



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#17-0529

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Cynthia A. Everett, City Attorney

DATE: April 19, 2017

TITLE: Resolution appointing the law firm of Kaplan Kirsch & Rockwell, LLP as Special Counsel, to represent the City of Fort Lauderdale in connection with proceedings commenced before the U.S. Dept. of Transportation Federal Aviation Administration by Atlantic Beechcraft Services, Inc. and Southeast Turbines Corp., and Issues Pertaining to the Payment In Lieu of Taxes Paid by the Fort Lauderdale Executive Airport in Fiscal Years 2010-2016.

Recommendation

It is recommended that the City Commission approve a resolution appointing the law firm of Kaplan Kirsch & Rockwell, P.A., as special counsel, to represent the City of Fort Lauderdale, as sponsor of the Fort Lauderdale Executive Airport ("FXE"), in connection with: (1) proceedings commenced before the U.S. Dept. of Transportation Federal Aviation Administration by Atlantic Beechcraft Services, Inc. and Southeast Turbines Corp., and (2) Issues pertaining to payments in lieu of taxes made by FXE in fiscal years 2010 to 2016.

Background

On April 10, 2017, the City was served with a Notice of Docketing from the FAA advising that a complaint had been filed with it on behalf of Atlantic Beechcraft Services, Inc. and Southeast Turbines, Corp. The Complaint asserts claims for alleged violations of grant assurances made by the City in connection with the use of airport property. The City's response to the Complaint is due on April 26, 2017.

On March 31, 2017, the City received a letter from the FAA making certain preliminary findings with respect to the payments in lieu of taxes made by FXE to the City's general fund in fiscal years 2010-2016. The City will need to respond to and address this issue with the FAA.

Resource Impact

Funds for this agreement in the amount of \$150,000 are available in the FY 2017 Budget in the account(s) listed below:

<i>Funds available as of April 12, 2017</i>					
ACCOUNT NUMBER	INDEX NAME (Program)	CHARACTER CODE/ SUB-OBJECT NAME	AMENDED BUDGET (Character)	AVAILABLE BALANCE (Character)	AMOUNT
468-TAM070101-3119	Executive Airport	Services & Materials/ Legal Services	\$2,610,286	\$1,192,585	\$150,000
TOTAL AMOUNT ►					\$150,000

Attachments:

Exhibit 1 – Resolution

Prepared by: Candace Renee Duff, Assistant City Attorney

Charter Officer: Cynthia A. Everett, City Attorney