



City of Chicago



O2020-2249

Office of the City Clerk

Document Tracking Sheet

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| Meeting Date: | 4/22/2020 |
| Sponsor(s): | Lightfoot (Mayor) |
| Type: | Ordinance |
| Title: | Amendment of Municipal Code Section 2-20-020 regarding authority of Commissioner of Aviation over Terminal Area Project ("TAP-21") work at Chicago O'Hare International Airport |
| Committee(s) Assignment: | Committee on Aviation |



OFFICE OF THE MAYOR
CITY OF CHICAGO

LORI E. LIGHTFOOT
MAYOR

April 22, 2020

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Aviation, I transmit herewith an ordinance amending Section 2-20-020 of the Municipal Code regarding authority in conjunction with TAP 21-related work at O'Hare International Airport.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in black ink, reading "Lori E. Lightfoot".

Mayor

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-20-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and by inserting the language underscored, as follows:

2-20-020 Commissioner – Appointment, powers and duties.

(a) There is hereby created the office of Commissioner of Aviation. ~~He or she~~ The Commissioner of Aviation shall be appointed by the Mayor, by and with the advice and consent of the City Council. ~~He or she~~ The Commissioner shall ~~have the management~~ manage and control of the design, construction, operation and maintenance of all public airports owned or operated by the City (for purposes of this section, “Public Airports”).

(b) The ~~Commissioner's~~ powers and duties of the Commissioner of Aviation shall include those set forth in this chapter and in Chapter 10-36 of this Code.

(c) The Commissioner of Aviation is authorized to regulate, by license, permit or other regulatory structure, persons who provide services to airlines and other tenants at Public Airports, and to establish rules to administer and enforce such regulatory structures, including the imposition of a reasonable fee. For purposes of this paragraph, non-limiting examples of “Services” include: (1) ramp services, such as: (a) baggage handling, (b) aircraft loading and unloading, and (c) aircraft cooling and heating; (2) passenger services, such as: (a) wheelchair services, and (b) baggage sorting and management; (3) into-plane fueling; (4) interior aircraft cleaning; (5) security for air carriers; (6) food and beverage preparation, inspection, and delivery to aircraft; (7) aircraft maintenance; (8) limited terminal services, such as: (a) passenger check-in and ticketing, (b) skycap services, and (c) queue management; and (9) deicing.

(d) The Commissioner of Aviation is authorized to execute such agreements and promulgate such rules as provided for in the 2018 ordinance establishing the O'Hare Airline Use and Lease Agreement, as that term is defined in Section 10-36-190(a).

(e) The Commissioner of Aviation is authorized to coordinate with, obtain the cooperation of, and enter into agreements with airport tenants, airport licensees, utility companies, railroads, air carriers, and local, state or federal government agencies, including but not limited to the Transportation Security Administration, Federal Aviation Administration, Department of Homeland Security and United States Customs and Border Protection, as may be

necessary or desirable to implement the objectives of the Terminal Area Project ("TAP-21") at Chicago O'Hare International Airport ("O'Hare Airport"), including without limitation: (A) reimbursement agreements, cost sharing agreements or similar agreements and related documents to implement TAP-21 at O'Hare Airport; and (B) agreements and related documents authorizing the temporary or permanent: (1) installation, relocation, maintenance or operation of airport infrastructure, including safety or security infrastructure, to implement TAP-21 at O'Hare Airport; (2) acquisition of air rights, easements or licenses to implement TAP-21 at O'Hare Airport; or (3) other improvements, relocations, modifications or acquisitions to implement TAP-21 at O'Hare Airport (collectively, "ancillary agreements"). Such ancillary agreements and related documents shall: (i) contain such terms and conditions that the Commissioner deems necessary or appropriate, and may include, without limitation, provisions pursuant to which the City agrees to indemnify or hold harmless any party to such an agreement; and (2) upon execution of the agreement, be filed by the Commissioner with the City Clerk. Any obligations payable by the City pursuant to any such ancillary agreement shall only be paid from designated legally available funds of O'Hare Airport. For purposes of this subsection (e), "Terminal Area Project" or "Tap-21" means the Capital Improvement Project described in Exhibits K, L and M of the City of Chicago Airline Use and Lease Agreement for O'Hare International Airport authorized by the ordinance passed by the City Council of the City of Chicago on March 28, 2018, and appearing in the *Journal of Council Proceedings* on pp. 72584 - 73291 of that date, as now or hereafter amended.

(f) The Commissioner of Aviation is authorized to coordinate with, obtain the cooperation of, and enter into agreements, including without limitation reimbursement agreements or cost sharing agreements or similar agreements, with local, state or federal government agencies, including but not limited to the Transportation Security Administration, Federal Aviation Administration, Department of Homeland Security, and United States Customs and Border Protection, as may be necessary or desirable, from time to time, to temporarily or permanently: (1) install, relocate, maintain or operate infrastructure or other airport safety or security measures at the Public Airports; (2) acquire easements or licenses necessary or desirable for the operation, safety or security of the Public Airports; or (3) make or provide, as applicable, improvements, relocations, services, modifications or acquisitions necessary or desirable for the operation, safety, or security of the Public Airports. The Commissioner is authorized to enter into and execute all related documents or instruments, and to perform any and all acts, including the expenditure of funds subject to appropriation therefor, as shall be necessary or advisable in connection with the implementation of such agreements, including any renewals thereto. Any such agreement shall: (i) contain terms and conditions that the Commissioner deems necessary or appropriate, and may include, without limitation, provisions pursuant to which the City agrees to indemnify or hold harmless any party to such an agreement; and (ii) upon execution of the agreement, be filed by the Commissioner with the City Clerk. Any obligations payable by the

City pursuant to any such agreement shall only be paid from designated legally available funds for Chicago O'Hare International Airport or Chicago Midway International Airport, as applicable.

SECTION 2. This ordinance shall take full force and effect upon its passage and approval.