

“Exhibit A”

Section 1-3-8.20 – Customer Facility Charge

- (a) The Aviation Commission will determine the amount adequate to cover the capital, financing, maintenance, marketing, and operations allocable to the cost of providing infrastructure and facilities to the rental car industry and common use transportation equipment and facilities. In addition, the cost of collection, processing, enforcement of payment of the Customer Facility Charge, administration of the Customer Facility Charge and audits of all Concessionaire Rental Car Providers and Non-Concessionaire Rental Car Providers compliance with this Ordinance will be included in Customer Facility Charge. These amounts shall be the basis for calculating the Rental Car Customer Facility Charge.
- (b) The Customer Facility Charge shall be collected by Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider, as agent for the Aviation Commission, from customers and remitted to the Aviation Commission, as provided for below.
- (c) The Rental Car Customer Facility Charge shall be imposed on a transactional basis and shall be a fixed uniform amount applied each day, or fraction thereof, to each subject contract and shall be added to the amounts collected by Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider from the renter of the vehicle. The Rental Car Customer Facility Charge collected by Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider shall be the amount established by the Aviation Commission for all on-airport rental car operators at the Airport. It shall be collected from all customers of Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider, including customers receiving complimentary or discounted car rental under Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider's bona fide marketing plans.
- (d) An amount exactly equivalent to the Rental Car Customer Facility Charge collected or should have been collected by the Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider from customers shall be payable to the Aviation Commission. Such amount shall be immediately due to the Aviation Commission on collection by the Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider who shall be required to hold such amount in trust for the Aviation Commission's benefit. From the moment of collection, Customer Facility Charge proceeds shall be the Aviation Commission's property and Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider shall hold only a possessory interest, not an equitable interest, in these funds held in trust. The amount equivalent to that collected or which should have been collected shall be remitted by Concessionaire Rental Car Providers and Non-Concessionaire Rental Car Provider to Aviation Commission no later than the last day of each month.
- (e) Concessionaire Rental Car Providers and Non-Concessionaire Rental Car Providers shall maintain records and controls which are sufficient to demonstrate the correctness of the Rental Car Customer Facility Charge revenue collected and the amount of Rental Car Customer Facility Charges paid to the Aviation Commission. The records shall be subject to the same audit and review requirements as all other remittances as outlined in Section 11 of this Ordinance.

- (f) ~~The current Rental Car Customer Facility Charge is three dollars and fifty cents (\$3.50) per Contract Day. As used in this Ordinance, "Contract Day" means each twenty four (24) hour period, and each fraction thereof, during which a motor vehicle having been delivered by Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider to each customer at the Airport is rented by such customer from the Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider. Each fractional period less than a twenty four (24) hour period shall be deemed a Contract Day. The Aviation Commission may adjust the Rental Car Customer Facility Charge annually, based on estimates of Contract Days for the upcoming year. Approximately 60 days prior to the end of the Aviation Commission's fiscal year (December 31, annually), the Aviation Commission shall calculate the revised Rental Car Customer Facility Charge and notify each Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider of the new Rental Car Customer Facility Charge. Any credits or shortfalls from the prior fiscal year, as determined by the Aviation Commission, shall carry forward to the next fiscal year. Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider shall provide its estimate of rental days for the upcoming fiscal year no later than October 1, annually.~~

~~After receiving the estimate for the adjusted Rental Car Customer Facility Charge, Concessionaire Rental Car Providers and Non-Concessionaire Rental Car Providers may request a meeting to discuss the estimated Rental Car Customer Facility Charge. The request for such a meeting shall be made within twenty (20) days after the forwarding of the estimated rate for the upcoming fiscal year.~~

~~The adjusted Rental Car Customer Facility Charge shall become effective on January 1 of each year.~~

- (g) The number of transactions completed by Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider shall be reported to the Aviation Commission each month. The report, signed by an authorized agent of the Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider, is to be received no later than the last day of the month following such transactions and shall be remitted with the payment of the Rental Car Customer Facility Charge.
- (h) The Aviation Commission Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider acknowledge that it is anticipated that the individual members of the traveling public renting Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider's cars and directly benefiting from Airport infrastructure and facilities are to pay the Rental Car Customer Facility Charge on each transaction and that such renters are also subject to any sales tax imposed by the State for the lease or license of real property arising from the use of the facility. It shall be the responsibility of the Concessionaire Rental Car Provider and Non-Concessionaire Rental Car Provider to separately state any such tax liability on its rental contracts, to collect such tax and to remit it to the State.