



## Legislation Details (With Text)

<b>File #:</b>	21-0834	<b>Version:</b>	1	<b>Name:</b>	6/7/21 Approve Two Supplemental Agreements with the FAA for Facilities at the Ann Arbor Airport
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	6/7/2021	<b>In control:</b>	City Council		
<b>On agenda:</b>	6/7/2021	<b>Final action:</b>	6/7/2021		
<b>Enactment date:</b>	6/7/2021	<b>Enactment #:</b>	R-21-194		

**Title:** Resolution to Approve Two Supplemental Agreements with the Federal Aviation Administration for 1) Land Lease Agreement for the Air Traffic Control Tower and 2) Memorandum of Agreement for Navigation, Communication and Weather Aids Located at the Ann Arbor Municipal Airport

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. FAA ATCT Lease Suppl Agrmnt 0421.pdf, 2. FAA Navaid MOA Suppl Agrmnt 0421.pdf, 3. FAA ATCT Lease 0920.pdf, 4. FAA Navaid MOA 0920.pdf

Date	Ver.	Action By	Action	Result
6/7/2021	1	City Council	Approved	Pass

Resolution to Approve Two Supplemental Agreements with the Federal Aviation Administration for 1) Land Lease Agreement for the Air Traffic Control Tower and 2) Memorandum of Agreement for Navigation, Communication and Weather Aids Located at the Ann Arbor Municipal Airport  
On September 21, 2020, City Council approved two agreements with the Federal Aviation Administration (FAA) for their facilities located at the Ann Arbor Municipal Airport. The first agreement was a land lease for the property that houses the FAA's Air Traffic Control Tower. The second agreement was a Memorandum of Agreement (MOA) for siting and access to federally owned and maintained navigation, communication and weather aids located at the airport.

After approval by Council and prior to execution by the FAA, the recently adopted John S. McCain National Defense Authorization Act (Pub. L. 115-232) was implemented and it contains prohibitions regarding certain telecommunications and video surveillance equipment manufactured in the People's Republic of China. The FAA is prohibited from entering into contracts with any entity that uses any of this prohibited equipment because of national security concerns.

After an Information Technology Unit review of our communications and video surveillance equipment, it has been determined that the City does not own or operate any of the prohibited technology. In addition, the City does not provide any electronic services or equipment to the FAA. To comply with the new requirements, the City should approve the supplemental agreements which represents that the City will not provide equipment or services to the FAA and does not use any of the prohibited technology.

The two supplemental agreements are identical other than the reference to the original agreements. The City Attorney's Office has reviewed the proposed supplemental agreements and finds them to be appropriate.

**Budget/Fiscal Impact:** The proposed supplemental agreements have no impact on the Airport's Operating and Maintenance budget.

Prepared by: Matthew J. Kulhanek, Fleet & Facilities Unit Manager

Reviewed by: John Fournier, Assistant City Administrator

Approved by: Tom Crawford, City Administrator

Whereas, On September 21, 2020 City Council approved two agreements with the Federal Aviation Administration (FAA) regarding the air traffic control tower and navigation, communication and weather aids located at the Ann Arbor Municipal Airport;

Whereas, To comply with the recently enacted Section 889 of the John S. McCain National Defense Authorization Act (Pub. L. 115-232), the FAA requires supplemental agreements with any entity that they contract with to ensure that prohibited technology is not being used; and

Whereas, The City's Information Technology Unit has reviewed and confirmed that we do not own or operate any of the technology on the prohibited list nor do we provide any equipment or services to the FAA.

RESOLVED, That City Council approve the supplemental agreement to the Land Lease Agreement between the City of Ann Arbor and the Federal Aviation Administration for the Air Traffic Control Tower located at 875 Airport Drive that was approved on September 21, 2020;

RESOLVED, That City Council approve the supplemental agreement to the Memorandum of Agreement between the City of Ann Arbor and the Federal Aviation Administration for navigation, communication and weather aids located at the Ann Arbor Municipal Airport that was approved on September 21, 2020;

RESOLVED, That the Mayor and City Clerk be authorized and directed to sign said supplemental agreements upon approval as to form by the City Attorney, and upon approval as to substance by the City Administrator; and

RESOLVED, That the City Administrator be authorized to take the necessary actions to implement this resolution.