

ORDINANCE NO. 28006

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 3 OF CHAPTER 25.08 OF TITLE 25 OF THE SAN JOSE MUNICIPAL CODE BY ADDING A NEW SECTION 25.08.360 ENTITLED "OPERATION WITHOUT AN AGREEMENT" TO ESTABLISH MINIMUM REQUIREMENTS FOR THE OPERATION AT AND USE OF THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT BY ANY PASSENGER OR CARGO AIRLINES THAT HAVE NOT SIGNED EITHER A SIGNATORY OR NON-SIGNATORY AIRLINE-AIRPORT LEASE AND OPERATING AGREEMENT ON OR AFTER JULY 1, 2007

WHEREAS, on February 26, 2007, pursuant to the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP 07-034, this Ordinance was found to be pursuant to or in furtherance of the Final Environmental Impact Report (EIR) (Resolution No. 67380) entitled, "San Jose International Airport Master Plan Update," and by a Final Supplemental EIR (Resolution No. 71451) entitled, "Norman Y. Mineta San Jose International Airport Master Plan Update;"

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Part 3 of Chapter 25.08 of Title 25 of the San José Municipal Code entitled "Air Carriers and Other Commercial Activities," is hereby amended by adding a Section to be numbered and entitled and to read as follows:

25.08.360 Operation Without an Agreement

A Certificated Air Carrier operating regularly scheduled flights to the Airport that has not entered into an agreement with the City as required pursuant to Part 3 of Chapter 25.08 of Title 25 of the San José Municipal Code shall:

- A. Comply with all rules, regulations, and orders issued by the City, the Director and the City's officers and employees, regarding the proper use or occupancy of the Airport or any portion thereof;
- B. Submit monthly activity reports for activity conducted by the Certificated Air Carrier at the Airport pursuant to the terms of the City's then current Certificated Air Carrier lease and operating agreement;
- C. Pay when invoiced by City all rates and charges applicable to its operations at and use of the Airport or any portion thereof, as determined pursuant to the terms of the City's then current Certificated Air Carrier lease and operating agreement; and
- D. Pay when invoiced by City an additional amount equal to thirty percent (30%) of all rates and charges applicable to its operations at and use of the Airport or any portion thereof.

SECTION 2. This Ordinance shall become effective July 1, 2007.

PASSED FOR PUBLICATION of title this 27th day of March, 2007, by the following vote:

AYES: CAMPOS, CHIRCO, CORTESE, LICCARDO, NGUYEN,
OLIVERIO, PYLE, WILLIAMS; REED

NOES: NONE

ABSENT: CONSTANT

DISQUALIFIED: NONE

VACANT DISTRICT 4

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk