

**ORDINANCE #68903**  
**Board Bill No. 73**

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 Six Million Dollars (\$6,000,000) 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; authorizing transfers in the total amount of Six Million Dollars (\$6,000,000) from the Airport Development Fund into the Airport Contingency Fund; further authorizing transfers of funds in the total amount not to exceed Six Million Dollars (\$6,000,000) from the Airport Contingency Fund to the Airport Revenue Fund (established under Ordinance 59286, approved October 26, 1984) as are required for the purposes of making funds available for the estimated costs of the Air Service Incentive Program for the Airport adopted by Ordinance 68478, approved November 6, 2009 and the Amended & Restated Air Service Incentive Program for Fiscal Years 2010 through 2014; 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 Six Million Dollars (\$6,000,000) may be required for the purposes of making funds available for the estimated costs of the Air Service Incentive Program for the Airport authorized by Ordinance 68478, approved November 6, 2009 and the Amended and Restated Air Service Incentive Program for Fiscal Years 2010 through 2014;

**WHEREAS**, there is a balance in excess of Six Million Dollars (\$6,000,000) 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 Six Million Dollars (\$6,000,000); and

**WHEREAS**, this Ordinance authorizing the transfer of Six Million Dollars (\$6,000,000) from the City's Airport Development Fund into the Airport Contingency Fund and then the transfer of Six Million Dollars (\$6,000,000) 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 Six Million Dollars (\$6,000,000) 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 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.

**SECTION TWO.** There is hereby authorized a transfer of funds in the total amount of Six Million Dollars (\$6,000,000) 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 Six Million Dollars (\$6,000,000) from the Airport Contingency Fund to the Airport Revenue Fund for the purposes of making funds available for the Air Service Incentive Program for the Airport, adopted by Ordinance 68478, approved November 6, 2009 and the Amended and Restated Air Service Incentive Program for Fiscal Years 2010 through 2014 adopted by the Board of Aldermen.

**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 8, 2011**