

OMAHA AIRPORT AUTHORITY RESOLUTION

OFF-AIRPORT PARKING COMPANY USER FEE

WHEREAS, the Airport Authority of the City of Omaha (“Omaha Airport Authority”) is empowered to regulate the use of Eppley Airfield and its facilities (“Airport”); and

WHEREAS, the Omaha Airport Authority is charged with managing the day-to-day ground transportation operations and regulating the provisions of commercial ground transportation services at the Airport and has implemented, and from time to time modifies, a series of Commercial Ground Transportation Rules & Regulations (“CGTRR”) in furtherance thereof; and

WHEREAS, an Off-Airport Parking Company (“Parking Company”) is any public or private business that provides, procures and/or brokers off-Airport parking for a fee and provides transportation services (including 3rd party contracted transportation services) to/from the Airport. A Parking Company shall not include the contracted Omaha Airport Authority authorized on-airport parking services or the Omaha Airport Authority itself; and

WHEREAS, by its proximity to, combined with its use of Airport facilities and roadways, a Parking Company conducting business by picking up or dropping off its customers at the Airport derives direct economic benefit from the Airport as a result of said business; and

WHEREAS, a Parking Company is permitted to be in the business transporting passengers to / from the Airport by certain governmental entities, including but not limited to, and the extent applicable, the Federal Department of Transportation (“DOT”), Federal Aviation Administration (“FAA”), and the City of Omaha, Nebraska (“City”);

WHEREAS, a Parking Company is permitted to do business at the Airport by the Omaha Airport Authority as defined in Section 10.4, Permissions, of the CGTRR and has a valid Passenger Carrier Permit authorizing a Parking Company to do business by the Omaha Airport Authority at the Airport; and

WHEREAS, the Airport passengers are transported by a Parking Company, to and from the Airport property, roadways and designated commercial curb pick-up and drop-off zones in connection with customers arriving at or departing from the Airport; and

WHEREAS, the Omaha Airport Authority incurs operating, administration, and other necessary expenses related to the Airport roadways and the Commercial Vehicle Lanes (as defined below), and the Airport is required pursuant to regulations promulgated by the Federal Aviation Administration (“FAA”) to, among other things: “. . . maintain a fee and rental structure for the facility and services at the [Airport] which will make the [Airport] as self-sustaining as possible . . .”; and

WHEREAS, commercial ground transportation user fees are collected by most similarly sized airports throughout the Country; and

WHEREAS, in an effort to support portions of the operating, administration, and other necessary expenses related to the Airport and comply with the above referenced FAA regulation, the Omaha

Airport Authority will assess and charge user fees to a Parking Company for their access to the roadways and Commercial Vehicle Lanes at the Airport and for the access to airport passengers; and

WHEREAS, in consideration for payment by a Parking Company of such user fees (the “Off-Airport Parking Company User Fee”), the Omaha Airport Authority may grant to a Parking Company a non-exclusive privilege to access the facilities, roadways and Commercial Vehicle Lanes at the Airport; and

WHEREAS, a Parking Company wishes to maintain its access to Airport property including the roadways and Commercial Vehicle Lanes and passengers, and, therefore, is agreeable to remitting to the Omaha Airport Authority the Off-Airport Parking Company User Fee so as to receive from the Omaha Airport Authority the limited rights to access the roadways and Commercial Vehicle Lanes and passengers at the Airport in accordance with Airport, local, state and federal rules and regulations; and

WHEREAS, the Omaha Airport Authority shall have sole discretion to revoke a Parking Company’s Passenger Carrier Permit if a Parking Company does not comply with the CGTRR or the requirements of this Resolution.

BE IT RESOLVED:

Section A – Definitions:

1. “ADA” means the Americans with Disabilities Act.
2. “Commercial Vehicle Lanes”, for purposes of the CGTRR and this Resolution, means the Commercial Lanes (see Exhibit B of the CGTRR) and is defined as the outer lanes of the terminal drive west of the center island and adjacent to the right-hand curb.
3. “Gross Receipts” means all monies or other compensation received by a Parking Company from the conduct of its vehicle parking, vehicle storage business and/or shuttle services to Airport parking passengers or Airport tenant parking employees, which shall be separately accounted for by a Parking Company. This shall include, but is not limited to, charges on all sales, whether for cash or credit (without deduction for credit card fees), and receipts derived from reservation booking fees and/or all receipts from any 3rd party online parking aggregator, loyalty/membership program dues and, if applicable, amounts charged to customers to recover the Off-Airport Parking Company User Fees.

Gross Receipts; however, does not include:

- a. Any applicable sales tax or excise tax collected by a Parking Company;
 - b. Customer refunds for unsatisfactory service;
 - c. Monies received by a Parking Company from insurance carriers for vehicle or equipment damage or damage to automobiles;
 - d. Proceeds on the disposal of a Parking Company equipment, vehicles, or property;
 - e. Revenues received from car care services (e.g. car wash, oil change, detailing and related general vehicle maintenance/inspection services);
 - f. Revenues received for providing independent transportation services exclusively for non-Airport parking activity.
4. “Monthly Report” means the information and statement to be provided by a Parking Company documenting their Gross Receipts for the preceding month as defined and illustrated in Exhibit A and parking transaction detail for the preceding month as defined and illustrated in Exhibit B.
 5. “Off-Airport Parking Company User Fee” means the amount paid to the Omaha Airport Authority as a percentage of Gross Receipts as stated in Section C, paragraph 3.

Section B – Findings and Purpose.

1. The operation of the Airport as a public facility providing services to scheduled and charter airline passengers who utilize commercial vehicles imposes financial and operational responsibilities on the Omaha Airport Authority to construct, maintain and enforce Airport property and roadway access.
2. The Omaha Airport Authority wishes to promote customer service and ensure safe, efficient and consistent movement for both the traveling public and commercial passenger-carrying shuttle vehicles service providers utilizing the roadway system at the Airport.
3. The purpose of this Resolution is to establish and maintain a ground transportation fee structure to support the facilities and services at the Airport, which will help support the Omaha Airport Authority meet federal requirements to be as self-sustaining as possible.

Section C – Off-Airport Parking Company User Fee

1. Upon the enactment of this Resolution by the Omaha Airport Authority Board of Directors, the Parking Company Off-Airport Parking Company User Fee program authorized by this Resolution shall be imposed and collection shall commence August 1, 2021.
2. At its discretion, a Parking Company may include or exclude Off-Airport Parking Company User Fee due to the Omaha Airport Authority as part of its customer receipt upon commencement and list a line item on the receipt as “Eppley Airfield Fee”. If Parking Company elects to recover the Fee from its customers, such amount shall be accounted for within the definition of “Gross Receipts” as defined in Section A Paragraph 5 above.
3. The Parking Company Off-Airport Parking Company User Fee shall be initially established as ten percent (10%) of Gross Receipts.
4. The Omaha Airport Authority shall review its ground transportation fee schedule on an annual basis and may, in its sole discretion, adjust the Off-Airport Parking Company User

Fees. If the Omaha Airport Authority adjusts its fee amount, it shall provide a Parking Company with a minimum of thirty (30) days advance written notice.

Section D – Collections, Reporting and Audit

1. Off-Airport Parking Company User Fees shall be due and payable on or before the fifteenth (15th) day of each calendar month for all activity occurring the preceding calendar month. A Parking Company shall also submit a statement of Gross Receipts each month on or before the fifteenth (15th) day, even if such a Parking Company earned no Gross Receipts during the immediately preceding calendar month.
2. The monthly reports shall be emailed or electronically transmitted to Finance@flyoma.com. A Parking Company's payment check for Fees for the same period shall be mailed to:

Omaha Airport Authority
4501 Abbott Drive, Suite 2300
Omaha, NE 68110

3. The Monthly Report in the form of attached Exhibits "A" and "B", or in a similar but otherwise acceptable format as determined by the Omaha Airport Authority (e.g., if a Parking Company's automated reports generated from their parking access and reservation systems provide similar detail), and provided electronically in Excel or CSV format and shall include applicable customer charges for the reporting period.
4. By submitting the Monthly Report to the Omaha Airport Authority, a Parking Company official shall certify that all stated information in the Monthly Report is a true and correct statement of related charges conducted for activity related to Airport use and access.
5. A Parking Company shall submit an audited Annual Report to the Omaha Airport Authority, by March 31st each year (or within 90 days following a Parking Company's fiscal year, even if different than December 31st), without demand and at its own cost and expense. The Annual Report shall cover all Gross Receipts by a Parking Company operations and the operations of any subcontractors or management companies of a Parking Company at the Airport. The Annual Report shall be prepared and certified by an independent Certified Public Accountant in accordance with the provisions of the Codification of Statements on Auditing Standards. The Annual Report shall include the following:
 - a. A schedule of Gross Receipts by sales category upon which the monthly Off-Airport Parking Company User Fees to the Omaha Airport Authority are computed and a list of the payments of Off-Airport Parking Company User Fees to the Omaha Airport Authority for the calendar year;
 - b. A calculation using the percentage gross receipts specified in Section C, Paragraph 3, to determine the Off-Airport Parking Company User Fees payable to the Omaha Airport Authority during the calendar year (or Off-Airport Company's fiscal year if different than December 31st) covered by the Annual Report; and

- c. Such other information as may be required by the Omaha Airport Authority to verify Gross Receipts and Off-Airport Parking Company User Fees.
6. A Parking Company must maintain and make available to the Omaha Airport Authority (or their designee), during regular business hours, accurate and detailed books and accounting records relating to its operations at the Airport. The Omaha Airport Authority shall have the right to audit, examine and make excerpts and transcripts from such books and records, and to make audits or examinations of all invoices, materials, records and other data related to a Parking Company's payment obligations pursuant to this Resolution. A Parking Company shall maintain such permanent data, books, ledgers, journals and other records ("Records") in an accessible location and condition for a period of not less than three (3) years. The intent and purpose of the provisions of this section are that Parking Company shall keep and maintain daily records which will enable the Omaha Airport Authority to ascertain, determine and audit, if so desired by the Omaha Airport Authority, clearly and accurately, the number of parking transactions and related ancillary service fees herein contemplated by unique customer transaction. All records shall be maintained and preserved on electronic storage media and may be produced electronically in response to any audit or inspection conducted pursuant to this Resolution.

Should any examination, inspection and audit of a Parking Company's books and records by the Omaha Airport Authority disclose an underpayment by a Parking Company of the consideration due, a Parking Company shall promptly pay the Omaha Airport Authority the amount of such underpayment. If said underpayment exceeds five percent (5%) of the consideration due, a Parking Company shall reimburse the Omaha Airport Authority for all reasonable costs incurred in the conduct of such examination, inspection and audit by the Omaha Airport Authority.

Section E – Application

The Resolution applies to every Parking Company that:

Serves the Airport and provides, procures and/or brokers off-Airport parking for a fee as recorded in its Gross Receipts.

In addition to this Resolution, a Parking Company and operators driving vehicles on behalf of a Parking Company, must comply with all applicable sections of the CGTRR, specifically including the Americans with Disabilities Act (ADA) shuttle bus provisions.

Section F – Violations

1. In the event a Parking Company violates any term or condition of this Resolution or the Omaha Airport Authority's CGTRR, the Omaha Airport Authority may exercise its rights or remedies allowed by law or equity. Such situations may include but are not limited to:
 - a. A Parking Company not submitting Monthly Reports (and Annual Audited Report) when due, or payment or timely payment of Off-Airport Parking Company User Fees.

- b. A Parking Company, and operators driving shuttle or other vehicles on behalf of Parking Company, failing to adhere to the Omaha Airport Authority's CGTRR, including designated patron pick-up/drop-off zones on the roadways and Commercial Vehicle Lanes for each Parking Company and specifically, ADA shuttle bus requirements.
- c. A Parking Company and operators driving vehicles on behalf of a Parking Company, performing passenger pick-up or drop-off activity on Airport property without a valid permit issued by the Omaha Airport Authority.

Section G – Severability

If for any reason, any section, paragraph, subdivision, clause, phrase, word or provision of this Resolution is held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it will not affect any other section, paragraph, subdivision, clause, phrase, word or provisions of this Resolution, for it is the definite intent of the Omaha Airport Authority that every section, paragraph, subdivision, phrase, word, and provision of this Resolution be given full force and effect for its purpose.

Enacted this 15th day of June, 2021.

AIRPORT AUTHORITY OF THE CITY OF OMAHA



William Theisen, Board Chairman

Monthly Gross Receipts Report (Exhibit "A")

EXHIBIT A

OFF-AIRPORT PARKING COMPANY USER FEE RESOLUTION

SCHEDULE OF GROSS RECEIPTS

MONTH AND YEAR: <<month, year >>

		Location 1 -- <<name>>	Location 2 -- <<name>> (if applicable for multiple locations)	Total
Gross Receipts (incl. Airport Recovery Fees) (1)				
Customer Gross Receipts (from Exhibit B)	*	-	-	-
Receipts from 3rd Party Online Parking Aggregator	*	-	-	-
Monthly / airport employee	*	-	-	-
Subtotal: Gross Receipts before exclusions	$\sum * = \text{GR1}$	-	-	-
Less: exclusions:				
a. Sales tax	**	-	-	-
b. Customer refunds	**	-	-	-
c. Insurance carrier receipts	**	-	-	-
d. Proceeds on disposal	**	-	-	-
e. Car care services	**	-	-	-
f. Non-airport related transportation	**	-	-	-
Subtotal Exclusions	$\sum ** = \text{EXCL}$	-	-	-
Adjusted Gross Receipts	$\text{GR2} = \text{GR1} - \text{EXCL}$	-	-	-
Off-Airport Parking Company User Fee Percentage	H	10.0%	10.0%	10.0%
Off-Airport Parking Company User Fees (Due to OAA)	H X GR2	\$ -	\$ -	\$ -

DUE BY THE 15th DAY OF THE MONTH FOLLOWING

As an owner, officer or director of the Off-Airport Parking Company, I attest that the above schedule of Gross Receipts and Off-Airport Company User Fees presents fairly, in all material respects, the monthly Gross Receipts associated with the Omaha Airport Authority's Off-Airport Parking Company User Fee Resolution for the month and year identified above.

Attested by:

Printed name, title and date

Signature

(1) Per the Off-Airport Company User Fee Resolution, "Gross Receipts" means all monies or other compensation received by a Parking Company from the conduct of its vehicle parking, vehicle storage business and/or shuttle services to Airport parking passengers or Airport tenant parking employees, which shall be separately accounted for by a Parking Company. This shall include, but is not limited to, charges on all sales, whether for cash or credit (without deduction for credit card fees), and receipts derived from reservation booking fees and/or all receipts from any 3rd party online parking aggregator, loyalty/membership program dues and, if applicable, amounts charged to customers to recover the Off-Airport Parking Company User Fees.

Gross Receipts; however, does not include:

- Any applicable sales tax or excise tax collected by a Parking Company;
- Customer refunds for unsatisfactory service;
- Monies received by a Parking Company from insurance carriers for vehicle or equipment damage or damage to automobiles;
- Proceeds on the disposal of a Parking Company equipment, vehicles, or property;
- Revenues received from car care services (e.g. car wash, oil change, detailing and related general vehicle maintenance/inspection services);
- Revenues received for providing independent transportation services exclusively for non-Airport parking activity.

Schedule of Occupied Spaces and Gross Revenues from Daily Ticket Sales Report (Exhibit "B")

EXHIBIT B

OFF-AIRPORT PARKING COMPANY USER FEE RESOLUTION

SCHEDULE OF OCCUPIED SPACES AND CUSTOMER GROSS RECEIPTS (1)

MONTH AND YEAR: <<month, year >>

LOCATION: <<list location; complete multiple reports if more than 1 location>>

Day of Month	Occupied Spaces	Exits / Transactions	Customer Gross Receipts A	Less: Customer Refunds, Car Care Services, and Non-Airport Related Transportation B	Gross Receipts from Daily Ticket Sales A - B
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Total		-	-	-	-

--> To Exhibit A

(1) This exhibit is for "Customer Gross Receipts" only and excludes Gross Receipts from and "Airport tenant parking employees" and "reservation booking fees and/or all receipts from any 3rd party online parking aggregator."