

**ORDINANCE #68651**  
**Board Bill No. 11**

An ordinance recommended and approved by the Airport Commission and the Board of Estimate and Apportionment, making certain findings with respect to the transfer of One Million Seven Hundred Thousand Dollars (\$1,700,000) of excess moneys that The City of St. Louis (the "City"), the owner and operator of Lambert-St. Louis International Airport® (the "Airport"), intends to transfer from the "Airport Development Fund" (established under Ordinance 59286, Section 13, approved October 26, 1984) into the "Airport Contingency Fund" (established under Ordinance 59286 approved October 26, 1984, Exhibit A, Article V, Sections 502 and 510) in accordance with Section 509.F of the Lambert-St. Louis International Airport® Amended and Restated Indenture of Trust between the City, as Grantor, and UMB Bank, N.A., as Trustee, dated as of October 15, 1984, as amended and restated as of July 1, 2009 (the "Restated Indenture"); authorizing transfers in the total amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) from the Airport Development Fund into the Airport Contingency Fund; further authorizing transfers of funds in the total amount not to exceed One Million Seven Hundred Thousand Dollars (\$1,700,000) from the Airport Contingency Fund to the Airport Revenue Fund (established under Ordinance 59286, approved October 26, 1984) during the fiscal year beginning July 1, 2010 as are required for the purposes of making funds available for the Air Service Incentive Program for the Airport adopted by Ordinance 68478, approved November 6, 2009; containing a severability clause; and containing an emergency clause.

**WHEREAS**, The City of St. Louis, Missouri (the "City") owns an airport known as the Lambert St. Louis International Airport (the "Airport") which is operated by the Airport Authority of the City;

**WHEREAS**, pursuant to Section 509.F of the Lambert-St. Louis International Airport® Amended and Restated Indenture of Trust between UMB Bank, N.A., Trustee, dated as of October 15, 1984, as amended and restated as of July 1, 2009 (the "Restated Indenture"), the City may, but if and only to the extent consistent with the "Capital Budget" provided for in Section 816 of the Restated Indenture, transfer from the "Airport Development Fund" (established under Ordinance 59286, Section 13, approved October 26, 1984) into the "Airport Contingency Fund" (established under Ordinance 59286 approved October 26, 1984, Exhibit A, Article V, Sections 502 and 510) any moneys in the Airport Development Fund which are no longer needed for the purposes of moneys on deposit in the Airport Development Fund;

**WHEREAS**, the City, acting in the best interest of the City, the Airport and the traveling public, anticipates that up to One Million Dollars (\$1,700,000) may be required for the purposes of making funds available during the fiscal year beginning July 1, 2010 for the Air Service Incentive Program for the Airport authorized by Ordinance 68478, approved November 6, 2009;

**WHEREAS**, there is a balance in excess of One Million Seven Hundred Thousand Dollars (\$1,700,000) available for transfer from the Airport Development Fund into the Airport Contingency Fund;

**WHEREAS**, it is now in the best interest of the City, the operation of the Airport, and the traveling public to authorize the transfer of funds from the Airport Development Fund into the Airport Contingency Fund in the total amount of One Million Seven Hundred Thousand Dollars (\$1,700,000); and

**WHEREAS**, this Ordinance authorizing the transfer of One Million Seven Hundred Thousand Dollars (\$1,700,000) from the City's Airport Development Fund into the Airport Contingency Fund and then the transfer of One Million Seven Hundred Thousand Dollars (\$1,700,000) from the Airport Contingency Fund into the Airport Revenue Fund (established under Ordinance 59286, Section 13, approved October 26, 1984) are recommended by the City's Airport Commission and the City's Board of Estimate and Apportionment.

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

**SECTION ONE.** The Board of Aldermen for The City of St. Louis hereby adopts and incorporates herein the foregoing recitals as findings and further finds that the One Million Seven Hundred Dollars (\$1,700,000) of excess moneys or funds that the City intends to transfer from the Airport Development Fund into the Airport Contingency Fund is no longer needed for the purposes of moneys on deposit in the Airport Development Fund and that said transfer is consistent with the Airport Capital Budget in accordance with Section 509.F of the Restated Indenture.

**SECTION TWO.** There is hereby authorized a transfer of funds in the total amount of One Million Seven Hundred Thousand Dollars (\$1,700,000) from the Airport Development Fund into the Airport Contingency Fund.

**SECTION THREE.** There is hereby further authorized transfers as are required of sufficient funds or moneys on deposit in the Airport Contingency Fund in the total amount not to exceed One Million Seven Hundred Thousand Dollars (\$1,700,000) from

the Airport Contingency Fund to the Airport Revenue Fund for the purposes of making funds available for the Air Service Incentive Program, adopted by Ordinance 68478, approved November 6, 2009.

**SECTION FOUR.** It is hereby declared to be the intention of the Board of Aldermen that each and every part, section, and subsection of this Ordinance shall be separate and severable from each and every other part, section, and subsection hereof and that the Board of Aldermen intends to adopt each said part, section, and subsection separately and independently of any other part, section, and subsection. In the event that any part, section, or subsection of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect, unless the court making such finding shall determine that the valid portions standing alone are incomplete and are incapable of being executed in accord with the legislative intent.

**SECTION FIVE.** This being an ordinance making an appropriation and providing for payment of current expenses, it is hereby declared to be an emergency measure as defined in Article IV, Section 20 of the Charter of the City and shall become effective immediately upon its approval by the Mayor of the City.

**Approved: June 2, 2010**