PORT OF ASTORIA

ORDINANCE NO. 2009-01

AN ORDINANCE RATIFYING

THE CREATION OF THE "CONSORTIUM OF NEWPORT MUNICIPAL AIRPORT AND ASTORIA REGIONAL AIRPORT"

AND RATIFYING

AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NEWPORT AND THE PORT OF ASTORIA CREATING THE "CONSORTIUM OF NEWPORT MUNICIPAL AIRPORT AND ASTORIA REGIONAL AIRPORT"

AND

A GOVERNANCE AGREEMENT BETWEEN THE CITY OF NEWPORT AND THE PORT OF ASTORIA PROVIDING FOR A SYSTEM OF ADMINISTRATION FOR THE AIR SERVICE AGREEMENT BETWEEN THE CITY OF NEWPORT, THE PORT OF ASTORIA AND SEAPORT AIRLINES

Recitals:

A. The City of Newport and the Port of Astoria executed an Intergovernmental Agreement (Intergovernmental Agreement) which established the "Consortium of Newport Municipal Airport and Astoria Regional Airport" (Consortium). The Intergovernmental Agreement was executed by the City Manager of the City of Newport on January 14, 2008 and by the Port of Astoria on January 15, 2008.

B. The Consortium was established for the purpose of coordinating efforts to institute scheduled airline service to the communities of Newport and Astoria. The Consortium took actions authorized under the Intergovernmental Agreement to secure air service to the Newport and Astoria communities.

C. The City of Newport and the Port of Astoria executed a Governance Agreement (Governance Agreement) to provide a system for administration of the Air Service Agreement between the City of Newport and the Port of Astoria and SeaPort Airlines (Air Service Agreement). The Governance Agreement was executed by the City

Manager of the City of Newport on February 18, 2009 and the Director of the Port of Astoria on February 11, 2009.

D. This ordinance ratifies the creation of the Consortium of Newport Municipal Airport and Astoria Regional Airport, the Intergovernmental Agreement and the Governance Agreement.

THE PORT OF ASTORIA ORDAINS AS FOLLOWS:

Section 1. It is the intent of the Board of the Port of Astoria to create an intergovernmental entity which is known as the "Consortium of Newport Municipal Airport and Astoria Regional Airport".

Section 2. The effective date of the Intergovernmental Agreement creating the Consortium of Newport Municipal Airport and Astoria Regional Airport is January 15, 2008.

Section 3. The public purpose for which the Consortium of Newport Municipal Airport and Astoria Regional Airport is created is set forth in Section 1 of the Terms of the Intergovernmental Agreement as: "institute scheduled airline service to their respective airports through a consolidated department."

Section 4. The powers, duties and functions of the Consortium of Newport Municipal Airport and Astoria Regional Airport as set forth in the Intergovernmental Agreement include:

a. pursue efforts to fund and institute scheduled airline service to their respective airports;
b. retain rights to take individual efforts to fund and promote air service but agree to cooperate through the Consortium on matters of common interest; and
c. the power to apply for and accept grants, negotiate the terms of grant agreements, conduct public processes to obtain airline services, negotiate agreements with airlines, and take other actions to promote air service to the two airports.

Section 5. The powers, duties and functions of the Consortium of Newport Municipal Airport and Astoria Regional Airport as set forth in the Governance Agreement include:

a. to administer the Air Service Agreement;
b. to hold board meetings from representatives selected by the City of Newport, Port of Astoria and the Oregon Department of Aviation; and

c. to make minor decision involved in administering the Air Service Agreement which involve some discretion, but does not include major policy decisions, including decisions whether to terminate the service or to take other major action relating to the service.

Section 6. If any portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 7. This Ordinance shall become effective thirty (30) days after the date adopted by the Port of Astoria Board of Commissioners.

Section 8. This Ordinance shall terminate upon the dissolution of the Consortium of Newport Municipal Airport and Astoria Regional Airport.

Date adopted on initial vote and read by title only: October 20, 2009

Date adopted on final roll call vote: November 17, 2009

Signed by the President on: November 17, 2009, 2009.

William Hunsinger, President

ATTEST:

Daniel Hess

_____, Recording Secretary