

1 **BOARD BILL # 85 INTRODUCED BY ALDERMAN STEPHEN CONWAY**

2 An Ordinance recommended and approved by the Airport Commission and the Board of
3 Estimate and Apportionment, making certain findings with respect to the transfer of Two Million
4 Two Hundred Thousand Dollars (\$2,200,000.00) of excess moneys that The City of St. Louis
5 (the “City”), the owner and operator of Lambert-St. Louis International Airport® (the “Airport”),
6 intends to transfer from the “Airport Development Fund” (established under Ordinance 59286,
7 Section 13, approved October 26, 1984) into the “Airport Contingency Fund” (established under
8 Ordinance 59286 approved October 26, 1984, Exhibit A, Article V, Sections 502 and 510) in
9 accordance with Section 509.F of the Airport Amended and Restated Indenture of Trust between
10 the City, as Grantor, and UMB Bank, N.A., as Trustee, dated as of October 15, 1984, as amended
11 and restated as of July 1, 2009; authorizing transfers in the total amount of Two Million Two
12 Hundred Thousand Dollars (\$2,200,000.00) from the Airport Development Fund into the Airport
13 Contingency Fund; further authorizing transfers of funds in the total amount not to exceed Three
14 Million Two Hundred Four Thousand Three Hundred Fifty Four Dollars (\$3,204,354.00) from
15 the Airport Contingency Fund to the Airport Revenue Fund (established under Ordinance 59286,
16 approved October 26, 1984) as are required for the purposes of making funds available for the
17 estimated costs of the Airport’s Air Service Incentive Program for Fiscal Years 2015 through
18 2017; containing a severability clause; and containing an emergency clause.

19 **WHEREAS**, The City of St. Louis, Missouri (the “City”), owns an airport known as the
20 Lambert-St. Louis International Airport (the “Airport”), which is operated by the Airport
21 Authority of the City;

22 **WHEREAS**, pursuant to Section 509.F of the Airport Amended and Restated Indenture
23 of Trust between UMB Bank, N.A., Trustee, dated as of October 15, 1984, as amended and

1 restated as of July 1, 2009 (the “Restated Indenture”), the City may, but if and only to the extent
2 consistent with the “Capital Budget” provided for in Section 816 of the Restated Indenture,
3 transfer from the “Airport Development Fund” (established under Ordinance 59286, Section 13,
4 approved October 26, 1984) into the “Airport Contingency Fund” (established under Ordinance
5 59286 approved October 26, 1984, Exhibit A, Article V, Sections 502 and 510) any moneys in
6 the Airport Development Fund which are no longer needed for the purposes of moneys on
7 deposit in the Airport Development Fund;

8 **WHEREAS**, the City, acting in the best interest of the City, the Airport, and the traveling
9 public, anticipates that up to Four Million Eight Hundred Thousand Dollars (\$4,800,000.00) may
10 be required for the purposes of making funds available for the estimated costs of the Airport’s
11 Air Service Incentive Program for Fiscal Years 2015 through 2017;

12 **WHEREAS**, there is a balance in excess of Two Million Two Hundred Thousand
13 Dollars (\$2,200,000.00) available for transfer from the Airport Development Fund into the
14 Airport Contingency Fund;

15 **WHEREAS**, it is now in the best interest of the City, the Airport, and the traveling
16 public to authorize the transfer of funds from the Airport Development Fund into the Airport
17 Contingency Fund in the total amount of Two Million Two Hundred Thousand Dollars
18 (\$2,200,000.00); and

19 **WHEREAS**, this Ordinance authorizing the transfer of Two Million Two Hundred
20 Thousand Dollars (\$2,200,000.00) from the City’s Airport Development Fund into the Airport
21 Contingency Fund and then the transfer of Three Million Two Hundred Four Thousand Three
22 Hundred Fifty Four Dollars (\$3,204,354.00) from the Airport Contingency Fund into the Airport
23 Revenue Fund (established under Ordinance 59286, Section 13, approved October 26, 1984) for

1 the purpose of making funds available for the Airport’s Air Service Incentive Program for Fiscal
2 Years 2015 through 2017, are recommended by the City’s Airport Commission and the City’s
3 Board of Estimate and Apportionment.

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

5 **SECTION ONE.** The Board of Aldermen for The City of St. Louis hereby adopts and
6 incorporates herein the foregoing recitals as findings and further finds that the Two Million Two
7 Hundred Thousand Dollars (\$2,200,000.00) of excess moneys or funds that The City of St. Louis
8 (the “City”), intends to transfer from the “Airport Development Fund” (established under
9 Ordinance 59286, Section 13, approved October 26, 1984) into the “Airport Contingency Fund”
10 (established under Ordinance 59286 approved October 26, 1984, Exhibit A, Article V, Sections
11 502 and 510) is no longer needed for the purposes of moneys on deposit in the Airport
12 Development Fund and that said transfer is consistent with the Airport Capital Budget in
13 accordance with Section 509.F of the Lambert-St. Louis International Airport Amended and
14 Restated Indenture of Trust between the City, as Grantor, and UMB Bank, N.A., as Trustee,
15 dated as of October 15, 1984, as amended and restated as of July 1, 2009.

16 **SECTION TWO.** There is hereby authorized a transfer of funds in the total amount
17 of Two Million Two Hundred Thousand Dollars (\$2,200,000.00) from the Airport Development
18 Fund (established under Ordinance 59286, approved October 26, 1984) into the Airport
19 Contingency Fund.

20 **SECTION THREE.** There is hereby further authorized transfers as are required of
21 sufficient funds or moneys on deposit in the Airport Contingency Fund in the total amount not to
22 exceed Three Million Two Hundred Four Thousand Three Hundred Fifty Four Dollars
23 (\$3,204,354.00) from the Airport Contingency Fund to the Airport Revenue Fund for the purpose

1 of making funds available for the estimated costs of the Airport’s Air Service Incentive Program
2 for Fiscal Years 2015 through and including Fiscal Year 2017 (the “Program”); provided,
3 however, that any appropriated amounts in excess of actual financial benefits conferred in each
4 fiscal year will be carried over to the immediately following fiscal year to be used in accordance
5 with the Program to include fiscal year 2018 for those eligible airlines with qualifying flight
6 activity that extend beyond the end of Fiscal Year 2017 in accordance with the Program.

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

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