

1 **BOARD BILL # 73 INTRODUCED BY ALDERMAN PHYLLIS YOUNG**

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 Twelve  
4 Million Dollars (\$12,000,000) of moneys that The City of St. Louis, the owner and operator of  
5 Lambert-St. Louis International Airport®, intends to transfer from the “Airport Development  
6 Fund” (established under Ordinance 59286, Section 13, approved October 26, 1984) into the  
7 “Airport Contingency Fund” (established under Ordinance 59286 approved October 26, 1984,  
8 Exhibit A, Article V, Sections 502 and 510) in accordance with Section 509.F of the Lambert-St.  
9 Louis International Airport® Amended and Restated Indenture of Trust between UMB Bank,  
10 N.A., Trustee, dated as of October 15, 1984, as amended and restated on September 10, 1997, as  
11 amended; authorizing a transfer in the total amount of Twelve Million Dollars (\$12,000,000)  
12 from the Airport Development Fund into the Airport Contingency Fund; further authorizing  
13 transfers of funds in the total amount not to exceed Twelve Million Dollars (\$12,000,000) from  
14 the Airport Contingency Fund to the Airport Revenue Fund (established under Ordinance 59286,  
15 Section 13, approved October 26, 1984) during the fiscal year beginning July 1, 2006 (“Fiscal  
16 Year 2007”) as are required for the purposes of making funds available for the mitigation of  
17 airline landing fee rates by the City in Fiscal Year 2007 provided for in Section 607 of the City’s  
18 Airport Use and Lease Agreements with terms ending June 30, 2011; containing a severability  
19 clause; and containing an emergency clause.

20 **WHEREAS**, The City of St. Louis (the “City”) is the owner of Lambert-St. Louis  
21 International Airport® (the “Airport”), which is operated for the City by the City’s Airport  
22 Authority, a department of the City;

1           **WHEREAS**, pursuant to Section 509.F of the Lambert-St. Louis International Airport®  
2 Amended and Restated Indenture of Trust between UMB Bank, N.A., Trustee, dated as of  
3 October 15, 1984, as amended and restated on September 10, 1997, as amended (the “Airport  
4 Indenture”), the City may, but if and only to the extent consistent with the Capital Budget,  
5 transfer from the “Airport Development Fund” (established under Ordinance 59286, Section 13,  
6 approved October 26, 1984) into the “Airport Contingency Fund” (established under Ordinance  
7 59286 approved October 26, 1984, Exhibit A, Article V, Sections 502 and 510) any moneys in  
8 the Airport Development Fund which are no longer needed for the purposes of moneys on  
9 deposit in the Airport Development Fund;

10           **WHEREAS**, the City anticipates that up to Twelve Million Dollars (\$12,000,000) may  
11 be required depending on airline traffic activity at the Airport to fund during the fiscal year  
12 beginning July 1, 2006 (“Fiscal Year 2007”) the mitigation of airline landing fee rates provided  
13 for in Section 607 of the City’s Airport Use and Lease Agreements with terms ending June 30,  
14 2011 and entered between the City and various airlines using the Airport;

15           **WHEREAS**, there is a balance in excess of Twelve Million Dollars (\$12,000,000)  
16 available for transfer from the Airport Development Fund into the Airport Contingency Fund;

17           **WHEREAS**, it is now in the best interest of the City, the Airport, and the traveling  
18 public to authorize the transfer of funds from the Airport Development Fund into the Airport  
19 Contingency Fund in the total amount of Twelve Million Dollars (\$12,000,000); and

20           **WHEREAS**, this Ordinance authorizing the transfer of Twelve Million Dollars  
21 (\$12,000,000) from the City’s Airport Development Fund into the Airport Contingency Fund is  
22 recommended by the City’s Airport Commission and the City’s Board of Estimate and  
23 Apportionment.

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

2           **SECTION ONE.** The Board of Aldermen for The City of St. Louis hereby adopts and  
3 incorporates herein the foregoing recitals as findings and further finds that the Twelve Million  
4 Dollars (\$12,000,000) of excess moneys or funds that the City intends to transfer from the  
5 Airport Development Fund into the Airport Contingency Fund is no longer needed for the  
6 purposes of moneys on deposit in the Airport Development Fund and that said transfer is  
7 consistent with the Airport Capital Budget in accordance with Section 509.F of the Airport  
8 Indenture.

9           **SECTION TWO.** There is hereby authorized a transfer of funds in the total amount  
10 of Twelve Million Dollars (\$12,000,000) from the Airport Development Fund into the Airport  
11 Contingency Fund.

12           **SECTION THREE.** There is hereby further authorized periodic transfers as are  
13 required of sufficient funds or moneys on deposit in the Airport Contingency Fund as authorized  
14 in Section Two above in the total amount not to exceed Twelve Million Dollars (\$12,000,000)  
15 from the Airport Contingency Fund to the Airport Revenue Fund (established under Ordinance  
16 59286, Section 13, approved October 26, 1984) during Fiscal Year 2007 for the purposes of  
17 making funds available for the mitigation of airline landing fee rates by the City in Fiscal Year  
18 2007 provided for in Section 607 of the City's Airport Use and Lease Agreements with terms  
19 ending June 30, 2011 entered between the City and various airlines using the Airport.

20           **SECTION FOUR.** It is hereby declared to be the intention of the Board of Aldermen  
21 that each and every part, section, and subsection of this Ordinance shall be separate and  
22 severable from each and every other part, section, and subsection hereof and that the Board of  
23 Aldermen intends to adopt each said part, section, and subsection separately and independently

1 of any other part, section, and subsection. In the event that any part, section, or subsection of this  
2 Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining  
3 parts, sections, and subsections shall be and remain in full force and effect, unless the court  
4 making such finding shall determine that the valid portions standing alone are incomplete and are  
5 incapable of being executed in accord with the legislative intent.

6 **SECTION FIVE.** This being an ordinance for the preservation of public peace, health,  
7 or safety, it is hereby declared to be an emergency measure as defined in Article IV, Section 20  
8 of the Charter of the City and shall become effective immediately upon its approval by the  
9 Mayor of the City.

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