

AGENDA

SPECIAL CALLED MEETING OF MAYOR AND COUNCIL CITY OF FOREST PARK

January 9, 2018

5:30 p.m.

745 Forest Parkway

- I. Call to order Mayor Butler
- II. Professional Services for Development Authority and URA (Urban Redevelopment Agency)
- III. Review of Development Authority Matters
- IV. Discussion of Economic Development Director
- V. Discussion of Council Retreat
- VI. Discussion of Format for Resolutions and Ordinances
- VII. FAA – Legislation
- VIII. Discussion of GMA (Georgia Municipal Association) Training
- IX. Discussion of Ethics Board and Appointments
- X. Executive Session for Personnel, Litigation, and Real Estate

STATE OF GEORGIA

CITY OF FOREST PARK

RESOLUTION NO. _____

A RESOLUTION TO APPROVE PARTICIPATION IN AN AGREEMENT THAT FINCHER DENMARK LLC ANTICIPATES EXECUTING WITH VAN SCOYOC ASSOCIATES, INC. (VSA) ON BEHALF OF THE MUNICIPALITIES OF CLAYTON COUNTY, CLAYTON COUNTY GOVERNMENT AND THE CLAYTON COUNTY BOARD OF EDUCATION FOR THE PROVISION OF LOBBYING SERVICES WORKING BEFORE THE U. S. CONGRESS WITH REGARD TO THE COLLECTION ON LOCAL SALES TAXES ON AVIATION FUELS AND TO AUTHORIZE THE MAYOR TO EXECUTE THE PARTICIPATION AGREEMENT ON BEHALF OF THE CITY OF FOREST PARK.

WHEREAS, the governing authority of the City of Forest Park, Georgia (referred to as the “City”) is the Mayor and City Council; and

WHEREAS, the City recognizes there is a need to eliminate or mitigate potential financial impacts relating to the loss of local option sales taxes pursuant to the enforcement of a Federal Aviation Administration (referred to as “FAA”) policy that requires local taxes on aviation fuel to only be used for aviation purposes; and

WHEREAS, the FAA policy has an enforcement date of December 8, 2017 that has been delayed related to Clayton County through an agreement with the U.S. Department of Justice. The FAA will, if a decision by the Court does not reverse or delay such enforcement, require local sales taxes on aviation fuel be remitted to Hartsfield-

Jackson Atlanta International Airport's (referred to as "H-JAIA") net of quantifiable offsets as described in the FAA policy; and

WHEREAS, the City has joined with the other Clayton County municipalities, Clayton County government and the Clayton County Board of Education to oppose this requirement that will cost the City approximately \$1,000,000.00 annually in local option sales tax revenue or almost 17% of the total annual local option sales tax revenue; and

WHEREAS, the governing authority of the City desires to seek ways to mitigate or eliminate this financial impact and wishes to participate with other Clayton County governments in an effort guided by Van Scoyoc Associates, Inc. (referred to as "VSA"); and

WHEREAS, principals with VSA successfully provided similar services for the Clayton County governments and this agreement represents a four (4) month extension of that services agreement; and

WHEREAS, the extension agreement with VSA is expected to commence January 1, 2018 and end April 30, 2018 at a total monthly fee of \$6,000.00. The City's share of that fee would be based on the local option sales tax distribution percentage of 11.28% or approximately \$338 per month of the \$3,000 that is allocated to the city and Clayton County governments; and

WHEREAS, this resolution would benefit the residents of the City of Forest Park, Georgia if there is an offset to the loss of local option sales

tax revenue through the assistance and efforts of the aforementioned lobbying by VSA.

NOW THEREFORE, BE IT AND IT IS HEREBY RESOLVED THAT: the governing authority of the City of Forest Park, Georgia hereby authorizes the Mayor to execute an agreement and other form of acknowledgement for participation in the lobby services arrangement with VSA (copy attached) through the Firm of Fincher Denmark LLC.

SO RESOLVED, this ____ day of _____, 2018.

CITY OF FOREST PARK, GEORGIA

Angelyne Butler, Mayor

Kimberly James
Councilmember, Ward One

Dabouze Antoine
Mayor Pro-tem, Ward Two

Sandra Bagley
Councilmember, Ward Three

Latresa Wells
Councilmember, Ward Four

Allan Mears
Councilmember, Ward Five

ATTEST:

Mike Blandenburg, City Clerk

APPROVED AS TO FORM:

City Attorney



TO: Steven Fincher
FROM: Steve Palmer and Channon Hanna
DATE: December 8, 2017
SUBJECT: Proposal: 2018 Legislative Strategy for Clayton County Entities on Aviation Fuels Sales Tax

Thank you for the opportunity for Van Scoyoc Associates (VSA) to submit this proposed statement of work and fee structure to continue working in support of the Clayton County Entities (CCE) on the issue of restoring the ability of the CCE and other local governments to retain the revenues from sales taxes on aviation fuels. After review of this brief document, we would welcome the opportunity to talk further with you. As we proposed last year, we would be happy to travel to Clayton County to discuss this proposal and our legislative strategies.

In 2018, Congress will continue to face a number of challenges, some of which present opportunities to seek a legislative solution to the aviation sales tax issue. Outlined below is a legislative strategy for the CCE, as we seek to use Congress to change the FAA's interpretation of general sales taxes on aviation fuel as CCE continues to pursue a ruling from the courts.

Possible Legislative Vehicles

There are at least three legislative opportunities for the CCE to work on our own and in coordination with other entities aggrieved by the FAA interpretation. In every situation, we will continue to work with Representative David Scott and Representative John Lewis, but our highest priority remains securing a Republican sponsor for a legislative solution. We believe that Senators Isakson and Perdue, along with Representative Drew Ferguson and Representative Rob Woodall remain candidates to step forward. Likewise, we will continue to coordinate with the lobbyists from California to target a Republican member of that State's delegation.

1. FAA Reauthorization Legislation

The current FAA authorization expires on March 31, 2018. House Transportation and Infrastructure Chairman Bill Shuster (R-PA) was successful in getting his FAA Reauthorization bill, H.R. 2997, the 21st Century Aviation Innovation, Reform and Reauthorization (AIRR) Act approved by the Committee. Debate by the full House of Representatives on this legislation has been postponed twice over a controversial proposal in the bill which would privatize the air traffic control organization. We were successful during the Transportation and Infrastructure Committee's consideration of H.R. 2997 in having Representative Alan Lowenthal (D-CA) and Representative Grace Napolitano (D-CA) to file an amendment that would have exempted all state and local generally applicable sales taxes to the FAA policy on fuel taxes. While the amendment was ultimately withdrawn due to the lack of support by the Chairman,

Representatives Lowenthal and Napolitano were successful in getting the Chairman to commit to trying to find a solution that helps state and local governments.

Before any bill can be debated by the full House, it must be given a rule outlining which amendments are in order and can be offered. During the Rules Committee amendment process, we worked closely with Reps. Lowenthal and Napolitano on an amendment that would be more satisfactory to Chairman Shuster. The amendment would exempt voter-approved generally applicable sales taxes that were in effect prior to September 30, 2017 and would allow generally applicable sales taxes to be spent on surface transportation projects, as well as aviation purposes. We also were successful in getting both Representatives Scott and Lewis to co-sponsor the amendment, in the hopes that should the amendment be successful, they could work to help perfect the amendment during a conference on the bill with the Senate. Further, we were successful in getting Congressman Lewis to file an amendment to the FAA bill which would exempt non-airport sponsors from the FAA policy. Unfortunately, due to the controversial nature of the bill, unrelated to our issue, the House Rules Committee pulled the FAA bill from consideration.

In the Senate, the FAA Reauthorization bill was a broadly bi-partisan process. However, during the markup, Commerce Committee Chairman Thune added a controversial amendment which would relax pilot training rules that were put into place after the 2009 Colgan Air crash. Due to the threat of a filibuster over that rule change, the Senate bill will likely not be brought to the full Senate for its consideration until that language is amended or removed.

With FAA's authority not slated to expire until March 31, 2018, it gives Congress time to work out these controversial issues with the FAA reauthorization bill, but it also presents us with an opportunity to continue to seek support for CCE's position as follows:

- Continue to gather support among House Transportation and Infrastructure Republicans and among House Rules Committee members for the Lowenthal/Napolitano/Scott/Lewis amendment and for the Lewis amendment.
- Work with Senator Isakson and Perdue on a possible amendment to the FAA Reauthorization bill.
- Work on building support with Republicans on the Senate Commerce Committee and Republicans on the Senate Commerce, Science and Transportation Committee in preparation for conference negotiations, should the bills move forward.

2. FY 2018 Appropriations

At the beginning of every year, the House and Senate Appropriations Committee accept requests from every Member of Congress for program funding levels and legislative language that the Committee consider including in their respective bills. This year, several California entities effected by this policy were successful in getting California Democratic Senator Dianne Feinstein to include language in the FY 2018 Senate Transportation, Housing and Urban Affairs (THUD) report, which ask DOT to delay enforcing the FAA's policy and work with local governments to develop a path forward to allow the use of local sales tax revenues generated on the sale of aviation fuel to be used in a manner consistent with their intended purpose. While

DOT did not delay enforcement of the rule, it did announce that it would consider individual requests for delays on a case-by-case basis.

In the coming year, we will make requests to the Georgia House and Senate delegations that they support a request for language in the FY 2019 appropriations bill which would prohibit FAA from using any funds to enforce this FAA policy. This would prohibit FAA from enforcing the policy during FY 2019 and allow CCE continuing time to get a permanent legislative solution.

Deadlines for submitting a request such as ours will likely be late-March or April, if not sooner. Some congressional offices will set their deadlines for the submission of funding and policy requests as early as February. This would be a one-year delaying tactic, but would put Congress firmly on record as opposing what the FAA has done.

- Immediately begin working to ask the Georgia Senators, Congressman David Scott and Congressman John Lewis to submit the legislative language to the Senate and House Appropriations Committees for possible inclusion in the FY 2018 Transportation, Housing and Urban Development Appropriations bill. The request would be for legislative language blocking enforcement of the FAA interpretation.
- There will likely be one member of the Georgia delegation on the Appropriations Committee again this year, Representative Sanford Bishop. We will again reach out to Representative Bishop's office for support and put in a formal appropriations request.
- We will work directly with the THUD subcommittee staff asking for their support of a stronger delaying provision or one that would overturn the FAA interpretation.

3. Infrastructure package

President Trump has said he will send a detailed infrastructure proposal to Congress in January. The proposal is likely to be much broader than aviation and transportation, possibly including energy, housing and hospitals. It will take time for Congress to develop a comprehensive bill as there will be a vigorous debate as to whether it should include additional revenues for direct spending on infrastructure versus utilizing private sector solutions. This will give VSA and CCE time to work for inclusion of our legislative provision through the following actions:

- Work with Senator Isakson, who is a member of the Finance Committee, to urge that he include language in an infrastructure package.
- Work with Representative David Scott and Representative John Lewis, a member of the House Ways and Means Committee, to do the same.
- Work with Members of the Georgia delegation on the House Transportation and Infrastructure Committee: Representatives Rob Woodall, Drew Ferguson and Hank Johnson.

Proposed Fee

As we have over the past 18 months, Van Scoyoc Associates proposes to work with CCE on a monthly retainer, rather than by the hour. Given the amount of work that we believe will be

needed in the coming months, we believe continuation of the current monthly retainer provides a cost-effective approach and is commensurate with the expected workload. Accordingly, we propose keeping the monthly retainer of \$6,000 which would cover all expenses, except any pre-approved long-distance travel.

We propose the consulting agreement run for four (4) months through the end of April 2018 with the contract beginning on January 1, 2018 and continuing through April 30, 2018. This will enable VSA and the CCE team to aggressively push all three of the legislative vehicles discussed above and set the stage for a possible long-term solution.

We believe significant progress has been made on the legislative front and look forward to continuing our relationship with the CCE and the entire CCE team. We are happy to address any questions or issues that team members may have about this proposal or our lobbying efforts for the new year.

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