

Ordinance No. 1119-2022

**By Council Members McCormack and Griffin
(by departmental request)**

AN EMERGENCY ORDINANCE

Authorizing the Director of Port Control to enter into a Maintenance and Operating Agreement with the Cleveland Terminal & Equipment Consortium, LLC at Cleveland Hopkins International Airport, Department of Port Control, for an initial period expiring on December 31, 2030, with two five-year options to renew, exercisable by the Director of Port Control.

WHEREAS, the City desires to enter into a Maintenance and Operating Agreement (“M&O Agreement”) with the Cleveland Terminal & Equipment Consortium, LLC (“CTEC”) relating to their performance of certain duties and obligations of the City’s aeronautical equipment and services at Cleveland Hopkins International Airport on behalf of air carriers that are parties to CTEC’s Member Agreement and a member of the Cleveland Terminal & Equipment Consortium; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Port Control is authorized to enter into a M&O Agreement with CTEC relating to its performance of certain duties and obligations of the City’s aeronautical equipment and systems at Cleveland Hopkins International Airport, at no cost to the City. The M&O Agreement shall contain the following material provisions:

(A) The Director of Port Control is authorized to enter into a M&O Agreement with CTEC which has been established and duly designated to perform certain duties and obligations on behalf of the Member Air Carriers serving the Airport. Member Air Carrier is defined as an Air Carrier that is a party to the Member Agreement and is a member of CTEC.

(B) CTEC solely holds the obligation to pay all charges or fees occasioned by CTEC’s operation and maintenance of the aeronautical equipment, provided that such costs are not also duplicatively assessed to the Signatory Airlines; and

(C) Aeronautical Equipment is defined as, collectively, the City-owned equipment and systems to be operated and maintained by CTEC in accordance with the terms and conditions of the M&O Agreement, including baggage systems, deicing facilities and other related infrastructure.

Section 2. That the term of the M&O Agreement authorized by this ordinance shall commence upon execution of the contract and shall expire on December 31, 2030, with two five-year options to renew, exercisable by the Director of Port Control.

Section 3. That the M&O Agreement shall be prepared by the Director of Law and shall contain any additional conditions and provisions to protect and benefit the City of Cleveland.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

