airport Improvement Program (AIP) Matching Grant.

WHEREAS, the County of Mariposa and the Federal Aviation Administration are parties to federal AIP grant 3-06 grant #3-06-0147-014-2019 for the Apron Rehabilitation Project at the Mariposa/Yosemite Airport; and

WHEREAS, the California Department of Transportation, pursuant to Public Utilities Code Section 21683.1, provides grants of 5% of Federal Aviation Administration grants to airports; and

WHEREAS, the California Department of Transportation requires the Board of Supervisors to adopt a resolution authorizing the submission of an application for an AIP Matching grant.

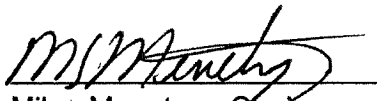
NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of the County of Mariposa, State of California:

1. Authorizes filing an application for a state AIP Matching grant for the project; and
2. Authorizes accepting the allocation of state AIP Matching funds for the project; and
3. Authorizes execution of an AIP Matching Grant Agreement for this project.

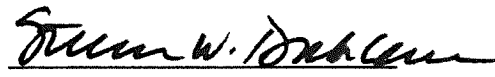
BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Mariposa does hereby authorize Mike Healy, Director of Public Works & Transportation to sign any documents required to apply for and accept the subject funds on behalf of the County of Mariposa.

I hereby certify the foregoing resolution was introduced and read at the regular meeting of the County Board of Supervisors of the County of Mariposa on the 20th day August, 2019, and the resolution was duly adopted at said meeting by the following vote:


AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY
NOES: NONE
ABSENT NONE
ABSTAIN NONE


Miles Menetrey, Chair
Board of Supervisors

APPROVED AS TO FORM:


Steven W. Dahlem
County Counsel

ATTEST:


Rene LaRoche
Clerk of the Board

**CALIFORNIA AID TO AIRPORTS PROGRAM
GRANT AGREEMENT - FEDERAL AIRPORT IMPROVEMENT PROGRAM MATCHING FUNDS**

THIS AGREEMENT, MADE AND ENTERED INTO ON THIS DATE BY AND BETWEEN THE STATE OF CALIFORNIA, Department of Transportation, hereinafter referred to as "STATE," AND THE County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "PUBLIC ENTITY."

SECTION I

1. **WHEREAS**, Section 21683.1 of the California Public Utilities Code authorizes the California Transportation Commission to allocate funds for a portion of the match for Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grants to certain airports upon the recommendations of the Department and pursuant to Department regulations set forth in Title 21, Chapter 2.5, Subchapter 4, Sections 4050, et seq., of the California Code of Regulations; and
2. **WHEREAS**, pursuant to the above authority, the California Transportation Commission allocated a maximum amount of **\$26,100** from the Aeronautics Account in the State Transportation Fund by **Resolution FDOA-2019-01 dated June 27, 2019**, the terms of which are made an express part of this Agreement.

NOW, THEREFORE, in consideration of the covenants and conditions hereinafter expressed, the parties agree as follows:

SECTION II

1. **PUBLIC ENTITY** shall perform or contract for all work necessary to complete the following described airport improvement(s) hereinafter referred to as **"IMPROVEMENT:"**

**Airport: Mariposa-Yosemite
Federal AIP Grant No.: 3-06-0147-014
Detailed Project Description: Apron Rehabilitation**

Items in AIP Grant that are **ineligible** for State Funding:

Total Federal AIP Grant	\$522,000
Less cost of ineligible items	\$0
Total amount of AIP Grant eligible for State Matching	\$522,000
MAXIMUM STATE PARTICIPATION: (5% of eligible items in AIP Grant)	\$26,100

2. **PUBLIC ENTITY** shall comply with all special conditions set forth in the Funding Resolution issued by the California Transportation Commission.

3. **PUBLIC ENTITY** shall deposit all monies received from **STATE** for **IMPROVEMENT** in the Mariposa-Yosemite Account within the **PUBLIC ENTITY's** Special Aviation Fund in accordance with Public Utilities Code Section 21684.
4. **PUBLIC ENTITY** shall allow authorized **STATE** representatives to inspect the work being performed at any time during construction of **IMPROVEMENT**.
5. **PUBLIC ENTITY** agrees to retain all books, records, and accounts relating to this Grant Agreement for a minimum of three (3) years from the date of final payment to **PUBLIC ENTITY** after completion of **IMPROVEMENT**, and shall make these documents available for examination by **STATE** upon request.
6. **PUBLIC ENTITY** shall comply with all applicable **STATE** laws and regulations.
7. **PUBLIC ENTITY** shall not on the grounds of race, color, or national origin, exclude any person from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance (42 U.S.C Sec 2000d).
8. **PUBLIC ENTITY** shall indemnify and hold harmless the **CALIFORNIA TRANSPORTATION COMMISSION** and the **STATE** and all officials and employees thereof from all claims, suits or actions of every kind, brought for, or on account of, any damage or liability occurring by reason of, or resulting from: anything done or omitted to be done by **PUBLIC ENTITY** under this Grant Agreement; with respect to the construction, operation and maintenance of the **IMPROVEMENT** any act or omission by the **PUBLIC ENTITY's** Contractor or agents during the process of constructing, operating or maintaining the **IMPROVEMENT**. **PUBLIC ENTITY's** duty to indemnify and save harmless shall include the duty to defend, as set forth in Section 2778 of the Civil Code.

SECTION III

1. **STATE** shall disburse the **STATE's** share of the project cost up to \$26,100 not to exceed five percent (5%) of payments received by the **PUBLIC ENTITY** from FAA, in the manner described in paragraph 2 of this section. However, in no event shall the total **STATE** disbursement exceed the sum of \$26,100 unless authorized by supplemental allocation from the California Transportation Commission and an amendment to this Agreement.
2. Upon receipt of request for payment by **PUBLIC ENTITY**, **STATE** agrees to make payments by one of the following methods:
 - (a) **PUBLIC ENTITY** may, no more often than monthly in arrears, submit certifications of the percentage of the work then completed, multiplied by 90 percent of the sum identified in paragraph 1 of this section along with a copy of invoice to the FAA; or
 - (b) **PUBLIC ENTITY** may submit copies of Contractor's invoices for materials and services delivered as a lump-sum payment request after construction of **IMPROVEMENT** has been completed, along with a copy of the corresponding invoice sent to the FAA.
3. Regardless of the number of progress payments submitted, 10 percent of the **STATE's** share indicated in paragraph 1 of this section shall be retained by **STATE** until final receipt of documentation acknowledging completion and acceptance of **IMPROVEMENT** by **PUBLIC ENTITY**

4. **PUBLIC ENTITY** shall submit a final invoice to the **STATE** for all allowable expenses incurred no later than 60 days after **IMPROVEMENT** completion and Final Payment is received by the FAA, otherwise the undisbursed balance shall revert to and become part of the fund from which the appropriation was made.
5. **PUBLIC ENTITY** shall refund to **STATE** any portion of the **STATE** funding share not expended to complete **IMPROVEMENT**.
6. After the project has been completed and accepted by the FAA. **STATE** will pay the 10% balance of the withheld **STATE** funds to **PUBLIC ENTITY**.

PUBLIC ENTITY'S ACCEPTANCE

County of Mariposa

By: 

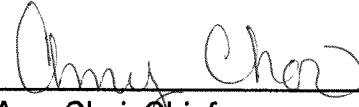
Title: DIRECTOR PUBLIC WORKS & TRANS.

Date: 8/26/19

STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION

Division of Aeronautics

By: 
Amy Choi, Chief
Division of Aeronautics

Date: 9/18/19

I hereby certify that allocated funds are available for the period and purpose of the expenditure stated above.

By: 
Aviation Funding Specialist

Date: 9/17/19

APPROVED AS TO FORM:


STEVEN W. DAHLEM
COUNTY COUNSEL