

1 **BOARD BILL # 11 INTRODUCED BY ALDERMAN TERRY KENNEDY**

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 One Million
4 Seven Hundred Thousand Dollars (\$1,700,000) of excess moneys that The City of St. Louis (the
5 “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 Lambert-St. Louis International Airport® Amended and
10 Restated Indenture of Trust between the City, as Grantor, and UMB Bank, N.A., as Trustee,
11 dated as of October 15, 1984, as amended and restated as of July 1, 2009 (the “Restated
12 Indenture”); authorizing transfers in the total amount of One Million Seven Hundred Thousand
13 Dollars (\$1,700,000) from the Airport Development Fund into the Airport Contingency Fund;
14 further authorizing transfers of funds in the total amount not to exceed One Million Seven
15 Hundred Thousand Dollars (\$1,700,000) from the Airport Contingency Fund to the Airport
16 Revenue Fund (established under Ordinance 59286, approved October 26, 1984) during the
17 fiscal year beginning July 1, 2010 as are required for the purposes of making funds available for
18 the Air Service Incentive Program for the Airport adopted by Ordinance 68478, approved
19 November 6, 2009; containing a severability clause; and containing an emergency clause.

20 **WHEREAS,** The City of St. Louis, Missouri (the ‘City’) owns an airport known as the
21 Lambert St. Louis International Airport (the “Airport”) which is operated by the Airport
22 Authority 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 as of July 1, 2009 (the “Restated Indenture”), the
4 City may, but if and only to the extent consistent with the “Capital Budget” provided for in
5 Section 816 of the Restated Indenture, transfer from the “Airport Development Fund”
6 (established under Ordinance 59286, Section 13, approved October 26, 1984) into the “Airport
7 Contingency Fund” (established under Ordinance 59286 approved October 26, 1984, Exhibit A,
8 Article V, Sections 502 and 510) any moneys in the Airport Development Fund which are no
9 longer needed for the purposes of moneys on deposit in the Airport Development Fund;

10 **WHEREAS**, the City, acting in the best interest of the City, the Airport and the traveling
11 public, anticipates that up to One Million Dollars (\$1,700,000) may be required for the purposes
12 of making funds available during the fiscal year beginning July 1, 2010 for the Air Service
13 Incentive Program for the Airport authorized by Ordinance 68478, approved November 6, 2009;

14 **WHEREAS**, there is a balance in excess of One Million Seven Hundred Thousand
15 Dollars (\$1,700,000) available for transfer from the Airport Development Fund into the Airport
16 Contingency Fund;

17 **WHEREAS**, it is now in the best interest of the City, the operation of the Airport, and
18 the traveling public to authorize the transfer of funds from the Airport Development Fund into
19 the Airport Contingency Fund in the total amount of One Million Seven Hundred Thousand
20 Dollars (\$1,700,000); and

21 **WHEREAS**, this Ordinance authorizing the transfer of One Million Seven Hundred
22 Thousand Dollars (\$1,700,000) from the City’s Airport Development Fund into the Airport
23 Contingency Fund and then the transfer of One Million Seven Hundred Thousand Dollars

1 (\$1,700,000) from the Airport Contingency Fund into the Airport Revenue Fund (established
2 under Ordinance 59286, Section 13, approved October 26, 1984) are recommended by the City's
3 Airport Commission and the City's 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 One Million
7 Seven Hundred Dollars (\$1,700,000) of excess moneys or funds that the City intends to transfer
8 from the Airport Development Fund into the Airport Contingency Fund is no longer needed for
9 the purposes of moneys on deposit in the Airport Development Fund and that said transfer is
10 consistent with the Airport Capital Budget in accordance with Section 509.F of the Restated
11 Indenture.

12 **SECTION TWO.** There is hereby authorized a transfer of funds in the total amount
13 of One Million Seven Hundred Thousand Dollars (\$1,700,000) from the Airport Development
14 Fund into the Airport Contingency Fund.

15 **SECTION THREE.** There is hereby further authorized transfers as are required of
16 sufficient funds or moneys on deposit in the Airport Contingency Fund in the total amount not to
17 exceed One Million Seven Hundred Thousand Dollars (\$1,700,000) from the Airport
18 Contingency Fund to the Airport Revenue Fund for the purposes of making funds available for
19 the Air Service Incentive Program, adopted by Ordinance 68478, approved November 6, 2009.

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

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