

1 **BOARD BILL #73 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 Six Million
4 Dollars (\$6,000,000) of excess moneys that The City of St. Louis (the “City”), the owner and
5 operator of Lambert-St. Louis International Airport® (the “Airport”), intends to transfer from the
6 “Airport Development Fund” (established under Ordinance 59286, Section 13, approved October
7 26, 1984) into the “Airport Contingency Fund” (established under Ordinance 59286 approved
8 October 26, 1984, Exhibit A, Article V, Sections 502 and 510) in accordance with Section 509.F
9 of the Lambert-St. Louis International Airport® Amended and Restated Indenture of Trust
10 between the City, as Grantor, and UMB Bank, N.A., as Trustee, dated as of October 15, 1984, as
11 amended and restated as of July 1, 2009; authorizing transfers in the total amount of Six Million
12 Dollars (\$6,000,000) from the Airport Development Fund into the Airport Contingency Fund;
13 further authorizing transfers of funds in the total amount not to exceed Six Million Dollars
14 (\$6,000,000) from the Airport Contingency Fund to the Airport Revenue Fund (established under
15 Ordinance 59286, approved October 26, 1984) as are required for the purposes of making funds
16 available for the estimated costs of the Air Service Incentive Program for the Airport adopted by
17 Ordinance 68478, approved November 6, 2009 and the Amended & Restated Air Service
18 Incentive Program for Fiscal Years 2010 through 2014; containing a severability clause; and
19 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 Six Million Dollars (\$6,000,000) may be required for the purposes
12 of making funds available for the estimated costs of the Air Service Incentive Program for the
13 Airport authorized by Ordinance 68478, approved November 6, 2009 and the Amended and
14 Restated Air Service Incentive Program for Fiscal Years 2010 through 2014;

15 **WHEREAS**, there is a balance in excess of Six Million Dollars (\$6,000,000) available
16 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 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 Six Million Dollars (\$6,000,000); and

20 **WHEREAS**, this Ordinance authorizing the transfer of Six Million Dollars (\$6,000,000)
21 from the City’s Airport Development Fund into the Airport Contingency Fund and then the
22 transfer of Six Million Dollars (\$6,000,000) from the Airport Contingency Fund into the Airport
23 Revenue Fund (established under Ordinance 59286, Section 13, approved October 26, 1984) are

1 recommended by the City's Airport Commission and the City's Board of Estimate and
2 Apportionment.

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

4 **SECTION ONE.** The Board of Aldermen for The City of St. Louis hereby adopts and
5 incorporates herein the foregoing recitals as findings and further finds that the Six Million
6 Dollars (\$6,000,000) of excess moneys or funds that the City intends to transfer from the Airport
7 Development Fund into the Airport Contingency Fund is no longer needed for the purposes of
8 moneys on deposit in the Airport Development Fund and that said transfer is consistent with the
9 Airport Capital Budget 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,
12 2009.

13 **SECTION TWO.** There is hereby authorized a transfer of funds in the total amount
14 of Six Million Dollars (\$6,000,000) from the Airport Development Fund into the Airport
15 Contingency Fund.

16 **SECTION THREE.** There is hereby further authorized transfers as are required of
17 sufficient funds or moneys on deposit in the Airport Contingency Fund in the total amount not to
18 exceed Six Million Dollars (\$6,000,000) from the Airport Contingency Fund to the Airport
19 Revenue Fund for the purposes of making funds available for the Air Service Incentive Program
20 for the Airport, adopted by Ordinance 68478, approved November 6, 2009 and the Amended and
21 Restated Air Service Incentive Program for Fiscal Years 2010 through 2014 adopted by the
22 Board of Aldermen.

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

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