

★ **Roll Call Number**

Agenda Item Number

46

.....
Date January 26, 2009

WHEREAS, the ordinance establishing the Des Moines International Airport Board gives the Board the power to establish and enforce regulations for the control, operation, supervision and maintenance and security of the Airport and further gives the Board the power to establish rates and charges for use of the Airport, airport facilities, and airport services; and

WHEREAS, the Airport Board is required by section 22-51(a)(3) of the Municipal Code to notify the City Council of the intended effective date of proposed regulations and to provide a copy of the proposed regulation to the City Council for its review; and

WHEREAS, the Airport Board pursuant to section 22-51 of the Municipal Code intends to enact the attached regulation No. 09-59 amending section 2-11 of the Airport Board Regulations relating to commercial use fees, a part of rates and charges at the Des Moines International Airport; and

WHEREAS, on January 6, 2009, through Resolution A09-011, the Airport Board approved by first reading the proposed regulation, set a public hearing date of February 3, 2009, and set the regulation's effective date to be April 1, 2009; and

WHEREAS, the City Council, if upon review of the proposed regulation, determines that it is inconsistent with the provisions of the Municipal Code, or is inconsistent with any applicable state or federal law or regulation, or is otherwise objectionable, the City Council may so declare by resolution, and in that event the proposed regulation will not be published and shall not take effect;

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NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF DES MOINES, IOWA:

That the attached communication from the Chairperson of the Des Moines International Airport Board submitting proposed Airport Board Regulation No. 09-59 and duly notifying the Council of the proposed effective date of April 1, 2009, for the regulation is hereby received and filed.

Moved by _____ to adopt.

FORM APPROVED:



David A. Ferree
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
VLASSIS				
MEYER				
TOTAL				

MOTION CARRIED

APPROVED

Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

January 6, 2009

The Honorable Mayor
and Members of City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Proposed Airport Regulation No. 09-59, Commercial Use Fee

Dear Mayor and Members of the City Council:

The City Council created the Airport Board under Iowa Code chapter 392 for the purpose of governing the operation of the Des Moines International Airport. The Council has delegated power to the Board to establish regulations for the control, operation, supervision, maintenance, and security of the Airport.

At its meeting of January 6, 2009, the Airport Board approved the first reading of a resolution that would adjust the fee charged commercial film companies using the Airport to \$1,000.00 for the first day and \$500.00 per day for all subsequent days. The commercial use fee is charged for filming commercials, films, movies, and advertisement videos on Airport property.

On June 3, 2008 by Resolution A08-103, the Airport Board approved Regulation 08-55 increasing the commercial use fee from \$100.00 per day to \$500.00 per day. The amount of commercial film activity in Iowa is on the increase due, in part, to tax incentives that have been offered by the State of Iowa. The Airport is uniquely equipped to accommodate this sort of activity and the number of requests for commercial filming on the Airport has the potential to increase. Some requests are for one day, which requires as much time planning and coordinating as multiple day events. This proposed increase will more accurately reflect market conditions and better recover costs related to planning and coordination of support and security of the Airport when others desire to use the Airport for commercial purposes.

The Airport Board, pursuant to the ordinance regarding its establishment, is required to file proposed revisions of Regulations with the City Clerk and to publish both a notice of intent to adopt the Regulation, as well as the time and place of a public hearing. The Airport Board is further required to notify the City Council of the proposed effective date of the Regulation and provide a copy of the Regulation to the City Council for its review, as well as to hold a public hearing on the proposed Regulation. The Board then must adopt the Regulation by Board Resolution and have the City Clerk publish it prior to its effective date, which is



DES MOINES INTERNATIONAL AIRPORT
DEPARTMENT OF AVIATION
5800 FLEUR DRIVE, ROOM 201
DES MOINES, IOWA 50321-2854
(515) 256-5100

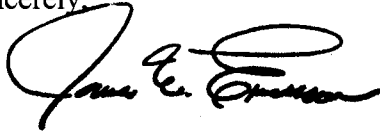
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2003

Honorable Mayor and Members of City Council
January 6, 2009
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in this case April 1, 2009. The Airport Board plans to conduct a public hearing on this item at its regularly-scheduled meeting of February 3, 2009.

The Board herewith submits for City Council information and review, the proposed Regulation pursuant to Section 22.51 of the Municipal Code.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Erickson". The signature is fluid and cursive, with a large initial "J" and "E".

James W. Erickson
Airport Board Chairperson

Enclosure

cc: Richard A. Clark, City Manager

2-11. COMMERCIAL USE FEE.

Individuals who desire to use the Des Moines International Airport for commercial use, including but not limited to the filming of commercials, films, movies, and advertisements shall pay a fee of \$1,000.00 for the first day and \$500.00 per day of use thereafter, plus any expenses incurred by the airport in supporting the needs of the commercial use. This charge shall not apply to any reported news event.

(08-55) (04-46) (98-15) (96-10)