

Presented by: The Manager
Introduced: 04/01/85
Drafted by: G.L.S.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 1091

A RESOLUTION DECLARING AIR CARRIER TERMINAL SPACE AT THE JUNEAU INTERNATIONAL AIRPORT AVAILABLE ON A FIRST COME, FIRST SERVED BASIS; ESTABLISHING THE RATES THEREFOR; ESTABLISHING LANDING FEES FOR AIR CARRIERS; AND REPEALING INCONSISTENT PROVISIONS OF OTHER RESOLUTIONS.

WHEREAS, CBJ 53.20.040 authorizes the lease of land or space without prior appraisal where the assembly has, by resolution, declared specific lands or space available for lease on a first come, first served basis, and has set out the rates to be charged for such space and the terms of the lease, and

WHEREAS, it is desirable that the space at the Juneau International Airport terminal building be made available to air carriers on a first come, first served basis, and

WHEREAS, it is desirable to establish landing fees for air carriers, and

WHEREAS, it is desirable to establish a rate structure that will insure that the airport enterprise does not operate at a loss, and

WHEREAS, a lease form has been negotiated with the large air carriers at the airport and includes a rate structure that should permit the airport to operate without a loss in the near future,

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

1. Space Available. That space designated by the airport manager as being available for leasing to air carriers within the Juneau International Airport terminal building is available for leasing on a first come, first served basis, but may be allocated by the airport manager to insure that the reasonable needs of air carriers may be met.

2. Nonsignatory Rental Rate. Space rental rates for all air carriers that are not signatories to a lease approved as to form under this resolution are 110% of the rates established under the form lease approved for the applicable class of air carrier under section 7 of this resolution. Tenancy for nonsignatory air carriers is on a month to month basis.

3. Nonsignatory Landing Fees. Landing fees for all air carriers that are not signatories to a lease approved as to form under this resolution are 110% of the fee computed using the rate established under the form lease approved for the applicable class of air carrier under section 7 of this resolution.

4. Nonsignatory Reports; Estimated Fees and Rentals. Air carriers that are not signatories to a lease approved as to form under this resolution shall submit reports to the airport manager in the same manner and detail as required for the applicable class of air carrier under the lease form approved under section 7 of this resolution. Any nonsignatory air carrier not submitting complete reports as required, shall pay landing fees and space rental fees as determined by the airport manager using his estimate of relevant activity by the nonsignatory air carrier. If the estimate of the airport manager is later determined to be lower than actual, the affected air carrier shall, within thirty days of being billed, pay the difference between the amount paid and the amount owing based on actual activity plus interest on said amount from the date payment should originally have been made based on the subject activity.

5. Essential Terms and Conditions of Leases. Leases of space authorized in paragraph 1 may not exceed five years but may include a right of first refusal for the rental of the same space under new terms and conditions for an additional period not exceeding five years. Any lease containing rates that do not have their basis in the airport maintenance and operating budget are deemed to contain a clause permitting the municipality to establish a new system of user fees and charges that will become effective upon six months notice to the user of the intent of the municipality to establish such a new system of fees and charges. All leases may contain such other terms and conditions as are determined by the city and borough manager and attorney to be necessary and proper.

6. Effective Dates. The rates established in this resolution shall be effective at the beginning of the first

monthly period following the adoption of this resolution for all leases and agreements that do not contain terms that prevent an adjustment at such time. New terms and conditions required by this resolution shall be incorporated in each airport terminal air carrier lease at the earliest time permitted under an existing valid lease and shall be deemed to have been incorporated upon such date whether set forth in the lease or agreement or not.

7. Approval of Lease Form. (a) Large Air Carriers. For the purpose of paragraphs 1 and 2, there is approved as the form lease and agreement for large air carriers that lease form dated January 28, 1985 titled "Scheduled Airline Operating Agreement and Terminal Building Lease, Juneau International Airport, Juneau, Alaska." For the purpose of this resolution, large air carriers include those air carriers operating at the Juneau International Airport aircraft weighing more than 30,000 pounds maximum certified landing weight. The manager is authorized to make technical changes to said lease form and to make minor changes to accommodate the specific needs of the airport or an individual large air carrier.


(b) Small Air Carriers. For the purposes of paragraphs 1 and 2 there is approved as the form lease and agreement for small air carriers that lease form dated January 28, 1985 titled "Scheduled Airline Operating Agreement and Terminal Building Lease, Juneau International Airport, Juneau, Alaska." For the purpose of this resolution, small air carriers include those airlines, charter services and air taxis operating at the Juneau International Airport aircraft weighing 30,000 pounds or less maximum certified landed weight. The manager is authorized to make technical changes to said lease form and to make minor changes to accommodate the specific needs of the airport or an individual small air carrier.

8. Effective Date for Small Air Carriers. Notwithstanding the effective date set out in paragraph 6 nor the repeal of any part of a resolution, the lease rates, landing fees and passenger embarkation fees applicable to small air carriers shall be those set out in paragraphs 1(a) of Resolution Serial No. 925 and 1(a) and (d) of Resolution Serial No. 462, as amended until the earlier of July 1, 1985 or the approval by the assembly of a lease form applicable to small air carriers other than the lease form approved under this Resolution 1091.

9. Repeal of Parts of Resolutions. Paragraph 1(a) of Resolution Serial No. 925, as amended, and paragraphs 1(a) and (d) of Resolution Serial No. 462, as amended, are repealed.

10. Retroactive Effect for Large Air Carriers. Notwithstanding the limitation of five years on the term of a lease set out in paragraph 5 above, the lease with the large air carriers operating at the Juneau International Airport on July 1, 1984 shall be retroactive to July 1, 1984. Rentals, embarkation fees, and landing fees paid by such air carriers for the period between July 1, 1984 and the effective date of this resolution shall be credited to the amount owed under this resolution.

Adopted this 22nd day of April, 1985.



Mayor

Attest:



Clerk