

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: January 16, 2008  
Bulk Item: Yes XX No \_\_\_

Division: County Attorney  
Staff Contact Person: Pedro Mercado

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**AGENDA ITEM WORDING:**

Approval of an amendment to the Enterprise Rent A Car Lease and Concession agreement at Florida Keys Marathon Airport.

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**ITEM BACKGROUND:**

The County entered in to a Lease and Concession with Enterprise on January 17, 1996. An extension agreement was entered into on January 19, 2000 extending the agreement for 5 years. A second extension was entered in to on November 17, 2004 extending the original agreement through November 14, 2009. As part of the concession and lease fees, the County receives either a guaranteed minimum annual concession fee of \$27,000 or 10% of the gross revenues, whichever is greater.

Beginning January 1, 2008, Enterprise is instituting a carbon offset program. The program is voluntary and, for an additional fee of \$1.25, allows their customers an opportunity to purchase a carbon offset credit. Enterprise will be matching the monies collected up to a maximum of 1 Million dollars. One hundred percent of the fees collected from their customers will go towards funding clean energy and greenhouse gas reduction projects. Enterprise is requesting that this fee, \$1.25 per voluntary customer, be excluded from the gross receipts calculation.

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**PREVIOUS RELEVANT BOCC ACTION:**

Approval of original agreement entered in to on January 17, 1996, approval of extension agreement entered in to on January 19, 2000 and approval of extension agreement entered in to on November 17, 2004.

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**CONTRACT/AGREEMENT CHANGES:**

See attachment

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**STAFF RECOMMENDATIONS:** Since the County will continue to receive a percentage of gross receipts based on standard rental car rates and charges and the carbon offset program fee is an additional fee, 100% of which is used to fund clean energy and greenhouse gas reduction projects, that a customer can agree to staff recommends Approval.

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TOTAL COST: N/A

BUDGETED: Yes \_\_\_ No \_\_\_

COST TO COUNTY: \$0

SOURCE OF FUNDS: \_\_\_\_\_

REVENUE PRODUCING: Yes \_\_\_ No \_\_\_

AMOUNT PER MONTH: \_\_\_\_\_

APPROVED BY: County Atty x OMB/Purchasing \_\_\_ Risk Management \_\_\_

DOCUMENTATION: Included \_\_\_ Not Required \_\_\_

DISPOSITION: \_\_\_\_\_

AGENDA ITEM # \_\_\_\_\_

**AMENDMENT TO LEASE AND CONCESSION AGREEMENT**

**FOR**

**ENTERPRISE RENT A CAR**

**AT**

**FLORIDA KEYS MARATHON AIRPORT**

**THIS AMENDMENT** hereinafter "AMENDMENT" is made and entered into this 16<sup>th</sup> day of January, 2008, by and between MONROE COUNTY, a political subdivision of the State of Florida, whose address is the Key West International Airport, 3491 South Roosevelt Boulevard, Key West, FL 33040, hereinafter "COUNTY", and ENTERPRISE LEASING COMPANY, a Florida corporation, hereinafter "ENTERPRISE" or "CONCESSIONAIRE". The parties agree as follows:

**WHEREAS**, the parties hereto did on January 17, 1996 enter into a Lease and Concession Agreement (hereinafter Original Lease) for use of space at the Florida Keys Marathon Airport; and

**WHEREAS**, the parties hereto have twice entered lease extension agreements in order to extend the term of the original agreement; and

**WHEREAS**, under the terms of the original agreement, Enterprise agrees to pay a minimum annual concession fee of \$27,000 or ten (10) percent of gross revenues, whichever is greater; and

**WHEREAS**, beginning January 1, 2008 Enterprise has instituted a carbon offset program which provides renters with an opportunity to purchase carbon offset credits which is shown as a \$1.25 fee on the customers rental agreement; and

**WHEREAS**, Enterprise matches customer contributions dollar for dollar up to \$1 million dollars; and

**WHEREAS**, 100% of the funds collected for the carbon offset program are used to fund clean energy and greenhouse gas reduction projects; and

**WHEREAS**, the parties desire to exclude the fees collected under the carbon offset program from the definition of “gross receipts”;

**NOW THEREFORE, IN CONSIDERATION** of the mutual promises and covenants set forth below, the parties agree as follows:

SECTION 1. Paragraph 4 of the original agreement is amended to read as follows:

4. Definition of Gross Receipts – As used herein, the term “gross receipts” shall mean the total sum of money, from charges for net time, mileage, and personal accident insurance, paid or payable, whether by cash or credit, (after any discount specifically shown on the car rental agreement), by the customer to Concessionaire for or in connection with the use of vehicle contracted for, delivered or rented to the customer at the Airport, regardless of where the payment is made or where the vehicle is returned. The Concessionaire for the purpose of its concession rentals shall report all income, both cash and credit, in its monthly gross receipts statement.

Beginning January 1, 2008, when fees are collected pursuant to the Concessionaires carbon offset program, such fees may be eligible for exemption from the gross receipts subject to concession fees. In order to qualify for exemption from gross receipts subject to concession fees, the carbon offset program fee shall be shown as such and listed separately on the customer’s rental agreement.

SECTION 2. Except as set forth above all the terms and conditions of the January 17, 1996 original lease, January 19, 2000 extension, March 20, 2002 agreement and November 17, 2004 extension remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seal the day and year first above written.

(SEAL)  
ATTEST: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

By \_\_\_\_\_  
Deputy Clerk

By \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

WITNESSES:

ENTERPRISE LEASING COMPANY

\_\_\_\_\_  
Signature

By \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name



11440 North Kendall Drive, Suite 405  
Miami, FL 33176  
305-595-7373  
305-412-1297 Fax

November 21<sup>st</sup>, 2007

Florida Keys Marathon Airport  
9400 Overseas Highway  
Marathon, FL. 33050

Dear Donella:

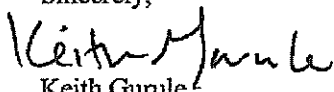
Enterprise Rent-A-Car Company has contracted with TerraPass, Inc. to provide renters with an opportunity to purchase an optional carbon offset in conjunction with their rental. The carbon offsets are designed to offset Carbon Dioxide (CO2) emitted by the renter's rental vehicle. The charge is based on the estimated emissions from the renter's vehicle based on average mileage and fuel economy of the vehicles in the fleet. The charge will be \$1.25 per transaction and will be reviewed and adjusted annually.

This charge is optional and will be separately stated on the customer's rental agreement. One hundred percent of the amount collected will be remitted to the offset partner TerraPass, which will ensure that the money is used to fund projects that remove CO2 from the atmosphere or that replace fossil fuel power with alternative forms of energy.

We would like to request a determination pursuant to our concession agreement with the Airport Authority regarding the inclusion of this charge in gross revenues. This charge is optional, will be separately stated on the contract, should not be considered part of the sales price of the rental and 100% of collections will be remitted to our offset partner. Based on these facts, we request that you approve the exclusion of the charge from gross revenues for purposes of the concession fee charged to customers.

Thanks for your consideration in this matter and feel free to reach out to me directly at (305) 702-4545 to discuss this matter further. Please respond by returning this letter signed.

Sincerely,

  
Keith Gurule  
Controller

- \_\_\_\_\_ Carbon offset fee collections EXCLUDED from gross revenue subject to concession fee.
- \_\_\_\_\_ Carbon offset fee collections INCLUDED in gross revenue subject to concession fee.

Name	Title
Florida Keys Marathon Airport	

## Enterprise/National/Alamo Customer Carbon Offset Program Fact Sheet

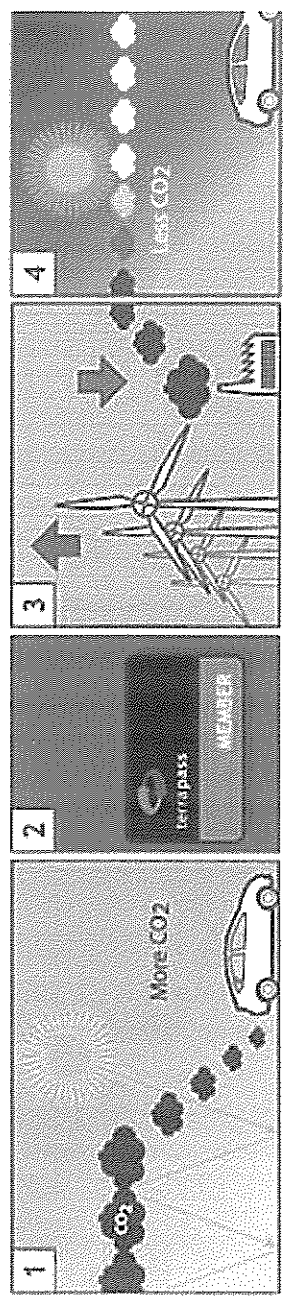
<p><b>What is this carbon offset program about?</b></p>	<p>Enterprise Rent-A-Car, National Car Rental and Alamo Rent A Car customers are being offered the opportunity to benefit the environment by offsetting the carbon dioxide (CO<sub>2</sub>) emissions generated by their car rentals.</p> <p>By choosing to pay a small charge per rental, our customers can fund certified offset projects that work to remove CO<sub>2</sub> from the atmosphere. We will match these customer contributions dollar-for-dollar up to \$1 million dollars.</p>
<p><b>How do I offset my rental?</b></p>	<p>It's easy. Customers will be able to "opt in" and purchase their carbon offsets while booking their reservations though our call-in reservation centers or online at the following Web sites:</p> <ul style="list-style-type: none"> <li>• <a href="http://www.enterprise.com">www.enterprise.com</a> (1-800-Rent-A-Car)</li> <li>• <a href="http://www.nationalcar.com">www.nationalcar.com</a> (1-800 227-7368)</li> <li>• <a href="http://www.alamo.com">www.alamo.com</a> (1-800-462-5266)</li> </ul>
<p><b>How much does a carbon offset cost?</b></p>	<p>Customers can make their rental "carbon neutral" by adding an additional \$1.25 to the cost of their total rental.</p>
<p><b>How did you determine the carbon offset purchase amount?</b></p>	<p>Based on the combined Enterprise, National and Alamo fleets, we calculated the average vehicle fuel economy, miles driven per rental, and number of days per rental over the past year. Then we used that information to determine the CO<sub>2</sub> impact of the average rental. The \$1.25 customer offset charge is the cost of offsetting that average per-rental impact.</p>
<p><b>What does this mean for the environment?</b></p>	<p>For every 100,000 customers who choose to take part in this program, they will offset more than 12 million pounds, or 5,500 metric tons, of CO<sub>2</sub>. And the company's dollar-for-dollar match doubles the environmental benefit. In the coming year, we anticipate between 20 million and 25 million customers will have the opportunity to take part in this program.</p>
<p><b>Who provides the carbon offsets used in this program?</b></p>	<p>After a lengthy search, we chose TerraPass, a leading consumer retailer and marketer of greenhouse gas reduction offsets. TerraPass funds clean energy and greenhouse gas reduction projects throughout North America. For more detailed information about these projects, visit <a href="http://www.terrapass.com">www.terrapass.com</a>.</p>
<p><b>Why did you choose</b></p>	<p>We chose TerraPass because of its voluntary carbon offset market based on high standards, sound science and transparency. Its portfolio is built on two guiding principles:</p> <ul style="list-style-type: none"> <li>• Matched Maturity – the offsets you buy are tied to reductions that happen in the</li> </ul>

12/18/2007 9:43:14 AM

<b>TerraPass?</b>	same year. <ul style="list-style-type: none"><li>• Third-Party Verification – all offset purchases through TerraPass are verified by a respected third-party non-profit environmental advocacy group, the Center for Resources Solutions.</li></ul>
<b>When can customers begin making their rentals “carbon neutral?”</b>	We plan to launch the program in January 2008.
<b>For More Information:</b>	(respective car rental company) <a href="http://www.terrapass.com">www.terrapass.com</a>

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## How Carbon Offsets Work



Each year, the average car emits about 10,000 lbs (three times its weight!) in carbon dioxide – a leading cause of global warming.

You buy a TerraPass.

TerraPass funds carbon reduction projects. Your TerraPass is third-party verified to reduce the equivalent of your carbon dioxide.

[Calculate My Footprint >](#)

## What's your carbon footprint?

## Frequently Asked Questions about Carbon Offsets

### What is a carbon offset?

A carbon offset is a certificate representing the reduction of one metric ton (2,205 lbs) of carbon dioxide emissions, the principal cause of global warming. Although complex in practice, carbon offsets are fairly simple in theory. If you develop a project that reduces carbon dioxide emissions, every ton of emissions reduced results in the creation of one carbon offset. Project developers can then sell these offsets to finance their projects.

There are hundreds of different types of carbon reduction projects. For example, a wind farm generates clean energy, which reduces carbon emissions from coal-burning power plants. In order to finance its operations, a wind farm can sell these reductions in the form of carbon offsets.


### Does TerraPass make information about its carbon offset purchases publicly available?

Yes. Every single TerraPass carbon offset purchase is published on our web site. We publish the date, source, and amount of carbon offsets purchased.

### Are carbon offsets a substitute for conservation?

Sign up for weekly climate news and conservation tips.

[What's my carbon footprint? >](#)

Your email address: [Sign up](#) 

Absolutely not. TerraPass is permission to do all you can to be a good steward of the environment. Our actions affect the environment in all sorts of ways, and TerraPass is one way individuals can take responsibility for that impact. TerraPass exists to help people who wish to be responsible about their actions and how they affect everyone's environment. We encourage everyone to think broadly about how best to preserve the environment for future generations.

The good news is that a recent survey of our customers reveals that they seek all kinds of ways to reduce their impact.

[See all of our frequently asked questions about carbon offsets](#)

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