

AGENDA ITEM

March 19, 2019

Subject: Burch & Associates Letter of Engagement

Department: City Manager

This is an agreement for consultant and principal lobbying services between Burch & Associates and the City of Nevada for a term of twelve months at a rate of \$1,000 per month, not to exceed \$12,000 for the period of the Agreement beginning January 1, 2019 and ending December 31, 2019.

BILL NO. 2019-014

ORDINANCE NO. 8263

A SPECIAL ORDINANCE OF THE CITY OF NEVADA, MISSOURI, AUTHORIZING THE EXECUTION OF A LETTER OF ENGAGEMENT WITH BURCH & ASSOCIATES TO PROVIDE SPECIAL ADVISORY SERVICES FOR THE CITY OF NEVADA, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, MISSOURI THAT:

Section 1. The letter of engagement attached hereto as “Exhibit A” and incorporated herein by reference is hereby approved.

Section 2. The City Manager is hereby authorized and directed to execute said agreement on behalf of the City of Nevada, Missouri.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada, Missouri, this 2nd day of April, 2019.

(seal)
ATTEST:

Brian L. Leonard, Mayor

Johnna Williams, Deputy City Clerk

JERRY W. BURCH
BURCH & ASSOCIATES
PUBLIC AND GOVERNMENT CONSULTANTS
213 EAST CAPITOL AVENUE, SUITE ONE
JEFFERSON CITY, MO 65101
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LETTER OF ENGAGEMENT TO PROVIDE SPECIAL ADVISORY SERVICES

FOR

THE CLIENT

This Agreement is between The Client (hereinafter "Client"), located in Nevada, Missouri, and Burch & Associates (Jerry W. Burch), located in Jefferson City, Missouri (hereinafter "Consultants"), and is intended to provide Client with consulting services as governed by the terms and conditions set forth below:

SCOPE OF SERVICES

Jerry W. Burch and Elizabeth S. Christie will provide the following services to Client.

1. The primary concerns as identified by Client, and outlined in a plan of action as agreed to by the parties, will be addressed by the Consultants. The contract entails acquiring Broadband Services as indicated by the Client. This activity will be reported by:
 - regular status reports. The Consultants will provide regular reports on the status of Client's interest dealing with the key issue the Client determines should be represented in its behalf.
 - contact/liaison. The Consultants will contact and act as a liaison to the departments, boards and commissions of the executive branch as a means of promoting the Client's issues.
 - legislative briefings. As principal lobbyists, the Consultants will submit regular reports providing the Consultants' interpretation and assessment of the status of issues of interest to the Client.
2. It is requested and is further understood that Jerry W. Burch will be assigned executive responsibility for this account and Elizabeth S. Christie will be the principal contact person.

CONFLICT OF INTEREST

In the event that a conflict of interest arises between the Client and a current or future client of Consultants, the party discovering the conflict shall immediately bring the conflict to the attention of the other. Every effort will be made by the parties to resolve the conflict satisfactorily. However, if the conflict cannot be resolved to the satisfaction of the Client, the Client reserves the right to immediately terminate this contract, and, in such event, the only liability the Client may have to Consultants will be accrued but unpaid fees and expenses to the date of termination of this agreement as set forth herein.

PAYMENT FOR SERVICES RENDERED

For these services, Burch & Associates shall bill the Client monthly a fee of \$1000.00 with payment remitted on or before the last day of each month. Total bill for services shall not exceed \$12,000.00 for the period of this Agreement. Expenses incurred to implement legislative events arranged at the Clients request, shall be reimbursed upon prior authorization. This Agreement shall be for twelve (12) months commencing January 1, 2019 and ending December 31, 2019.

Payment should be made to Burch & Associates, 213 East Capitol Avenue, Suite One, Jefferson City, MO 65101. Notwithstanding the period set forth above, either party to the Agreement, without prejudice to any right or remedy it may have due to any failure of the other party to perform that party's obligation under this Agreement, may upon sixty (60) days prior written notice, terminate the performance of work and services hereunder, in whole or in part. In the event of any such termination, damages are limited to amounts accrued and due and owing as of the effective date of the termination in accordance with the provisions for payment set forth above.

INDEPENDENT CONTRACTOR STATUS OF SELLER

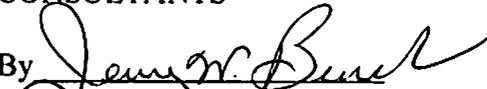
Jerry W. Burch and Elizabeth S. Christie, nor any of their subcontractors, employees or agents shall be deemed to be employees or agents of The Client, it being understood that Jerry W. Burch is an independent contractors for all purposes and at all times. Jerry W. Burch and Elizabeth S. Christie shall be solely responsible for the withholding or payment of all federal, state and local personal or corporate income taxes, social security, unemployment and sickness disability insurance and other payroll taxes with respect to its employees providing services pursuant to this Agreement.

IN WITNESS WHEREOF, The Client and Burch & Associates have executed this Agreement in duplicate as of this ____ day of February, 2019.

THE CLIENT

By _____
JD Kehrman, City Manager

CONSULTANTS

By 
Jerry W. Burch

By 
Elizabeth S. Christie

Currently working on multiple high priority projects that will bring revenue or jobs to the area. Also fighting bills that could reduce revenues or place unnecessary burdens.

- Internet tax (Wayfair) Currently leadership does not care to put the sales tax into other projects or needs like transportation, or other deficient funding areas, but allow revenues to go to the municipalities. It is through lobbying efforts that helps ensure that.
- Numerous bills calling for a sales tax cap. Through lobbying efforts, we were able to get the sales tax cap eliminated from HB374.
- Elimination of Personal Property Tax. HJR23 calls for this. The intent is to start the conversation. Currently there is an Initiative Petition circulating. We saw the things that were passed in the last election, it is likely a bill like this would pass as the general citizen would not have a full understanding of what an elimination of \$1.3 Billion would mean. Schools, fire, much of our public services...they will most likely focus on how much they hate personal property tax. Legislators are looking for a solution.
- Elections. Currently working of a bill that is requesting 50% +1 voter turnout of registered voters to get any tax measure passed. Often only those that strongly oppose or support will show up to vote, and often it can be less than 20% of registered voters that even show up. To ask for over half of voters to show is likely impossible and likely to have all ballot measures fail. What was the voter turnout for the PAC? Would it exist under this law? One suggested that all tax measures be moved to November. Would Nevada want it's needs to compete with everything else we saw on the last ballot? For fiscal calendar reasons, schools like to place their needs on the Spring ballots.
- Access to the Governor and face to face with your Representatives at any time. Recently we were able to set up a visit from the Governor to Nevada. This then resulted in another company in Nevada wanting attention from the Governor. We set up a meeting and they met in the Capitol with the Governor. The Governor now has intentions for revisiting Nevada. Also, what came to our attention, which Representative Pike, along with the Governor's office is currently working on, is seeing that our Industrial park is put in a HUB district. When I-49 was built, it was cut out on that side of the highway. This is causing them not to be eligible for numerous grants offered by the Federal government and big businesses look at to set up new business. This can open up so much employment and opportunities for Nevada. The districting is contingent of census numbers. That is a project that goes into 2020 with certainty. Governor Parson's has great focus on workforce development and he is seeing the great potential Nevada has in helping achieve his overall goals. Our small town can be a playing with the big ones, and not lose who we are...but you need people on the ground to keep things going.
- Playing defense and educating. There are always little things that come up that need to be fixed. HB427 is a fix to side effects from the infamous SB5, addressing abuses from the courts. There was HOURS AND HOURS of debate on court fee caps in SB5. They agreed to set it at \$225. HB427 lowered it to \$150. That's \$75 dollars lost for each case. It is now going to be put back to \$225.

What I have listed is only a small portion of what we cover at the Missouri Capitol.

Most don't understand how important a lobbyist is, and what they offer by being in constant presence of the Representatives, and building valuable relationships. We are here so you can do your job better and we look for opportunities as well. Just in our first two years working...for the same \$12,000 fee, Nevada was able to receive a free gift of a half a million dollars (Kitchen equipment from State Hospital) that is being utilized in many areas, including the Vo-Tech. Sitting in a hearing...we heard of this "property", and made use of the information. Also, I believe it was that same year Nevada saw 4G arrive. Nevada was on the bottom of AT&T's list. Through lobbying efforts, we bumped Nevada up to a priority status. I assure you, you are saving money having a lobbyist...not spending money.