

ORDINANCE 70855

BOARD BILL NO. 120 INTRODUCED BY ALDERWOMAN MARLENE E. DAVIS

1 An Ordinance recommended and approved by the Airport Commission, the Board of Public
2 Service and the Board of Estimate and Apportionment authorizing and directing the Director of
3 Airports, the President of the Board of Public Service, and the Comptroller of The City of St. Louis
4 (the "City") to enter into and execute on behalf of the City the “Memorandum Of Agreement for
5 Expansion Of and Improvement To Inbound Baggage System and Facilities Terminal 2” (the
6 “MOA”) at St. Louis Lambert International Airport® (the "Airport"), that memorializes the
7 agreement between the City and Southwest Airlines Company (“Southwest”) under which
8 Southwest will partially fund, contract for, administer, and manage the expansion and renovation of
9 the Terminal 2 baggage claim area and related equipment and facilities (the “Project”), which is
10 defined and more fully described in Section 2 of the MOA, subject to and in accordance with the
11 terms, covenants, and conditions of the MOA that is attached hereto as **ATTACHMENT “1”** and
12 made a part hereof; authorizing the Mayor, the Comptroller, the Register, the City Counselor, the
13 President of the Board of Public Service, the Director of Airports, and other appropriate officers,
14 agents, and employees of the City, with the advice of the Director of Airports, to enter into and
15 execute on behalf of the City and in the City’s best interest any attendant or related documents,
16 agreements, applications, permits, amendments, affidavits, certifications, or instruments deemed
17 necessary to effectuate the terms set forth in the MOA and/or deemed necessary to preserve and
18 protect the City’s interest, and/or to take such actions as may be necessary or appropriate in
19 connection with the consummation of the transactions contemplated in the MOA; containing a

1 severability clause, and containing an emergency clause.

2 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

3 **SECTION ONE.** The Director of Airports, President of the Board of Aldermen and the
4 Comptroller of The City of St. Louis (the "City") are hereby authorized and directed to enter into
5 and execute on behalf of the City the "Memorandum Of Agreement for Expansion Of and
6 Improvement To Inbound Baggage System and Facilities Terminal 2" (the "MOA") at St. Louis
7 International Airport® (the "Airport"), that memorializes the agreement between the City and
8 Southwest Airlines Company ("Southwest") under which Southwest will partially fund, contract
9 for, administer, and manage the expansion and renovation of the Terminal 2 baggage claim area and
10 related equipment and facilities ("Project"), which is defined and more fully described in Section 2
11 of the MOA, subject to and in accordance with the terms, covenants, and conditions of the MOA
12 that is attached hereto as **ATTACHMENT "1"** and made a part hereof.

13 **SECTION TWO.** The Mayor, the Comptroller, the Register, the City Counselor, the
14 President of the Board of Public Service, the Director of Airports, and other appropriate officers,
15 agents, and employees of the City, with the advice of the Director of Airports, are hereby authorized
16 to enter into and execute on behalf of the City and in the City's best interest any attendant or related
17 documents, agreements, applications, permits, amendments, affidavits, certifications, or instruments
18 deemed necessary to effectuate the terms set forth in the MOA and/or deemed necessary to preserve
19 and protect the City's interest, and/or to take such actions as may be necessary or appropriate in
20 connection with the consummation of the transactions contemplated in the MOA.

21 **SECTION THREE.** The sections or provisions of this Ordinance or portions thereof are

1 severable. In the event that any section or provision of this Ordinance or portion thereof is held
2 invalid by a court of competent jurisdiction, such holding will not invalidate the remaining sections
3 or provisions of this Ordinance unless the court finds the valid sections or provisions of this
4 Ordinance are so essentially and inseparably connected with, and so dependent upon, the illegal,
5 unconstitutional or ineffective section or provision that it cannot be presumed that the Board of
6 Aldermen would have enacted the valid sections or provisions without the illegal, unconstitutional
7 or ineffective sections or provisions or unless the court finds that the valid sections or provisions,
8 standing alone, are incomplete and incapable of being executed in accordance with the legislative
9 intent.

10 **SECTION FOUR.** This being an Ordinance for the preservation of public peace, health, or
11 safety, it is hereby declared an emergency measure as defined in Article IV, Section 20 of the City's
12 Charter and will become effective immediately upon its approval by the City's Mayor.