

1 **BOARD BILL # 249 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 Four Hundred Thirty Six Thousand Eight Hundred and Sixteen Dollars (\$1,436,816) of excess
5 moneys that The City of St. Louis (the “City”), the owner and operator of Lambert-St. Louis
6 International Airport®, intends to transfer from the “Airport Development Fund” (established
7 under Ordinance 59286, Section 13, approved October 26, 1984) into the “Airport Contingency
8 Fund” (established under Ordinance 59286 approved October 26, 1984, Exhibit A, Article V,
9 Sections 502 and 510) in accordance with Section 509.F of the Lambert-St. Louis International
10 Airport® Amended and Restated Indenture of Trust between the City, as Grantor, and UMB
11 Bank, N.A., as Trustee, dated as of October 15, 1984, as amended and restated as of July 1, 2009
12 (the “Restated Indenture”); authorizing a transfer in the total amount of One Million Four
13 Hundred Thirty Six Thousand Eight Hundred Sixteen Dollars (\$1,436,816) from the Airport
14 Contingency Fund into the Airport Revenue Fund, established by Section 502 of the Restated
15 Indenture, to be used to reimburse the airlines for amortization costs associated with the W-1W
16 Expansion Program authorized by Ordinance 64279, approved March 9, 1998; containing a
17 severability clause; and containing an emergency clause.

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

21 **WHEREAS**, pursuant to Section 509.F of the Lambert-St. Louis International Airport®
22 Amended and Restated Indenture of Trust between UMB Bank, N.A., Trustee, dated as of
23 October 15, 1984, as amended and restated as of July 1, 2009 (the “Restated Indenture”), the

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

7 **WHEREAS**, the City anticipates that One Million Four Hundred Thirty Six Thousand
8 Eight Hundred Sixteen Dollars (\$1,436,816) is required to reimburse the airlines for amortization
9 costs associated with the W-1W Expansion Program authorized by Ordinance 64279, approved
10 March 9, 1998;

11 **WHEREAS**, there is a balance in excess of One Million Four Hundred Thirty Six
12 Thousand Eight Hundred Sixteen Dollars (\$1,436,816) available for transfer from the Airport
13 Development Fund into the Airport Contingency Fund;

14 **WHEREAS**, it is now in the best interest of the City and the operation of the Airport to
15 authorize the transfer of funds from the Airport Development Fund into the Airport Contingency
16 Fund in the total amount of One Million Four Hundred Thirty Six Thousand Eight Hundred
17 Sixteen Dollars (\$1,436,816); and

18 **WHEREAS**, this Ordinance authorizing the transfer of One Million Four Hundred Thirty
19 Six Thousand Eight Hundred Sixteen Dollars (\$1,436,816) from the City’s Airport Development
20 Fund into the Airport Contingency Fund is recommended by the City’s Airport Commission and
21 the City’s Board of Estimate and Apportionment.

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

1 **SECTION ONE.** The Board of Aldermen for The City of St. Louis hereby adopts and
2 incorporates herein the foregoing recitals as findings and further finds that the One Million Four
3 Hundred Thirty Six Thousand Eight Hundred Sixteen Dollars (\$1,436,816) of excess moneys or
4 funds that the City intends to transfer from the Airport Development Fund into the Airport
5 Contingency Fund is no longer needed for the purposes of moneys on deposit in the Airport
6 Development Fund and that said transfer is consistent with the Airport Capital Budget in
7 accordance with Section 509.F of the Restated Indenture.

8 **SECTION TWO.** There is hereby authorized a transfer of funds in the total amount
9 of One Million Four Hundred Thirty Six Thousand Eight Hundred Sixteen Dollars (\$1,436,816)
10 from the Airport Development Fund into the Airport Contingency Fund.

11 **SECTION THREE.** There is hereby further authorized the transfers as are required of
12 sufficient funds or moneys on deposit in the Airport Contingency Fund as authorized by Section
13 Two above to the Airport Revenue Fund an amount not to exceed One Million Four Hundred
14 Thirty Six Thousand Eight Hundred Sixteen Dollars (\$1,436,816) to reimburse the airlines for
15 amortization costs associated with the W-1W Expansion Program, authorized by Ordinance
16 64279, approved March 9, 1998.

17 **SECTION FOUR.** It is hereby declared to be the intention of the Board of Aldermen
18 that each and every part, section, and subsection of this Ordinance shall be separate and
19 severable from each and every other part, section, and subsection hereof and that the Board of
20 Aldermen intends to adopt each said part, section, and subsection separately and independently
21 of any other part, section, and subsection. In the event that any part, section, or subsection of
22 this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the
23 remaining parts, sections, and subsections shall be and remain in full force and effect, unless the

1 court making such finding shall determine that the valid portions standing alone are incomplete
2 and are incapable of being executed in accord with the legislative intent.

3 **SECTION FIVE.** This being an ordinance for the payment of public debt, it is hereby
4 declared to be an emergency measure as defined in Article IV, Section 20 of the Charter of the
5 City and shall become effective immediately upon its approval by the Mayor of the City.