

1 **BOARD BILL # 74 INTRODUCED BY ALDERWOMAN 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 Three
4 Million Two Hundred Thousand Dollars (\$3,200,000) of moneys that The City of St. Louis (the
5 “City”), the owner and operator of Lambert-St. Louis International Airport®, intends to transfer
6 from the “Airport Development Fund” (established under Ordinance 59286, Section 13,
7 approved October 26, 1984) into the “Airport Contingency Fund” (established under Ordinance
8 59286 approved October 26, 1984, Exhibit A, Article V, Sections 502 and 510) in accordance
9 with Section 509.F of the Lambert-St. Louis International Airport® Amended and Restated
10 Indenture of Trust between UMB Bank, N.A., Trustee, dated as of October 15, 1984, as amended
11 and restated on September 10, 1997, as amended; authorizing a transfer in the total amount of
12 Three Million Two Hundred Thousand Dollars (\$3,200,000) from the Airport Development
13 Fund into the Airport Contingency Fund; further authorizing transfers of funds in the total
14 amount not to exceed Two Hundred Thousand Dollars (\$200,000) from the Airport Contingency
15 Fund to the Airport Revenue Fund (established under Ordinance 59286, Section 13, approved
16 October 26, 1984) during the fiscal year beginning July 1, 2006 (“Fiscal Year 2007”) and the
17 transfer of funds in the total amount not to exceed Three Million Dollars (\$3,000,000) during the
18 fiscal year beginning July 1, 2007 (“Fiscal Year 2008”), as are required for the purposes of
19 making funds available for the Passenger Air Service Incentive Program previously adopted by
20 the City; containing a severability clause; and containing an emergency clause.

21 **WHEREAS**, The City of St. Louis (the “City”) is the owner of Lambert-St. Louis
22 International Airport® (the “Airport”), which is operated for the City by the City’s Airport
23 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 Two Hundred Thousand Dollars (\$200,000)
11 may be required depending on passenger air service at the Airport to fund during the fiscal year
12 beginning July 1, 2006 (“Fiscal Year 2007”) and up to Three Million Dollars (\$3,000,000)
13 during the fiscal year beginning July 1, 2007 (“Fiscal Year 2008”) for the Passenger Air Service
14 Incentive Program previously adopted by the City and provided for in Section 610 (B) of the
15 City’s Airport Use and Lease Agreements with terms ending June 30, 2011 entered between the
16 City and various airlines using the Airport;

17 **WHEREAS**, there is a balance in excess of Three Million Two Hundred Thousand
18 Dollars (\$3,200,000) available for transfer from the Airport Development Fund into the Airport
19 Contingency Fund;

20 **WHEREAS**, it is now in the best interest of the City, the Airport, and the traveling
21 public to authorize the transfer of funds from the Airport Development Fund into the Airport
22 Contingency Fund in the total amount of Three Million Two Hundred Thousand Dollars
23 (\$3,200,000); and

1 **WHEREAS**, this Ordinance authorizing the transfer of Three Million Two Hundred
2 Thousand Dollars (\$3,200,000) from the City’s Airport Development Fund into the Airport
3 Contingency Fund is recommended by the City’s Airport Commission and the City’s Board of
4 Estimate and Apportionment.

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

6 **SECTION ONE.** The Board of Aldermen for The City of St. Louis hereby adopts and
7 incorporates herein the foregoing recitals as findings and further finds that the Three Million
8 Two Hundred Thousand Dollars (\$3,200,000) of excess moneys or funds that the City intends to
9 transfer from the Airport Development Fund into the Airport Contingency Fund is no longer
10 needed for the purposes of moneys on deposit in the Airport Development Fund and that said
11 transfer is consistent with the Airport Capital Budget in accordance with Section 509.F of the
12 Airport Indenture.

13 **SECTION TWO.** There is hereby authorized a transfer of funds in the total amount
14 of Three Million Two Hundred Thousand Dollars (\$3,200,000) from the Airport Development
15 Fund into the Airport Contingency Fund.

16 **SECTION THREE.** There is hereby further authorized the transfers as are required of
17 sufficient funds or moneys on deposit in the Airport Contingency Fund as authorized in Section
18 Two above in the total amount not to exceed Two Hundred Thousand Dollars (\$200,000) from
19 the Airport Contingency Fund to the “Airport Revenue Fund” (established under Ordinance
20 59286, Section 13, approved October 26, 1984) during Fiscal Year 2007 and in the amount not to
21 exceed Three Million Dollars (\$3,000,000) from the Airport Contingency Fund to the Airport
22 Revenue Fund during Fiscal Year 2008 for the purposes of making funds available for the
23 Passenger Air Service Program previously adopted by the City and provided for in Section 610

1 (B) of the City's Airport Use and Lease Agreements with terms ending June 30, 2011 entered
2 between the City and various airlines using the Airport.

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

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