

AN ORDINANCE

amending Article II of Chapter 22, Aviation, by enacting a new Division 4, Passenger Facility Charge ("PFC"), to be assessed on enplaning passengers at the Joplin Regional Airport for the purpose of enhancing the safety, capacity and security of the transportation facilities at the Joplin Regional Airport, and to furnish opportunities for enhanced competition between and among air carriers, and to mitigate noise impact at the Joplin Regional Airport, and establishing a date when this ordinance shall become effective.

WHEREAS, the City of Joplin, Missouri, owns, operates, and maintains the Joplin Regional Airport (the "Airport") for the use and general welfare of all of the air traveling public, as well as all aspects of the people residing within the City of Joplin; and

WHEREAS, under the Aviation Safety and Expansion Act of 1990 (49 App. U.S.C. Section 1513), (the "Act") and regulations promulgated by the Federal Aviation Administration, United States Department of Transportation (the "FAA") thereto (14 CFR Part 158) ("Regulations") the City is authorized to adopt the passenger facility charge ("PFC") program as provided in said Act and Regulations, in order to preserve and enhance the safety, capacity and security of the transportation facilities at the Joplin Regional Airport, to furnish opportunities for enhanced competition between or among air carriers, and to mitigate noise impact at the airport; and

WHEREAS, upon investigation, Joplin Airport Board has recommended, and the City of Joplin has determined that the adoption of a PFC for the Airport in an amount not to exceed \$4.50 per enplaning passenger, upon approval by the FAA, for the purposes designated herein, is in the best interests of the citizens of the City of Joplin and the air traveling public; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Article II of Chapter 22, Aviation, be amended by enacting a Division 4 to read as follows:

"DIVISION 4. PASSENGER FACILITY CHARGE

Sec. 22-200 - Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Act* means the Aviation Safety and Capacity Expansion Act of 1990, 49 App. USC 1513.

(2) *Airport* means the Joplin Regional Airport, Joplin, Missouri, or any other airport operated by the city.

(3) *Airport board* and *board* mean the City of Joplin Airport Advisory Board.

(4) *Airport PFC* means the passenger facility charge to be imposed upon passengers at the airport.

(5) *Airport PFC program* means the program of PFC imposition, collection and expenditure as set out in this article, and subsequent action of the airport board and approval by the FAA, as defined in the Act and regulations.

(6) *Enplaning passenger* means a domestic, territorial or international revenue passenger enplaned in the United States in scheduled or nonscheduled service on aircraft in intrastate, interstate or foreign commerce, as defined in the Act and regulations.

(7) *FAA* means the Federal Aviation Administration, Department of Transportation, United States of America.

(8) *PFC* means a passenger facility charge covered by the Act and regulations imposed by a public agency upon passengers enplaned at a commercial service airport controlled by such public agency.

(9) *Regulations* means the regulations concerning the passenger facility charge promulgated by the FAA pursuant to the Act, which may be found at 14 CFR 158 and the appendices accompanying 14 CFR 158.

Sec. 22-201 - Purpose.

It is in the best interest of the city, and in the interest of airplane passengers, that the city adopt a passenger facility charge program as provided in the Aviation Safety and Capacity Expansion Act of 1990, enacted by the United States Congress, and subject to such rules, regulations and assurances as required by the United States Secretary of Transportation under authority of the Act, in order to preserve and enhance the safety, capacity and security of the transportation facilities at the airport, to furnish opportunities for enhanced competition between or among air carriers, and to mitigate noise impact at the airport.

Sec. 22-202 - Amount; Collection.

Commencing no earlier than sixty (60) days after the approval by the FAA, and appropriate notification to the airlines serving the Airport of the City's application for authority to impose a PFC at the Airport, and to expend revenues according to the Airport

PFC Program authorized by this Ordinance, or on such date thereafter as the Airport PFC can be collected, as determined by the Airport Board, there shall be imposed on each enplaned passenger at the Airport a PFC in the amount not to exceed Four and 50/100 Dollars (\$4.50) provided, if permitted by the Regulation and approved by the FAA, that on demand air taxi/commercial operators, operating exclusively under 14 CFR Part 135 Certification, shall not be required to collect the PFC from their passengers. The Airport PFC authorized by this ordinance shall expire on the date determined pursuant to the Regulations, as set out in the PFC program.

Sec. 22-203 - Eligible projects.

The PFC revenues collected pursuant to the airport PFC and PFC program shall be expended for projects approved by the FAA in such program or for such additional projects as may be recommended by the airport board and approved by the City Council in accordance with the regulations and the Act.

Sec. 22-204 - Disposition of Revenue.

(a) There is hereby established a special account known as the passenger facility charge fund account (referred to in this section as "the PFC fund") for the deposit and expenditure of funds received from the airport PFC. All revenues received from the PFC and interest thereon shall be deposited in the PFC fund and shall be expended, upon appropriate actions by the City Council, for projects recommended by the airport board and approved by the City Council and determined to be eligible and approved by the FAA under the Act and the regulations. The City may pledge the PFC revenues and the PFC fund by ordinance to the payment of the principal of, redemption premium, if any and interest on bonds, leases and other obligations used to finance PFC eligible projects.

(b) Transfers from the PFC fund also may be made to reimburse other airport fund accounts for monies previously appropriated and expended or to be expended for projects that are eligible and approved by the FAA for payment from revenues received from the airport PFC, and/or to reimburse any airport fund account for the eligible debt service relating to such projects."

Section 2. That this Ordinance shall be in full force and effect on and after 12:01 o'clock a.m. April 1, 2003.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 3rd day of March, 2003.

Richard H. Russell, Mayor

ATTEST: Judith K. Howery, Deputy City Clerk

APPROVED AS TO FORM: Brian W. Head, City Attorney