

1 RESOLUTION NO. RES-18-0176

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH, CALIFORNIA, AMENDING CITY
5 COUNCIL RESOLUTION NO. C-28465 WITH RESPECT TO
6 CERTAIN FLIGHT ALLOCATION PROCEDURES
7 APPLICABLE TO THE LONG BEACH MUNICIPAL AIRPORT
8 IN ACCORDANCE WITH THE AIRPORT NOISE
9 COMPATIBILITY ORDINANCE SET FORTH AT CHAPTER
10 16.43 OF THE LONG BEACH MUNICIPAL CODE

11
12 WHEREAS, the purpose of this resolution is to make certain amendments
13 to the provisions of City Council Resolution No. C-28465. Resolution No. C-27843,
14 adopted by the City Council on May 15, 2001, established certain procedures and
15 implementing provisions for Long Beach Municipal Code Chapter 16.43, which in turn
16 governed, and continue to govern, noise and flight activity limits at Long Beach Municipal
17 Airport (LGB). In an agreement entered into effective February 5, 2003, the City of Long
18 Beach, American Airlines, Inc. (American), Alaska Airlines, Inc. (Alaska) and JetBlue
19 Airways Corporation (JetBlue) settled certain disputes then existing among them
20 regarding the City's allocation of twenty-seven (27) regular departures to JetBlue in May
21 2001. The circumstances of the dispute between the parties is detailed in Section 1 of
22 the February 5, 2003 agreement. In addition, the parties to the February 5, 2003
23 agreement conditioned its effectiveness upon the receipt of a letter from the Chief
24 Counsel of the Federal Aviation Administration addressing four (4) specified issues in
25 Section 4.2 of their agreement. The letter from the Chief Counsel's office was received
26 by the City and the other parties to the agreement on April 30, 2003 (the "FAA letter").
27 The FAA letter satisfied the requirements of Section 4.2 of the February 5, 2003
28 agreement, and that agreement has subsequently been implemented by the parties

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

1 according to its terms; and

2 WHEREAS, in its letter of April 30, 2003, the FAA expressed its view that
3 the provisions of Section 5(B) of City Council Resolution No. C-27843 raised issues
4 under relevant federal law and the City's obligations under certain federal grant
5 agreements between the City and FAA. Section 5(B) contained provisions which, under
6 certain conditions, would extend the time in which an Air Carrier receiving an allocation of
7 one or more slots must perfect that allocation by initiating commercial service with the
8 allocated slot from the six-month period required by City Council Resolution No. C-27843
9 Section 5(A) to a period of not more than twenty-four (24) months. FAA stated in its letter
10 of April 30, 2003:

11 "The FAA has informally advised the City that [FAA] do[es] not
12 find any proper justification for this change in the use-or-lose
13 period, and, therefore, that this action would very likely be
14 considered an unreasonable restriction on access to the airport
15 in violation of Federal law and policy."

16 The FAA continued to state that it, " ... expect[s] that the City will rescind or
17 revise as necessary section 5(B) of Resolution No. C-27843 (and Chapter 16.43 if
18 necessary) to limit the use-or loose period to a shorter period (such as the six-month
19 period previously in place or less than six months), ... "; and

20 WHEREAS, without intending to endorse or necessarily agree with FAA's
21 interpretation of the requirements of federal law and policy as it would affect Section 5(B)
22 of Resolution No. C-27843, the City Council did adopt Resolution No. C-28465 on
23 October 12, 2004, with the intent, desire and policy of acting cooperatively with the FAA
24 whenever possible in the implementation of federal aviation law and the City's obligations
25 to the FAA under its airport grant agreements. In adopting Resolution No. C-28465, it
26 was the determination of the City Council that it was in the best interests of the City and
27 its citizens, as well as the air traveling public, to take action modifying the provisions of
28 Resolution C-27843 as suggested by FAA. No modifications to Municipal Code Chapter

1 16.43 were required or adopted by the City Council as a result of the adoption of
2 Resolution No. C-28465; and

3 WHEREAS, the purpose of this resolution is to maintain the modifications to
4 Section 5 of City Council Resolution No. C-27843 as set forth in Resolution No. C-28465.
5 In addition, the City wishes to adopt certain modifications to sections of City Council
6 Resolution No. C-28465. The amendments to the sections adopted by this resolution are
7 intended to provide Flight Slot utilization requirements that minimize the risk of creating
8 artificial advantages to Carriers with allocated Flight Slot(s) at the expense of new entrant
9 and incumbent Carriers and provide greater certainty to Air Carriers requesting Flight
10 Slots at LGB in the future and to facilitate the City's administration of the resolution. The
11 Council specifically finds that these amendments are administrative in nature, and do not,
12 directly or indirectly, act to further reduce or limit operations at LGB beyond those limits
13 contained in Long Beach Municipal Code Chapter 16.43, and that the amendments would
14 have no effect on aircraft safety.

15 NOW, THEREFORE, the City Council of the City of Long Beach hereby
16 resolves as follows:

17 Section. 1. Resolution No. C-28465 is amended and restated as follows:

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19 Sec. 2. Definitions. The terms used in this resolution shall be defined
20 as set forth in Chapter 16.43, except for the following terms which shall have
21 the following meanings:

22 A. "Conditional Allocation" means an allocation of scheduled
23 Flight Slot(s) on the terms set forth in this resolution to: (1) an Air Carrier or
24 Commuter Carrier that is federally certificated to provide the intended service;
25 or (2) a proposed Indirect Air Carrier or Indirect Commuter Carrier that has
26 submitted to the City a current letter of intent, in a form as pre-approved by the
27 City Manager, or designee, from a certificated Air Carrier or Commuter Carrier
28 indicating a willingness to provide the intended operations in conjunction with

1 the Indirect Air Carrier or Indirect Commuter Carrier with aircraft permitted by
2 Chapter 16.43.

3 B. "DOT" means the Department of Transportation of the United
4 States of America.

5 C. "New Entrant" means an Air Carrier or Commuter Carrier
6 having no current allocation of permanent Flight Slot(s) and seeking an
7 allocation of scheduled Flights to serve the Airport.

8 D. "FAA" means the Federal Aviation Administration of the
9 United States of America.

10 E. "Final Allocation" means an allocation of scheduled Flight
11 Slot(s) on the terms set forth in this resolution to: (1) an Air Carrier or
12 Commuter Carrier that is federally certificated to provide the intended service;
13 or (2) a proposed Indirect Air Carrier or Indirect Commuter Carrier that has
14 submitted to the City a current letter of intent from a certificated Air Carrier or
15 Commuter Carrier indicating a willingness to provide the intended service in
16 conjunction with the Indirect Air Carrier or Indirect Commuter Carrier; and
17 which has submitted to the Airport adequate security as approved as to form
18 by the City Attorney and as to sufficiency by the City Manager, or designee.

19 F. "Flight Slot" or "Slot" means the authority to conduct a single
20 Flight, being one take off and one landing, over a period of forty-eight (48)
21 hours at the Long Beach Airport pursuant to the terms of the Airport Noise
22 Compatibility Ordinance and any and all related statutes, ordinances, rules
23 and regulations applicable to such an operation.

24 Flight Slot(s) may be allocated on a partial basis (e.g., 5 days/week) to
25 accommodate cargo for hire operations (all-cargo operations), as determined
26 by the Airport Director in his discretion to be necessary, reasonable and
27 appropriate, and to provide the ability of the Airport Director to allocate Flight
28 Slot(s) to all-cargo Carriers as requested.

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An allocation of Flight Slots is required for all Flights, except for Flights which comply with all Noise Ordinance requirements and also meet one (1) of the following criteria: (i) a Flight without revenue passengers on board necessary to reposition an aircraft to resume normal service after unscheduled maintenance at the Airport; (ii) a Flight without revenue passengers on board necessary to reposition an aircraft for unscheduled maintenance; or (iii) a Flight without revenue passengers on board necessary to reposition an aircraft from the Airport to another airport in connection with a formal published schedule change.

Except as expressly provided above, all departures at the Airport will continue to be regulated departures and require a Flight Slot allocation including, without limitation, "regularly scheduled," "charter," "maintenance" and "ferry" Flights.

G. "Incumbent" means an Air Carrier or Commuter Carrier conducting Operations and having an allocation of at least two (2) permanent Flight Slots to Operate at the Airport at the time of a Flight Slot allocation.

H. "Indirect Air Carrier" or "Indirect Commuter Carrier" means an entity that contracts with a certified Air Carrier or Commuter Carrier to operate the intended service. Except where specifically indicated otherwise, references in this resolution to "Air Carriers" and/or "Commuter Carriers" or "Carriers" shall include Indirect Air Carriers, Indirect Commuter Carriers and all other scheduled Air Carriers and scheduled Commuter Carriers.

I. "Operations" means operating not less than the following percentages of any Air Carrier flight slot(s) (calculated by the reference to the number of days in each relevant calendar quarter for each individual flight slot) unless it has received prior authorization from the Airport Director:

- During any Calendar Month: Minimum Percentage of 60%
- During any Calendar Quarter: Minimum Percentage of 70%

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During any Calendar Year: Minimum Percentage of 85%
Any Air Carrier that violates the Operations provisions with respect to the minimum use of its allocated flight slot(s) may be subject to the following penalties:

1. If the violation is a failure to service 60% of the Carrier's pro rata slot allocation during any month, the Airport Director may: (i) immediately disqualify the Carrier from utilizing the slot(s); or (ii) reduce the Carrier's remaining unused slot allocations for the remainder of the year, or for some other longer period of time. The Airport Director shall base any recommendations made under this paragraph upon all relevant circumstances under which the Carrier failed to meet the 60% requirement.

2. If the disqualification provisions of subparagraph I.1 are applied to any Carrier on three separate occasions within a prescribed time-frame; the Carrier shall be disqualified from receiving any supplemental flight slot allocations for the two years next following the year during which the third violation of subparagraph I.1 above occurred.

3. If the Carrier violates any of the minimum use percentage requirements, then: (i) for the two years next following the calendar year during which the violation occurred the Carriers flight slot allocation(s) shall be reduced to the flight slot allocation(s) actually operated by the Carrier during the period when the violation occurred; (ii) the Carrier shall be disqualified from receiving any supplemental allocations of flight slots for the calendar year following the year during which the violation occurred; and (iii) the Carrier shall be eligible for an allocation of flight slot(s) after two (2) years following the calendar year during which the violation occurred.

J. "Service" means having flights scheduled in the Official Airline Guide or other widely circulated, commercially published advertising

1 media to begin on a date certain, physical presence at the Airport and the
2 present capacity to accept reservations for such Flights, as determined in the
3 sole discretion of the Airport Director, or designee.

4 Sec. 3. Allocation Preference.

5 A. Available Flight Slots shall be allocated to Air Carriers and
6 Commuter Carriers as provided in the following schedule of preferences, and
7 as further provided and outlined in the allocation protocol adopted by the
8 Airport, as amended:

9 1. For Air Carriers:

10 a. Air Carriers fully certificated under FAR Part 121
11 performing all requirements necessary to receive a Final Allocation.

12 b. Indirect Air Carriers which have received all FAA and
13 DOT approvals to conduct the intended Service and Operations and
14 performing all requirements necessary to receive a Final Allocation.

15 c. Air Carriers performing all requirements necessary to
16 receive a Conditional Allocation.

17 2. For Commuter Carriers:

18 a. Commuter Carriers certificated under FAR Parts 121
19 or 135 performing all requirements necessary to receive a final allocation.

20 b. Indirect Commuter Carriers which have received any
21 and all FAA and DOT approvals to conduct the intended Service and
22 Operations and performing all requirements necessary to receive a Final
23 Allocation.

24 c. Commuter Carriers performing all requirements
25 necessary to receive a conditional allocation.

26 B. All demand for Flight Slots in a category of preference shall
27 have been satisfied before Flight Slots shall be allocated to a category having
28 a lesser preference.

1 Sec. 4. Flight Slot Allocation Process.

2 A. Interested Air Carriers and Commuter Carriers desiring to
3 receive an allocation of Flight Slots for operations at the Airport shall
4 submit to the Airport Director a written application, in a form prescribed by
5 the Airport Director, indicating that any such Carrier is presently ready,
6 willing and able to initiate commercial service at the Airport and that it
7 wishes to receive an allocation of Flight Slots as and to the extent
8 permitted by Long Beach Municipal Code Chapter 16.43 and all applicable
9 implementing resolutions of the City Council, including this Resolution. The
10 application shall state whether the applicant is a Direct or Indirect Air
11 Carrier or Direct or Indirect Commuter Carrier and the number of
12 scheduled Flight Slots that the applicant is requesting. The application
13 shall also indicate whether the applicant seeks a Final Allocation or a
14 Conditional Allocation of Flight Slots. Air Carriers and Indirect Air Carriers
15 may only apply a maximum of one time for an allocation of conditional flight
16 slots. The application shall further state that the applicant is prepared, as
17 a condition of being awarded any Flight Slot allocation, to provide the flight
18 allocation security per Flight Slot as required by the then current resolution
19 of the City Council setting rates, fees and charges at the Airport. Each
20 application shall identify the aircraft type(s) which would be used by the
21 applicant in the operation of the Flight Slot and, as required by the Airport
22 Director, provide evidence demonstrating that the aircraft could and would
23 operate at the Airport within the noise levels permitted by Chapter 16.43 of
24 the Long Beach Municipal Code. The effective date of the request shall
25 be date the written request is received by the Airport Director.

26 B. The Airport Director shall establish separate "Waiting
27 Lists" for Air Carriers and commuter carriers submitting requests under,
28 and in compliance with, subsection (A). The Air Carrier and commuter

1 Carrier Waiting List shall be prioritized in an order based upon the date on
2 which each Air Carrier or Commuter Carrier's subsection (A) request was
3 received by the Airport Director.

4 C. If, under the provisions of Chapter 16.43 and all other
5 relevant provisions of the City Municipal Code and implementing
6 resolutions of the City Council including this Resolution, an Air Carrier or
7 Commuter Carrier Flight Slot is or becomes available for allocation, and if
8 there is one (or more) pending request(s) for a Flight Slot Allocation
9 submitted to the Airport Director under subsection (A) of this section, the
10 Airport Director shall, within thirty (30) days, allocate such slot(s) to the
11 requesting Air Carrier(s) or Commuter Carrier(s) as follows:

12 1. If there is only one (1) Carrier on the relevant waiting list on
13 the date one or more Flight Slot(s) becomes available for allocation, the
14 Airport Director shall allocate the available Flight Slot(s) to that Carrier up
15 to the number of Flight Slots specifically requested by the Carrier in its
16 application under subsection (A) of this section.

17 2. If there is more than one Carrier on the relevant waiting list
18 on the date one or more Flight Slot(s) becomes available for allocation, the
19 Airport Director shall allocate the available Flight Slots sequentially to the
20 requesting Carriers in increments of one Flight Slot based upon their
21 priority order on the relevant waiting list; except that if a requesting carrier
22 eligible to receive a Flight Slot allocation under this subsection is a New
23 Entrant carrier not providing service to the Airport or only operating
24 supplemental Flight Slots at the time the allocation is made, in its first
25 sequential allocation of Flight Slots, it shall be awarded two (2) Flight Slots,
26 if available at that point in the allocation process. If only one (1) Flight Slot
27 is available for allocation at that point in the allocation process, the New
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1 Entrant Carrier shall remain at the top of the waiting list until the Carrier is
2 offered one (1) additional Flight Slot for a total of two (2) Flight Slots.

3 Sec. 5. Perfecting a Final Flight Slot Allocation.

4 A. To perfect a Final Allocation of a Flight Slot, the Air Carrier
5 or Commuter Carrier shall (1) within ninety (90) days of the issuance of the
6 Final Allocation, commence Service for the Slot, and (2) within one
7 hundred and eighty (180) days of the issuance of the Final Allocation,
8 commence Operations of the Slot. Failure to commence Service within
9 ninety (90) days or failure to commence Operations within one hundred
10 and eighty (180) days from the date of a Final Allocation of a Flight Slot(s)
11 will result in the immediate cancellation of the Final Slot(s) and the
12 immediate forfeiture of that portion of the flight allocation security
13 applicable to any Flight Slot not perfected.

14 Sec. 6. Minimum Flight Performance of a Perfected Final Slot.

15 A. Once a Final Allocation is perfected, a Slot holder must
16 Continuously Operate a Flight Slot, or the Flight Slot shall be cancelled and
17 any applicable security forfeited. The Airport Director shall determine when,
18 pursuant to this resolution, a Flight Slot is not Continuously Operated and
19 shall provide written notice of such determination to the holder of such Slot.
20 The holder of the Slot shall utilize the procedure set forth at Long Beach
21 Municipal Code Section 16.43.110 to seek an administrative hearing and/or
22 all necessary appeals.

23 B. A Slot holder may be granted relief from these minimum
24 flight performance criteria only upon a satisfactory presentation of facts in
25 an administrative hearing or appeal that circumstances reasonably beyond
26 the control of the Slot holder have caused the Operations under the Slot to
27 fall below the minimum criteria.

28 Sec. 7. Converting a Conditional Allocation into a Final Allocation.

1 A. A Conditional Allocation of a Flight Slot is effective for a
2 period of ninety (90) days, after which it will automatically be canceled if it
3 has not been converted into a Final Allocation.

4 B. To convert a Conditional Allocation into a Final Allocation,
5 the Air Carrier or Commuter Carrier, or Indirect Air Carrier or Commuter
6 Carrier, shall submit to the Airport Director the flight allocation security per
7 Flight Slot as required in the then current rate and fee resolution of the City
8 Council.

9 Sec. 8. Forfeiture of Conditional Allocations if Not Converted to Final
10 Allocations when Final Allocations are Sought by Carriers Ready, Willing
11 and Able to Commence Service. If an Air Carrier or Commuter Carrier
12 makes application for a Final Allocation, but there are no unallocated Flight
13 Slots available, all outstanding Conditional Allocations shall be forfeited
14 unless the holders of such Conditional Allocations convert such Conditional
15 Allocations into Final Allocations prior to the day that the application for a
16 Final Allocation would be considered for allocation and/or lottery pursuant to
17 Section 4 of this resolution. Forfeited Conditional Allocations will
18 automatically be placed into a pool for allocation to Air Carriers or Commuter
19 Carriers that have demonstrated their ability to secure a Final Allocation by
20 submitting a complete application for a Final Allocation pursuant to this
21 resolution, accompanied by the required flight allocation security. Forfeited
22 Conditional Allocations which are not utilized to satisfy demand for Final
23 Allocations shall be reallocated pursuant to Section 4 of this resolution.

24 Sec. 9. Reservation of Unused Flights. In both the Air Carrier and
25 Commuter Carrier categories, there is hereby established an unused Flight
26 reservation system, so that Flights which are reasonably anticipated to be
27 unused may be made available to Commuter and Air Carrier operators up to
28 one hundred and eighty (180) days in advance of use. Such unused

1 Flights shall not be reserved beyond one hundred and eighty (180) days
2 from issuance.

3 A. Calculation of Unused Flights. All Flight Slot holders shall, on
4 a thirty (30) day basis, submit to the Airport Director a "flights-per-day-of-week"
5 schedule for the following one hundred and eighty (180) day period.
6 Based upon these submitted schedules, the Airport Director shall calculate the
7 number of reasonably anticipated Flight Slots to be used of the total number of
8 Flight Slots permitted per day pursuant to Long Beach Municipal Code
9 Chapter 16.43 for the next one hundred and eighty (180) day period. The
10 number and dates of such unused Flights shall be made available for
11 reservation pursuant to this resolution.

12 B. Reservation of Unused Flights.

13 1. Interested Air Carriers and Commuter Carriers shall submit a
14 written application in the form, manner and at such times as may be
15 prescribed by the Airport Director, indicating their interest in unused Flights.
16 The application shall state whether the applicant is a Direct or Indirect Air
17 Carrier or Direct or Indirect Commuter Carrier, the number of Flight Slots that
18 the applicant is interested in operating and the precise schedule of such Flight
19 Slots. Applications for unused Flight Slots shall be accompanied by the
20 appropriate flight allocation deposit as required by the then current rates and
21 fees resolution of the City Council. The security shall be refunded when the
22 Carrier has (1) begun Operations on a timely basis and (2) has completed the
23 Operations as reserved without interruption. Each application shall
24 demonstrate that the Flights would be operated by aircraft permitted by
25 Chapter 16.43 of the Long Beach Municipal Code.

26 2. Prior to any unused Flight Slot allocation, the Airport Director
27 shall determine whether the unused Flight Slots then available can
28 accommodate the requested number and times of such Flight Slots.

1 a. Provided the unused Flight Slots available for issuance
2 can accommodate the demand, the Airport Director shall issue unused Flight
3 Slots according to the preferences set forth in Section 3 of this resolution.

4 b. If demand for unused Flight Slots cannot be
5 accommodated, the Airport Director shall issue such Flight Slots first
6 according to the preference set forth in this Section 3 and then according to
7 lottery.

8 C. Eligibility. Air Carriers and Commuter Carriers shall be
9 eligible to reserve unused Flight Slots pursuant to this resolution. Certain
10 Charter Carriers shall be required to reserve unused Flights for Operations.
11 Charter Carriers which do not qualify, pursuant to FAA definitions, as private,
12 single entity, affinity group charters and who are not seeking Flight Slots, may
13 only operate if issued such Flights as set forth in this Resolution. Private,
14 single entity, affinity group charters shall continue to be pre- approved in
15 writing by the Airport Director and will continue to operate exclusively as
16 charter operators and shall be calculated against the charter noise budget as
17 defined at Chapter 16.43 of the Long Beach Municipal Code.

18 D. Maximum Flight Usage. In no event shall the Airport Director
19 issue an unused Flight to a Carrier so as to allow daily Operations in either the
20 Air Carrier or Commuter Carrier categories to exceed the daily Operations as
21 permitted under Chapter 16.43 of the Long Beach Municipal Code.

22 Sec. 10. Conditions and Exceptions.

23 A. All Flight Slots and unused Flights allocated hereunder shall
24 be Operated in conformance with Long Beach Municipal Code Section 16.43.

25 B. The failure to commence Service or Operations within the
26 periods specified in this resolution will be excused only upon proof
27 reasonably satisfactory to the Airport Director that such failure was the
28 result of strike, act of God, war, national emergency or that the Air Carrier

1 or Commuter Carrier has been granted relief in accordance with Section
2 6B of this Resolution.

3 Sec. 11. Security.

4 A. At the time of making an application for a Final or
5 Conditional Allocation or when converting a Conditional Allocation to a
6 Final Allocation, each Air Carrier or Commuter Carrier shall provide
7 adequate security, as approved as to sufficiency by the Airport Director, or
8 designee, and as to form by the City Attorney, for each Flight Slot in the
9 amount specified in the then current resolution of the City Council setting
10 rates, fees and charges at the Airport. Such security is intended to secure
11 Air Carriers' and Commuter Carriers' performance as required by this
12 resolution and to assure continuation of Operations of each Flight Slot for
13 at least six (6) months. Such security is in addition to bonds to indemnify
14 the City against a failure on the part of the Carrier to perform all obligations
15 of the Carrier to the City.

16 B. The flight allocation security applicable to a given Flight
17 Slot shall be refunded when an Air Carrier or Commuter Carrier: (1) has
18 begun Service and Operations of the Flight on a timely basis; and (2) has
19 continuously operated the Flight Slot for a period of six (6) months from
20 commencement of such Operations.

21 C. If Operations are not continuously operated by an Air
22 Carrier or Commuter Carrier through the six (6) month period following
23 commencement of Operations, the entire flight allocation security
24 applicable to the Flight Slot amount shall be payable to the City as
25 liquidated damages. Acceptance of the Flight Slot establishes the
26 understanding between the City and the Air Carrier or Commuter Carrier
27 that the security is required in lieu of a processing fee and that it would be
28 difficult for a judge or jury to ascertain the exact compensation necessary

1 to reimburse the City for the administrative costs of processing an
2 application for service of less than six months.

3 D. If Service is not commenced within ninety (90) days, or
4 Operations are not begun within one hundred and eighty (180) days from
5 the date of the Final Allocation, the flight allocation security applicable to
6 the Flight Slot amount shall be payable in whole to the City as liquidated
7 damages. Acceptance of the Flight Slot establishes the understanding
8 between the City and the Carrier that it would be difficult for a judge or jury
9 to ascertain the exact compensation necessary to reimburse the City for
10 losses as a result of processing and awarding flights not utilized and of the
11 lost opportunity for revenue from Carriers that would have utilized the
12 Flight Slots awarded.

13 E. Notwithstanding any other provision of this resolution to
14 the contrary, any holder of a Final Allocation of Flight Slot(s) may return
15 such Flight Slot(s) to the City of Long Beach and shall receive a release of
16 the applicable Flight allocation security provided both of the following
17 apply:

18 1. Another eligible Carrier has submitted a complete
19 application for at least as many Final Slots as are being returned; and

20 2. The Slot holder submits a written notice to the Airport
21 Director returning such Slot(s) effective immediately.

22 Sec. 12. Inconsistency or Conflict. To the extent any provision of
23 this resolution is inconsistent or in conflict with any written agreements
24 between the City and any Carrier or other person operating at LGB or
25 inconsistent, or in conflict with any ordinances, regulations, or expressed
26 public policies of equal dignity, the terms of this resolution shall have
27 precedence and shall be deemed to be controlling. No provision of this
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resolution however, is intended to supersede or modify the provisions of Long Beach Municipal Code Section 16.43.

Sec. 13. Authority. The Airport Director may modify or augment any form or information required to be filed under this resolution, or may require the filing of additional information, reports, applications, or other related documents, in whatever form or format the Airport Director may require (including by email, where appropriate) not otherwise referenced in this resolution if he determines that the action would be useful and would facilitate the implementation and enforcement of this resolution or any other City ordinances, rules, regulations, or policies regarding or regulating Carrier Operations at the Airport.

Section 2. Previous Resolution Superseded.

Resolution No. C-28465 is hereby rescinded and superseded by this resolution; provided, however, nothing in this resolution invalidates the lawful Conditional and Final Allocations of Air Carrier and Commuter Carrier Flight Slots pursuant to prior rules, regulations, resolutions and procedures of the City of Long Beach.

Section. 3. Effectiveness. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify to the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of November 20, 2018, by the following vote:

Ayes: Councilmembers: Gonzalez, Pearce, Price, Supernaw,
Mungo, Andrews, Uranga, Austin,
Richardson.

Noes: Councilmembers: None.

Absent: Councilmembers: None.



City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664