

ORDINANCE NO. 2012-03-29- 0237

ORDINANCE AMENDING ORDINANCE NO. 93789 WHICH ESTABLISHED THE AIRPORT SYSTEM REVENUE BOND FINANCING PROGRAM WITH RESPECT TO THE ISSUANCE OF OBLIGATIONS BY THE CITY PAYABLE FROM GROSS REVENUES OF THE AIRPORT SYSTEM TO CLARIFY THAT REVENUES RECEIVED FROM CUSTOMER FACILITY CHARGES AND OTHER SIMILAR CHARGES ARE NOT GROSS REVENUES OF THE AIRPORT SYSTEM.

* * * * *

WHEREAS, on April 19, 2001, the City Council of the City of San Antonio, Texas (the "**City**") adopted Ordinance No. 93789 entitled or generally described as the "*Master Ordinance Establishing the Airport System Revenue Bond Financing Program With Respect to the Issuance of Obligations by the City of San Antonio, Texas Secured by Gross Revenues of the Airport System*" (referred to herein as the "**Master Ordinance**"); and

WHEREAS, unless otherwise defined herein, capitalized terms used herein shall have the meaning given in the Master Ordinance; and

WHEREAS, since the adoption of the Master Ordinance, the City has issued several series of revenue bonds secured with the Gross Revenues of the Airport System in accordance with the terms of the Master Ordinance and various Supplements to the Master Ordinance to finance or refinance Airport System improvements (and primarily at the San Antonio International Airport); and

WHEREAS, among capital improvements the City desires to construct at the San Antonio International Airport is a consolidated car rental facility in order to locate all car rental agencies generally within one central location that will improve convenience and efficiencies for passengers and other customers at the Airport; and

WHEREAS, all plans developed by the City related to the financing and construction of the consolidated car rental facility have assumed that all revenues collected from a "customer facility charge" imposed on customers renting motor vehicles through car rental agencies located at the consolidated car rental facility would be utilized for such purpose, would not be considered as Gross Revenues of the Airport System, and would not be available to secure obligations issued under the Master Ordinance; and

WHEREAS, the City now determines that it is necessary and desirable to amend the definition of the term "Gross Revenues" to clarify that revenues collected from any customer facility charge or other similar charge imposed on passengers or customers utilizing facilities of the Airport System are excluded from Gross Revenues of the Airport System; and

WHEREAS, Section 19(a)(9) of the Master Ordinance authorizes the City to amend the Master Ordinance in the manner set forth in this Ordinance without consent of the Holders of any Parity Obligations issued pursuant to the Master Ordinance or any Credit Providers related to such Parity Obligations upon receiving the written consent from each Rating Agency to the effect that such amendment "*would not cause such Rating Agency to withdraw or reduce its then current rating on the Parity Obligations*"; and

WHEREAS, the outstanding Parity Obligations currently are rated by Fitch Ratings, Moody's Investors Service, and Standard & Poor's Ratings Service, a Standard & Poor's Financial Services LLC business, and the City expects that each such Rating Agency will consent to the amendment being approved pursuant to this Ordinance, but the City Council acknowledges that this Ordinance shall not become effective until each Rating Agency has provided its written consent as required by Section 19(a)(9) of the Master Ordinance; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS THAT:

SECTION 1. AMENDMENT OF THE TERM "GROSS REVENUES." The term "Gross Revenues" as set forth in Exhibit A of the Master Ordinance is hereby amended in its entirety to read as follows:

"**Gross Revenues**" means all of the revenues and income of every nature and from whatever source derived by the City (but excluding grants and donations for capital purposes) from the operation and/or ownership of the Airport System, including the investment income from the investment or deposit of money in each Fund (except the Construction Fund, any Rebate Fund, and interest earnings required to be deposited to any Rebate Fund) created, maintained or confirmed by the Master Ordinance; provided, however, that if the net rent (excluding ground rent) from any Special Facilities Lease is pledged to the payment of principal, interest, reserve, or other requirements in connection with revenue bonds issued by the City to provide Special Facilities for the Airport System for the lessee (or in connection with obligations issued to refund said revenue bonds) the amount of such net rent so pledged and actually used to pay such requirements shall not constitute or be considered as Gross Revenues, but all ground rent, and any net rent in excess of the amounts so pledged and used, shall be deposited in the Revenue Fund described in the Master Ordinance. Without limiting the generality of the foregoing, the term *Gross Revenues* shall include all landing fees and charges, ground rentals, space rentals in buildings and all charges made to concessionaires, and all revenues of any nature derived from contracts or use agreements with airlines and other users of the Airport System and its facilities; provided, however, that the term Gross Revenues shall not include any "passenger facility charges" described substantially in the

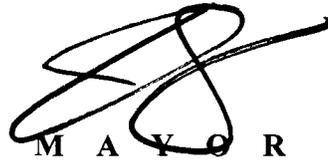
manner provided in the "Aviation Safety and Capacity Expansion Act of 1990" (P.L. 101-508, Title IX) or the "Aviation Investment and Reform Act for the 21st Century" enacted by Congress in the year 2000, or other similar federal laws and the rules and regulations promulgated thereby, or any other "passenger facility charges," "customer facility charges" or similar charges that may be imposed for use by passengers or customers of Airport System facilities pursuant to federal, state or local law.

SECTION 2. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Ordinance are true and correct, and the City hereby incorporates such recitals as a part of this Ordinance.

SECTION 3. EFFECTIVE DATE. This Ordinance shall become effective on the later of (i) 10 days following the date of passage thereof, and (ii) the date on which the City has received the written consent of each Rating Agency to the effect that the amendment to the term "Gross Revenues" approved by this Ordinance will not cause such Rating Agency to withdraw or reduce its then current rating on the Parity Obligations.

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PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS AT A REGULAR MEETING ON THIS 29TH DAY OF MARCH, 2012.



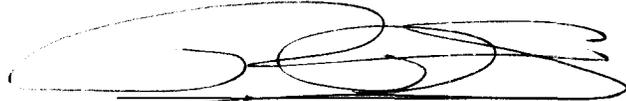
M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:



Michael D. Bernard, City Attorney

(CITY SEAL)



** ** * * *

[SIGNATURE PAGE TO ORDINANCE AMENDING THE MASTER GARB ORDINANCE]

indicated therein; each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that said Ordinance would be introduced and considered for passage at said Meeting, and each of said officers and members consented, in advance, to the holding of said Meeting for such purpose, and that said Meeting was open to the public and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED THE 29TH DAY OF MARCH, 2012.

(SEAL)



Leticia M. Valet
City Clerk



Request for
**COUNCIL
ACTION**

City of San Antonio



Agenda Voting Results - 28D

Name:	12A, 12B, 12C, 13, 14, 15, 16, 17, 19, 20, 21, 23, 24, 25, 26, 27A, 27B, 28A, 28B, 28C, 28D
Date:	03/29/2012
Time:	09:38:45 AM
Vote Type:	Motion to Approve
Description:	An Ordinance amending Ordinance No. 93789 which established the Airport System Revenue Bond Financing Program with respect to the issuance of obligations by the City payable from Gross Revenues of the Airport System to clarify that revenues received from Customer Facility Charges and other similar charges are not Gross Revenues of the Airport System.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Diego Bernal	District 1		x				x
Ivy R. Taylor	District 2		x				
Leticia Ozuna	District 3		x			x	
Rey Saldaña	District 4		x				
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
Carlton Soules	District 10		x				