

ORDINANCE NO. 2005-O-243

AMENDING ORDINANCE NO. 2002-O-195 DATED AUGUST 19, 2002, ESTABLISHING AND ADOPTING COMMERCIAL AIRCRAFT LANDING FEES AND LANDING FEE RATE FOR THE LAREDO INTERNATIONAL AIRPORT, AS FOLLOWS: INCREASE THE SIGNATORY LANDING FEE RATE FROM \$0.60 TO \$0.75, ADD A NON-SIGNATORY NON-TENANT AIRLINE CATEGORY AT A RATE OF \$1.20 PER THOUSAND POUNDS OF GROSS LANDED WEIGHT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Airport Director recommends that the City Council approve the proposed commercial aircraft landing fees and landing fee rate ordinance, in furtherance of the development of the Laredo International Airport and as a support to the maintenance and operation of the Laredo International Airport.

WHEREAS, the Airport Advisory Committee finds that said ordinance is in the best interest of the Airport and recommends that the City Council approve the proposed ordinance; and

WHEREAS, the City Council of the City of Laredo having heard the recommendations of the Airport Director and of the Airport Advisory Committee agrees with same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAREDO THAT:

Section 1: Definitions:

“Laredo International Airport” or “Airport”: That certain area administered by City of Laredo pursuant to Indenture from the United States of America to the City of Laredo, dated February 21, 1975, and consisting of all the area bounded by Saunders Street to the South, McPherson Avenue to the West, Lake Casa Blanca to the East and undeveloped land to the North, and being more particularly described in that certain Deed of Indenture filed in Volume 478 at page 471 of the Deed of Records of Webb County, Texas, this also includes the Airport Director.

Airline: Any provider of scheduled or non-scheduled air carrier service to include air feeder line, supplemental air carrier, charter service or air taxi service.

Commercial aircraft: Any aircraft operated either for passenger or cargo purposes on scheduled or non-scheduled flights, by a scheduled air carrier, an air feeder line, a supplemental air carrier, a charter service or an air taxi service.

“Maximum certificated gross landing weight” the maximum landing weight approved by the Federal Aviation Administration, or its successor in duties, for landing that aircraft at Airport.

“Fee Landings” (in the singular, or in the plural form) the actual landings of aircraft by the Airline at Airport, whether such be in revenue, or non-revenue service, except those which return to Airport prior to landing at another airport for weather, mechanical, or emergency reasons.

"Signatory Airlines" shall mean those airlines, including code sharing or affiliates of such airlines, providing Air Transportation to and from the Airport that have executed agreements with Airport.

“Non-Signatory Tenant Airlines” shall mean those airlines, including code sharing or affiliates of such airlines, providing Air Transportation to and from the Airport that do not have an executed agreement with Airport with respect to paying and reporting landing activity and lease or sublease space at Airport.

“Non-Signatory Non-Tenant Airlines” shall mean those airlines, including code sharing or affiliates of such airlines, providing Air Transportation to and from the Airport that do not have an executed agreement with Airport with respect to paying and reporting landing activity and do not lease or sublease space at Airport.

Section 2: The Landing Fees shall be determined by multiplying the Land Fee Rate times the total number of thousand pounds of maximum certificated gross landing weight of Airline’s aircraft making Fee Landings at Airport.

The Landing Fee Rate for Signatory Airlines shall be ~~\$0.60 (sixty cents)~~ \$0.75 (Seventy-Five Cents) beginning on January 1, 2006 and will be so until this Ordinance is amended by City of Laredo.

The Landing Fee Rate for Non-Signatory Tenant Airlines shall be \$0.90 (Ninety Cents) until this Ordinance is amended by City of Laredo.

The Landing Fee Rate for Non-Signatory Non-Tenant Airlines shall be \$1.20 (One Dollar and Twenty Cents) until this Ordinance is amended by City of Laredo.

The effective date of increase in rate or new rate shall be sixty (60) days from the date of the public hearing at which this Ordinance is approved and will be so until this Ordinance is amended by City of Laredo.

Section 3: Airline shall furnish to Airport on or before, the fifteenth (15th) day of each month, a written report, in a form approved by Airport, showing Airline’s Fee Landings at Airport during the preceding month; such report shall include the number and the type of

aircraft and the maximum certificated gross landing weight thereof and to include the net cargo landed and enplaned at Airport.

Section 4: Airline and ground Handling providers shall report to Airport on or before the fifteenth (15th) day of each month for the preceding month, a written report, showing the number of aircraft landings by types of aircraft, for which it provided ground handling services of any kind, to include Airlines which do not have written agreements with Airport to use the Airport, and the names and addresses of operators of such aircraft.

Section 5: Is deleted.

Section 6: Airline shall pay to Airport the Landing Fees due for the preceding month within twenty (20) days of the succeeding month. If Airline fails to pay said Landing Fees when due and payable as stated, herein, then Airline shall pay interest to Airport, calculated at the rate of one and one half percent per month, calculated on a daily basis.

Section 7: Notwithstanding anything to the contrary contained herein, Airline shall not be exempt from paying Landing Fees on a particular landing or landings when the Airline purchased aviation fuel at Airport corresponding to that landing or landings and paid the Fuel Flowage Fee charged on fuel sales.

Section 8: The City Manager be and is hereby authorized to implement the commercial aircraft landing fees and landing rate ordinance for the Laredo International Airport.

Section 9: This Ordinance shall become effective upon the expiration of sixty (60) days from the date of the public hearing at which this Ordinance is approved, in accordance with Section 6.10 of the City Charter.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR ON
THIS THE 3rd, DAY OF October, 2005.


ELIZABETH G. FLORES
MAYOR

ATTEST:


GUSTAVO GUEVARA, JR.
CITY SECRETARY

APPROVED AS TO FORM:
JAIME L. FLORES
CITY ATTORNEY

BY: Valeria M. Acevedo
VALERIA M. ACEVEDO
ASSISTANT CITY ATTORNEY

COUNCIL COMMUNICATION

DATE: 10-3-05	SUBJECT: FINAL READING OF ORDINANCE NO. 2005-O-243 Authorizing the City Manager to amend Ordinance No. 2002-O-195 dated August 19, 2002, Establishing and Adopting Commercial Aircraft Landing Fees and Landing Fee Rate for the Laredo International Airport, as follows: Increase the Signatory Landing Fee rate from \$0.60 to \$0.75, add a Non-Signatory Non-Tenant airline category at a rate of \$1.20 per thousand pounds gross landed weight; providing for an effective date.
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INITIATED BY: Cynthia Collazo Deputy City Manager	STAFF SOURCE: Jose L. Flores Airport Director
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PREVIOUS ACTION: On September 19, 2050, Ordinance was introduced by City Council, and Staff was instructed to proceed.

BACKGROUND: This amendment applies to all commercial scheduled and non-scheduled passenger and cargo as well as air feeder line, supplemental air carrier, charter service and air taxi service.

A survey of airports in our region revealed that Brownsville, McAllen, Harlingen and Corpus Christi charge both fees to the commercial service airlines.

Airport	<u>Landing Fee (Signatory)</u>	<u>Landing Fee Non-Signatory</u>	Landing Fee (Non-Signatory Non-Tenant)
McAllen	\$0.80	\$0.90	N/A
Harlingen	0.76	\$0.92	N/A
Brownsville	0.52	\$0.68	N/A
Corpus Christi	1.22	\$1.53	N/A
Laredo	0.75(proposed)	\$0.90	\$ 1.20 (proposed)
San Antonio	1.00	\$1.00	N/A

Non-Signatory Non-Tenant Airlines are those airlines without an agreement with the airport and are typically charters with infrequent operations, it takes a greater effort to track and collect landing fees and landing reports from the non-signatory airlines.

The Airport is experiencing increased operating expenses to maintain and secure the airport, as well as, fund its capital improvements program.

FINANCIAL IMPACT : Landing Fee Revenues
Account No. 242-0000-361-2061
Projected Incremental Revenues for FY 05-06: \$120,000.00

COMMITTEE RECOMMENDATION: The Airport Advisory Committee recommends approval.	STAFF RECOMMENDATION: That the City Manager be authorized to implement said Ordinance.
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