

Mayor and Council Communication

DATE: 11/09/21

M&C FILE NUMBER: M&C 21-0866

LOG NAME: 55FTW MEACHAM CUSTOMS MOA

SUBJECT

(CD 2) Authorize Execution of a New Memorandum of Agreement with the United States Customs and Border Protection for the User Fee Facility Program at Fort Worth Meacham International Airport

RECOMMENDATION:

It is recommended that the City Council authorize the execution of a new Memorandum of Agreement with United States Customs and Border Protection for the User Fee Facility Program at Fort Worth Meacham International Airport.

DISCUSSION:

On August 29, 2017, Mayor and Council Communication (M&C) C-28349, the City Council authorized the Aviation Department to execute a Memorandum of Agreement (MOA) for a United States Customs and Border Protection (CBP) User Fee Facility Program Agreement which reimburses the CBP for the full annual cost of each officer it provides to the City for Customs and Border Protection services. Fort Worth Meacham International Airport (Airport) is responsible for expenses incurred in providing clearance services to international travelers using the Airport as a port of entry into the United States. Costs under this MOA include the salary and expenses of individuals employed by CBP and any necessary support costs to provide services. The base fee for each full-time officer is \$123,438.00 which includes all salary, benefit costs and administrative overhead. These costs are subject to change, in accordance with the MOA, depending on the seniority and benefits of the stationed CBP Officer. The annual fee is billed in quarterly installments. In addition to quarterly installments, the City of Fort Worth (City) is billed for each after-hours flight that results in a CBP officer accruing overtime payments beyond those of the base salary and if additional officers are needed for inspection services.

In June of 2020, the Aviation Department received notice from the CBP that officer salary and benefits increased due to a change in federal legislation and the fact that a new senior officer, with a higher salary, was assigned to the Airport's Customs facility, increasing the quarterly installment costs by an average of 37%. The existing MOA (Prior MOA) states a CBP staff officer will be available Monday through Friday (excluding Federal Public Holidays), during the hours of 8:00 a.m. to 5:00 p.m. The Airport would like to now adjust the hours of operations to 10:00 a.m. to 7:00 p.m. in an effort to reduce costs associated with paying overtime to CBP officers who have to work outside of the current weekly work schedule identified in the Prior MOA to provide services for after-hours flights. CBP has agreed to the change, however requires that a new MOA be executed to reflect the new terms of the agreement between the City and CBP. As was the case with the Prior MOA, the new MOA will require the City to pay all salary, benefit costs and administrative overhead for a CBP officer whose seniority and benefits that may change throughout the term as different CBP officers cycle through the Airport and therefore the expenditure amount under this agreement will be subject to changes throughout the term. The new proposed standard schedule proposed by the Airport is subject to additional changes to further reduce costs as necessary. Prior to the proposed hours of operation, the Airport received 34% of international flights outside of regular operating hours resulting in overtime costs. The Airport anticipates a 22% reduction of overtime costs by adjusting the hours of operation to the proposed time frame. Upon execution of this new MOA, the existing MOA will terminate.

A Form 1295 is not required because: This contract will be with a governmental entity, state agency or public institution of higher education: U.S. Customs and Border Protection

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are available in the current operating budget, as previously appropriated, in the Municipal Airport Fund, to support approval of the above recommendation and execution of the agreement. Prior to an expenditure being incurred, the Aviation Department has the responsibility to validate the availability of funds.

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