AN ORDINANCE AUTHORIZING EXECUTION OF MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION’S STATE BLOCK GRANT AGREEMENT, AMENDMENT #3, AIRPORT IMPROVEMENT PROGRAM GRANT – PROJECT 16-111A-2, TO EXTEND THE PROJECT TIME PERIOD TO ALLOW FOR COMPLETION OF THE WORK FOR DESIGN RUNWAY ELECTRICAL LIGHTING SYSTEM REHABILITATION AND NEW VAULT AT ST. CHARLES COUNTY REGIONAL AIRPORT - SMARTT FIELD

WHEREAS, pursuant to Section 135.410, Ordinances of St. Charles County, Missouri ("OSCCMo"), St. Charles County has applied for the grant identified in this ordinance; and

WHEREAS, the County Council adopted Ordinance 17-035 in April of 2017 for the design of the rehabilitation of the airport’s airfield lighting system; and

WHEREAS, the County Council adopted Ordinance 17-078 in August of 2017 for Amendment #1 to State Block Agreement, CFDA #20.106 for Project No. 16-111A-2 which covers the construction costs of the improvements; and

WHEREAS, the County Council adopted Ordinance 18-039 in May of 2018 for Amendment #2 to State Block Agreement,
CFDA #20.106 for Project No. 16-111A-2 which extends the project time period of October 2017 to December 31, 2018 to allow for completion of the work; and

WHEREAS, the Missouri Highways and Transportation Commission has offered Amendment #3 to State Block Grant from the Federal Aviation Administration (“FAA”) to St. Charles County to extend the project time period of December 31, 2018 to December 1, 2020 to allow for completion of the work; and

WHEREAS, there are no costs associated with Amendment #3 to State Block Agreement, CFDA #20.106 for Project No. 16-111A-2; and

WHEREAS, completion of this project provides St. Charles County Regional Airport – Smartt Field with improvements and benefits the residents of St. Charles County; and

WHEREAS, the St. Charles County Charter, Article VI, Section 6.208 authorizes the County Council to provide by ordinance any and all procedures for administering the budget that are necessary and that do not conflict with the language contained in the Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County Executive is hereby authorized to execute the EXHIBIT A attached hereto, Amendment #3 to
Section 2. Compliance with the terms of Amendment #3 to State Block Grant Agreement, CFDA #20.106 for Project No. 16-111A-2 shall be the responsibility of the Highway Department.

Section 3. This ordinance shall be in full force and effect from and after the date of its passage and approval and such grant agreements shall be valid upon its execution by the appropriate officials of each governmental entity entering into the agreement as required by Chapter 70 of the Revised Statutes of Missouri.
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
AMENDMENT TO STATE BLOCK GRANT AGREEMENT

AMENDMENT #3

THIS AGREEMENT AMENDMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the County of St. Charles (hereinafter, "Sponsor").

WITNESSETH:

WHEREAS, the parties entered into an Agreement executed by the Sponsor on April 11, 2017, and executed by the Commission on April 18, 2017, (hereinafter, "Original Agreement") under which the Commission granted the sum not to exceed Sixty-Nine Thousand Seven Hundred Thirty-One Dollars ($69,731) to the Sponsor to assist with Design Runway Electrical Lighting System Rehabilitation and New Vault; and

WHEREAS, the parties entered into an Amendment #1 to the Original Agreement executed by the Sponsor on August 31, 2017, and executed by the Commission on September 20, 2017, (hereinafter, "Amendment #1") under which the Commission granted an additional sum not to exceed Five Hundred Seventeen Thousand Seven Hundred Fifty-Eight Dollars ($517,758) to the Sponsor to assist with Design and Construct Runway Electrical Lighting System Rehabilitation and New Vault; and

WHEREAS, the parties entered into an Amendment #2 to the Original Agreement executed by the Sponsor on May 23, 2018, and executed by the Commission on May 29, 2018, (hereinafter, "Amendment #2") under which the parties agreed to extend the project time period from October 1, 2017 through December 31, 2018 to allow for completion of the work; and

WHEREAS, the parties wish to further extend the project time period to allow for completion of the work.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations in this Agreement, the parties agree as follows:

(1) PROJECT TIME PERIOD: Based upon the revised project schedule, the project time period of December 31, 2018 will be extended through December 1, 2020,
to allow for completion of the work. Paragraph (1) of Amendment #2 is hereby amended accordingly.

(2) SPECIAL CONDITIONS:

(A) The project will be carried out in accordance with the assurances (Exhibit 1) given by the Sponsor to the Commission as specified in the Original Agreement.

(B) This Amendment shall expire and the Commission shall not be obligated to pay any part of the costs of the project unless this grant amendment has been executed by the Sponsor on or before May 15, 2020, or such subsequent date as may be prescribed in writing by the Commission.

(C) All other terms and conditions of the Original Agreement, Amendment #1 and Amendment #2 entered into between the parties shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below:

Executed by the Sponsor this ___ day of ____________, 20__.

Executed by the Commission this ___ day of ____________, 20__.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

Title ____________________________

Secretary to the Commission

By ________________________________

Title ____________________________

Commission Counsel

County of St. Charles

By ________________________________

Title ____________________________

Approved as to Form:

Title ____________________________

Ordinance No. ____________________
CERTIFICATE OF SPONSOR'S ATTORNEY

I, __________________________, acting as attorney for the Sponsor do hereby certify that in my opinion the Sponsor is empowered to enter into the foregoing grant Agreement under the laws of the State of Missouri. Further, I have examined the foregoing grant Agreement and the actions taken by said Sponsor and Sponsor's official representative have been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said state and the Airport and Airway Improvement Act of 1982, as amended. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said grant constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

COUNTY OF ST. CHARLES

_________________________________________________________________
Name of Sponsor's Attorney (typed)

_________________________________________________________________
Signature of Sponsor's Attorney

Date ___________________________