

Sub. 1 to 2020 RES - 052

GRANTING THE AIRPORT DIRECTOR AUTHORITY TO APPROVE PANDEMIC RELATED GRANTS AND PROVIDE TEMPORARY WAIVERS TO CONTRACT TERMS TO ASSIST TENANTS, OPERATORS AND CONCESSIONAIRES IN MAINTAINING OPERATIONS AND EMPLOYEES AT THE DANE COUNTY REGIONAL AIRPORT

The coronavirus pandemic continues to have an evolving impact on virtually every facet of our lives, and has been declared a public health emergency on a worldwide, national, and local basis. Authorities at all levels are issuing and regularly modifying far reaching restrictions on commerce, travel, work, and recreation in efforts to contain and delay the spread of the virus. Dane County has not been spared the extreme and unforeseeable effects of COVID-19, not only as it directly affects Dane County citizens and employees, but also in the manner the virus has impacted the many organizations and businesses that furnish important services under contract with the County.

As governments, businesses, families, and individuals make decisions curtailing travel and gatherings during the pandemic, airports and the many firms and individuals working in the air travel industry have seen a precipitous decline in demand for air travel related goods and services. As airlines throughout the world drastically reduce and cancel flights, the Dane County Regional Airport (the "Airport") has seen its commercial passenger numbers reduced by approximately 95%. Every lost passenger is not only lost to the Airport, but is also lost to the many businesses and employees that rely on air travelers for economic survival. Thus, the drastic decline in passenger traffic has not only decimated the airline industry, it has severely undermined, or even eliminated, related demand for services and goods offered by Airport tenants, operators, and concessionaires including, but certainly not limited to, retail sales, restaurants, and rental car services. Additionally, building owners and tenants in the Truax Air Park, a business and office park administered by the Airport, are experiencing shortfalls in business and rental income that threaten their ability to make timely payments under their leases with Dane County.

As is the case with airports around the nation, Airport tenants, operators, and concessionaires have requested accommodations to mitigate the financial impact of the COVID-19 pandemic, such as rent adjustment or abatement, and premises modifications. The Federal Aviation Administration, the regulatory agency controlling the nation's aviation industry, has concluded that certain accommodations based on pandemic related conditions are permissible under federal law. Airport management has determined that short term financial adjustments may be appropriate in some circumstances so that Airport tenants, operators, and concessionaires can remain solvent, keep their workers actively employed, and be available to provide necessary services when Airport passenger levels return to pre-crisis levels.

Further, in recognition that the coronavirus pandemic directly impacts the financial viability of each of the nation's airports, as well as the livelihood of those who offer services to the users of those airports, the Federal Government has enacted the Coronavirus Aid, Relief and Economic Security ("CARES") Act. Under the CARES Act, the Airport may qualify for monetary aid to help it sustain operations and development through the period of economic disruption caused by COVID-19. To avail itself of funds under the CARES Act or other similar programs that may be adopted, the Airport will have to promptly submit applications, financial and planning documentation, and comply with various certification and reporting requirements. In some cases, the timeframes and deadlines established to qualify for airport aid and relief funding may be very difficult to meet under Dane County's sometimes lengthy approval processes. The Airport Director and her staff have the capability to promptly prepare the documentation required to apply for airport relief funding and, under an appropriate delegation of authority, the Airport Director could approve, execute, and directly submit relief funding applications in a timely manner.

Any accommodations made for tenants or applications made for funding, will be listed and reported to the Airport Commission ~~upon request or at a pre-determined future meeting.~~

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby authorizes, until 12/31/2020, the Airport Director to approve and execute on behalf of Dane County documents granting short term waivers or accommodations related to contractual provisions that the Airport Director determines to be appropriate due to conditions arising from the present COVID-19 pandemic and affecting Airport tenants, operators, and concessionaires; and

BE IT FURTHER RESOLVED that the Airport Director is hereby authorized to prepare, approve, and execute on behalf of Dane County applications, certifications and documentation related to obtaining aid and funding for the Airport that may become available under governmental enactments and programs providing relief from the economic disruption caused by the coronavirus pandemic.

APPROVED:

Joe Parisi
Dane County Executive

Date: _____

Scott McDonell
Dane County Clerk

Date: _____