

BOARD BILL # 276 INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG

1 An Ordinance pursuant to Sections 70.210-70.320 of the Revised Statutes of Missouri
2 (2000) and recommended by the Airport Commission; authorizing and directing the Mayor and
3 the Comptroller on behalf of The City of St. Louis (the "City") to execute and deliver an
4 intergovernmental cooperation and development assistance agreement (the "Cooperation
5 Agreement") by and among the State of Missouri, acting by and through its Department of
6 Economic Development, the County of St. Louis, Missouri, and the City concerning the
7 formation of an intergovernmental joint cooperation and development commission (the
8 "Commission") to further assess the potential for, and support to the extent appropriate, an Air
9 Freight Hub Initiative and a Commercial Hub Initiative, as defined in the Cooperation
10 Agreement, between China and the Midwest region of the United States; making certain findings
11 and determining and declaring the official intent of the City with respect thereto; prescribing and
12 approving the form and details of said Cooperation Agreement and authorizing its execution by
13 the Mayor; appointing a member to the Commission's governing body; and containing a
14 severability clause.

15 **WHEREAS**, Section 16 of Article VI of the Missouri Constitution allows and provides
16 that any municipality or political subdivision of the State of Missouri ("Missouri") may contract
17 and cooperate with other municipalities or political subdivisions of Missouri, or with other states
18 or their municipalities or political subdivisions or with the United States, for the planning,
19 development, construction, acquisition or operation of any public improvement or facility, or for
20 a common service, in the manner provided by law; and

21 **WHEREAS**, Sections 70.210 to 70.320 Mo.Rev.Stat., as amended (herein referred to as
22 the "Intergovernmental Agreement Act"), allow and provide, in pertinent part, for municipalities

1 and political subdivisions to contract and cooperate with any other municipality or political
2 subdivision, or with an elective or appointive official thereof, or with a duly authorized agency
3 of the United States or of Missouri, or with other states or their municipalities or political
4 subdivisions, or with any private person, firm, association or corporation for the planning,
5 development, construction, acquisition or operation of any public improvement or facility, or for
6 a common service; and provide for the establishment and selection of a joint board, commission,
7 officer or officers to supervise, manage and have charge of such joint planning, development,
8 construction, acquisition, operation or service and provide for the powers and duties, terms of
9 office, compensation, if any, and other provisions relating to the members of such joint board,
10 commission, officers or officer; and

11 **WHEREAS**, pursuant to Section 16 of Article VI of the Missouri Constitution and the
12 Intergovernmental Agreement Act, The City of St. Louis, Missouri (the "City") is authorized to
13 enter into the Cooperation Agreement, attached hereto as Exhibit A and incorporated herein by
14 reference (the "Cooperation Agreement"), with Missouri, acting by and through its Department
15 of Economic Development, and the County of St. Louis, Missouri (herein sometimes
16 individually referred to as a "Party" and collectively together with the City, as the "Parties"), and

17 **WHEREAS**, the Board of Aldermen hereby determines that the terms of the Cooperation
18 Agreement are acceptable and that the execution, delivery and performance by the City and the
19 Parties of their respective obligations under the Cooperation Agreement are in the best interests
20 of the City and promote the health, safety and welfare of its residents.

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

22 **SECTION ONE.** Findings. The Board of Aldermen hereby adopts the foregoing
23 recitals as findings and further finds as follows:

1 It is in the best interest of the City to join with the other Parties to establish the
2 Midwest/China Hub Commission (the “Commission”) as set out in the Cooperation Agreement:
3 i) to provide, in a comprehensive, cost-effective, and uniform manner further assessment of the
4 potential for, and to support to the extent appropriate, an Air Freight Hub Initiative and a
5 Commercial Hub Initiative as contemplated in the Cooperation Agreement; ii) to foster two-way
6 trade, exchanges and investment between China and the State of Missouri and the Midwest
7 region of the United States; and iii) to support Lambert St. Louis International Airport (the
8 “Airport”) becoming a hub for Chinese air freight and passenger flights; and these undertakings
9 are in the interest of the public health, safety, and general welfare of the people of the City and
10 the Airport.

11 **SECTION TWO.** Declaration of Official Intent. The Board of Aldermen, having duly
12 reviewed and considered the Cooperation Agreement, hereby declares the official intent of the
13 Board of Aldermen to cooperate with the Parties in order to implement and facilitate the
14 effectuation of the Cooperation Agreement.

15 **SECTION THREE.** Approval of the Cooperation Agreement. The Board of Aldermen
16 hereby approves, and notwithstanding any provision of any ordinance to the contrary, the Mayor,
17 on behalf of the City, is hereby authorized and directed to execute and deliver to the Comptroller
18 and the other City officials as indicated in the Cooperation Agreement, which shall be
19 substantially in the form attached hereto as Exhibit A, with such changes therein as shall be
20 approved by the Mayor, and as may be consistent with the intent of this Ordinance and the
21 Cooperation Agreement and necessary, desirable, convenient or proper in order to carry out the
22 matters herein authorized.

1 **SECTION FOUR.** Incorporation of Exhibit. Exhibit A to this Ordinance is hereby
2 incorporated herein by this reference as if such exhibit was duly set forth herein.

3 **SECTION FIVE.** Appointing of Commissioner. In accordance with Section 4 of the
4 Cooperation Agreement attached hereto as Exhibit A, the Mayor shall appoint the City's Director
5 of Airports or his/her designee a member of the governing body of the Commission. The term,
6 duties and powers of any person appointed pursuant to this section shall be in accordance with
7 the Cooperation Agreement and the by-laws of the Commission.

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

EXHIBIT A
COOPERATION AGREEMENT