BOARD BILL NO. 233 INTRODUCED BY ALDERWOMAN MARLENE DAVIS

An Ordinance recommended and approved by the Board of Estimate and Apportionment authorizing and directing the Director of Airports and the Comptroller of the City of St. Louis (the "City") to enter into and execute on behalf of the City two (2) Automated Teller Machine ("ATM") Concession Agreements (the "ATM Concession Agreements") at Lambert - St. Louis International Airport (the "Airport") between the City and the following concessionaires: a) Bank of America, N.A. and b) CardTronics U.S.A, Inc., granting to each concessionaire the right, license, and privilege to operate a non-exclusive ATM Concession at the Airport subject to the terms, covenants, and conditions of their ATM Concession Agreement with the City, which were approved by the Airport Commission and are more fully described in Section One of this Ordinance; directing that the ATM Concession Agreements be in compliance with all applicable disadvantaged business enterprise requirements and in compliance with all applicable federal, state, and local laws, ordinances, regulations, court decisions and executive orders relating to equal employment opportunity; and containing a severability clause and an emergency clause.

WHEREAS, the City of St. Louis (the "City") owns, operates and maintains Lambert - St. Louis International Airport (the "Airport");

WHEREAS, the Automated Teller Machine ("ATM") Concessions at the Airport are essential for proper accommodation of the public;

WHEREAS, the City has determined that the public will be best served by having two (2) ATM Concession operators at the Airport during the term of the ATM Concession Agreements; and

WHEREAS, the City has advertised and received competitive bids for the right to manage and operate ATM Concessions at the Airport, and by this process the City has determined that the concessionaires listed above are qualified operators of this service and have submitted bids deemed advantageous to the public, the Airport, and the City.

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

SECTION ONE. The Director of Airports and the Comptroller of the City of St. Louis (the "City") are hereby authorized and directed to enter into and execute on behalf of the City two (2) Automated Teller Machine ("ATM") Concession Agreements (the "ATM Concession Agreements") at Lambert - St. Louis International Airport (the "Airport") between the City and the following concessionaires: a) Bank of America, N.A. and b) CardTronics U.S.A., Inc., granting to each concessionaire the right, license, and privilege to operate a non-exclusive ATM Concession at the Airport subject to the terms, covenants, and conditions of their ATM Concession Agreement with the City, which were approved in substance by the Airport Commission and are attached and incorporated herein as follows:

ATTACHMENT A – Bank of America, N.A.; and

ATTACHMENT B – CardTronics U.S.A., Inc.

SECTION TWO. The ATM Concession Agreements must be in compliance with all applicable disadvantaged business enterprise requirements and in compliance with all applicable federal, state, and local laws, ordinances, regulations, court decisions, and executive orders relating to equal employment opportunity.

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

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

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