

RESOLUTION NO. R-2021-

A RESOLUTION authorizing acceptance of a grant from the Federal Aviation Administration (FAA) under the American Rescue Plan Act to provide economic assistance in response to COVID-19 operational impacts.

WHEREAS, the City owns and operates the Yakima Air Terminal-McAllister Field in accordance with applicable Federal, State, and Local regulations; and

WHEREAS, the 2019–20 coronavirus pandemic is an ongoing pandemic of coronavirus disease 2019 (COVID-19) that has reached more than 190 countries, causing economic distress on all forms of businesses including the transportation industry; and

WHEREAS, on Thursday, March 11, 2021, the President of the United States signed the American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117-2) to provide continued funding from the federal government throughout the FY 2021-2022 and to minimize the economic impacts and assist Cities throughout the nation with their response to the ongoing COVID-19 virus; and

WHEREAS, Title IV, Department of Transportation of the American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117) provides approximately \$8 Billion Dollars to support U.S. airports experiencing severe economic disruption caused by the COVID-19 public health emergency; the funds will be distributed to airports to prevent, prepare for, and respond to the COVID-19 public health emergency; and

WHEREAS, the grant funds are available to sponsors as defined in Section 47102 of title 49, United States Code; airport sponsors meeting statutory and policy requirements under this section and identified in the FAA's current National Plan of Integrated Airport Systems are eligible; and

WHEREAS, grant funds will be provided directly from the U.S. Treasury's General Fund to prevent, prepare for, and respond to the impacts of the COVID-19 public health emergency; the FAA's Office of Airports will administer grant funds to airport sponsors; and

WHEREAS, the Yakima Air Terminal-McAllister Field is presently eligible to receive a 2021 Airport Improvement Program (AIP) grant from the federal government and may not require the use of the airport sponsor's local 10% match funded under the Passenger Facility Charge Program (PFC); and

WHEREAS, the American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117), has allocated at least \$6.5 Billion Dollars in additional funding to Commercial Service Airports that may receive the additional funding for any purpose for which airport revenues may lawfully be used; the additional grant funding will be distributed to all Commercial Service Airports based upon a modified Airport Improvement Program apportionment while any remaining funds will be distributed based on the airport's passenger enplanements; and

WHEREAS, the American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117) funds may be utilized for cost related to operations and maintenance, construction, debt service payments, personnel, cleaning, sanitization, janitorial services, combating the threat of pathogens at the airport; and

WHEREAS, the American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117) also provides an additional \$800 million to primary airports based on enplanements "to provide relief from rents and minimum annual guarantee to on-airport car rental, on-airport parking, and in-terminal airport concessions"; and

WHEREAS, in accordance with the Act airport sponsors receiving the additional relief funding would be required to provide relief to airport concessioners from the date of enactment until the sponsor has provided an amount equal to the grant amount specifically allocated for concessions “to the extent practicable and to the extent permissible under state laws, local laws, and applicable trust indentures”; and

WHEREAS, an airport concession must certify to the airport sponsor that it has not received a second draw or assistance for a covered loan under section 7(a)(37) of the Small Business Act (15 U.S.C. 636(a)(37)) that has been applied toward rent or Minimum Annual Guarantee is eligible for the relief; and

WHEREAS, the City Council deems it to be in the best interest of the City and its residents to accept an American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117) grant from the Federal Aviation Administration for funds needed to accomplish previously identified capital improvements on the airport as well as for application to any purpose for which airport revenues maybe lawfully be utilized; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF YAKIMA:

1. The City Manager is hereby authorized and directed to accept additional American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117) grant funds from the Federal Aviation Administration to be applied to any purpose for which airport revenues may be lawfully used, in accordance with the FAA’s Policy and Procedures Concerning the Use of Airport Revenues (“Revenue Use Policy”), 64 Federal Register 7696 (64 FR 7696), as amended by 78 Federal Register 55330 (78 FR 55330). Additionally, the American Rescue Plan Act (ARPA) (H.R. 1319, Public Law 117), further provides that the grant funds may not be used for any purpose not related to the airport.

ADOPTED BY THE CITY COUNCIL this 20th day of July, 2021.

ATTEST:

Patricia Byers, Mayor

Sonya Claar Tee, City Clerk