AN ORDINANCE AMENDING TITLE 20, OF THE CLARK COUNTY CODE, CHAPTER 20.10, SECTIONS 20.10.010, TO AMEND RENTALS, FEES, AND CHARGES—MCCARRAN INTERNATIONAL AIRPORT; AND CHAPTER 20.11, SECTION 20.11.060, TO CORRECT EFFECTIVE DATE-TERMINATION.

WHEREAS, The County of Clark, State of Nevada is the owner and operator of the Clark County Airport System, which includes the municipal airports known as McCarran International Airport, North Las Vegas Airport, Henderson Executive Airport, Jean Airport, and Overton Municipal Airport, or other airports or similar aviation facilities which may be owned and operated by Clark County, now or at any time in the future, hereinafter both collectively and individually referred to as “Airport,” and has established a policy of self-support for the Airport; and

WHEREAS, the County desires to update the current and projected operational demands of the Clark County Aviation System by replacing the previously approved rentals, fees, and charges, dated July 1, 2013; and

WHEREAS, the County desires to update the Passenger Facility Charge termination date, as previously approved; and

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 20.10.010 of the Clark County Code is hereby amended to read as follows:

20.10.010 Rentals, fees, and charges—McCarran International Airport.

Effective [July 1, 2013] July 1, 2014, each operator, as further defined in Section 20.10.005(b), operating at McCarran International Airport, shall pay the following rentals, fees, and charges and may be required to execute and deliver to county either a lease agreement or an operating permit, at the discretion of the director of aviation. Any operator which is not required to execute either a lease agreement or an operating permit will be subject to the terms of this chapter.

(a) Terminal complex rentals:
   (1) Each signatory airline shall pay rent at the rate of [one hundred sixty-two dollars and twenty-six cents] one hundred sixty-five dollars and seventy-nine cents per square foot per annum for space in the terminal complex which is occupied by a signatory airline.

   (2) Each non-signatory airline or other operator shall pay rent at the rate of [two hundred two dollars and eighty-three cents] two hundred seven dollars and
(b) Apron rentals:
   (1) Each signatory airline shall pay rent at the rate of thirty dollars per square foot per annum for covered apron space. Each signatory airline shall pay rent at the rate of fifteen dollars per square foot per annum for uncovered apron space, excluding off-gate aircraft parking spaces.
   (2) Each non-signatory airline or other operator shall pay rent at the rate of thirty-seven dollars and fifty cents per square foot per annum for covered apron space. Each non-signatory airline or other operator shall pay rent at the rate of eighteen dollars and seventy-five cents per square foot per annum for uncovered apron space, excluding off-gate aircraft parking spaces.

(c) Joint use fees shall be calculated in accordance with the formula defined in Section 20.10.005(e), using the terminal complex rental rate of [one hundred sixty-two dollars and twenty-six cents] one hundred sixty-five dollars and seventy-nine cents per square foot per annum, for space jointly used by all air transportation companies.
   (1) Each signatory airline shall pay its pro-rata share of the joint use fees, as calculated under Section 20.10.005(e).
   (2) Each non-signatory airline shall pay its pro-rata share of the joint use fees, as calculated under Section 20.10.005(e), multiplied by one hundred twenty-five percent.

(d) Aircraft gate use fee:
   (1) Each signatory airline shall pay an aircraft gate use fee of [two hundred fourteen thousand four hundred fifty-nine dollars] two hundred thousand six hundred and eleven dollars per annum for each preferential use gate which is leased to such signatory airline.
   (2) Each non-signatory airline shall pay an aircraft gate use fee of [two hundred sixty-eight thousand seven hundred sixty-three dollars and seventy-five cents] two hundred fifty thousand seven hundred sixty-three and seventy-five cents per annum for each preferential use gate which is leased to such non-signatory airline.

(e) Aircraft per turn fee:
   (1) Each signatory airline shall pay an aircraft per turn fee of [five hundred thirty-five dollars] five hundred thirty-three dollars for each wide-body aircraft and [three hundred fifty-six dollars] three hundred fifty-five dollars for each narrow body aircraft, per turn, for use of a gate which is not leased to such signatory airline.
   (2) Each non-signatory airline shall pay an aircraft per turn fee of [six hundred sixty-eight dollars and seventy-five cents] six hundred sixty-six dollars and twenty-five cents for each wide-body aircraft and [four hundred forty-five dollars] four hundred forty-three dollars and seventy-five cents for each narrow body aircraft, per turn, for use of a gate which is not leased to such non-signatory airline.

(f) Landing fee: Each signatory airline, non-signatory airline, or other operator shall pay a landing fee of [two dollars and thirty-nine cents] two dollars and thirty-three cents for each one thousand pounds, or fraction thereof, of maximum gross landing weight.

(g) Air cargo apron use fee: Each air transportation company conducting cargo operations or otherwise using the designated cargo apron facilities shall pay an additional one dollar and ten cents for each one thousand pounds, or fraction thereof, of maximum gross landing weight for each use.
(h) Common-use ticket counter fee:
   (1) Each signatory airline shall pay a fee of [one dollar and seventy-four cents] one
dollar and seventy-six cents per enplaned passenger, for use of the common-use
ticketing areas, which includes use of ticket counter, queuing space, common-
use baggage handling system, skycap positions, and skycap tunnels.
   (2) Each non-signatory airline shall pay a fee of [two dollars and eighteen cents] two
dollars and twenty cents per enplaned passenger, for use of the common-use
ticketing areas, which includes use of ticket counter, queuing space, common-
use baggage handling system, skycap positions, and skycap tunnels.

(i) Common-use baggage service office fee:
   (1) Each signatory airline shall pay a fee of five cents per enplaned passenger, for
use of the common-use baggage service office and equipment.
   (2) Each non-signatory airline shall pay a fee of [seven cents] six cents per enplaned
passenger, for use of the common-use baggage service office and equipment.

(a) Passenger facility charges: Each operator shall pay the passenger facility charges (PFCS),
as approved by the Federal Aviation Administration (FAA), for each enplaned passenger,
in accordance with federal regulations, as described further in Section 20.11.020.

(k) Off-gate aircraft parking fees:
   (1) Off-gate aircraft parking positions will be made available to each air
transportation company, based on a formula of 0.4 off-gate aircraft parking
positions (rounded up or down to the nearest integer), for each gate that is leased
by the air transportation company. Such off-gate aircraft parking positions
(assigned using this formula) will be made available for use by such air
transportation company without charge. Each air transportation company
operating in the terminal complex will be allowed to use at least one off-gate
aircraft parking position without charge. Use of any additional off-gate aircraft
parking positions by an air transportation company that exceeds the number of
positions made available using the formula described herein, will be subject to
the off-gate aircraft parking fees outlined below:

   (A) Tier 1 off-gate aircraft parking fees:
      (i) Less than six consecutive hours: Signatory airline shall pay
one hundred dollars; non-signatory airline shall pay one
hundred twenty-five dollars;
      (ii) More than six, but less than twelve consecutive hours:
Signatory airline shall pay two hundred dollars; non-signatory
airline shall pay two hundred fifty dollars;
      (iii) More than twelve, but less than twenty-four consecutive
hours: Signatory airline shall pay four hundred dollars; non-
signatory airline shall pay five hundred dollars;
      (iv) More than twenty-four, but less than forty-eight consecutive
hours: Signatory airline shall pay five hundred dollars; non-
signatory airline shall pay six hundred twenty-five dollars;
      (v) More than forty-eight hours: Signatory airline shall pay five
hundred dollars for each subsequent twenty-four-hour period
or portion thereof; non-signatory airline shall pay six hundred
twenty-five dollars for each subsequent twenty-four-hour
period or portion thereof.

   (B) Tier 2 off-gate aircraft parking fees:
      (i) Less than six consecutive hours: Signatory airline shall pay
one hundred dollars; non-signatory airline shall pay one
hundred twenty-five dollars;
(ii) More than six, but less than twelve consecutive hours: Signatory airline shall pay two hundred dollars; non-signatory airline shall pay two hundred fifty dollars;

(iii) More than twelve, but less than twenty-four consecutive hours: Signatory airline shall pay two hundred fifty dollars; non-signatory airline shall pay three hundred twelve dollars and fifty cents;

(iv) More than twenty-four, but less than forty-eight consecutive hours: Signatory airline shall pay three hundred dollars; non-signatory airline shall pay three hundred seventy-five dollars;

(v) More than forty-eight hours; Signatory airline shall pay three hundred dollars for each subsequent twenty-four-hour period or portion thereof; non-signatory airline shall pay three hundred seventy-five dollars for each subsequent twenty-four-hour period or portion thereof.

(l) Unauthorized off-gate aircraft parking fee: Each operator shall make prior arrangements with the department of aviation (no less than forty-eight hours) for use of an off-gate aircraft parking position. If operator uses an off-gate aircraft parking position which it has not received prior authorization from the department of aviation, such operator shall pay an unauthorized off-gate aircraft parking fee of one thousand dollars per occurrence, in addition to the off-gate aircraft parking fee as referenced in Section 20.10.010(k).

(m) Unauthorized gate use fee: Each operator shall make prior arrangement with the department of aviation (no less than forty-eight hours) for the use of an aircraft gate. If operator uses a gate which it has not received prior authorization from the department of aviation, such operator shall pay an unauthorized gate use fee of one thousand dollars per occurrence.

(n) Unauthorized ticket counter area use fee: Each operator shall make prior arrangement with the department of aviation (no less than forty-eight hours) for the use of ticket counter areas, including applicable queuing, common-use baggage handling system, skycap positions, and skycap tunnels. If operator uses such ticket counter areas, as described herein, without prior authorization from the department of aviation, such operator shall pay an unauthorized ticket counter area use fee of five hundred dollars per position per occurrence.

(o) Fuel flowage fee: Each operator, as directed by the department of aviation, shall submit a report of its fuel usage at the airport on or before the fifteenth of the month for the preceding month’s fuel usage along with a check in payment of fuel flowage fees of ten cents per gallon of fuel for operator’s fuel usage.

(p) Off-airport fuel storage fee: In addition to the fuel flowage fee in Section 20.10.010(o), each operator shall pay the department of aviation three cents per gallon for all fuel that is stored in any existing and future fuel farm facilities at the airport and is transported to a location other than the airport.

(q) International passenger processing facility use fee:
(1) Each signatory airline that requires use of the international passenger processing facility, as may be required under applicable regulations, shall pay an international passenger facility use fee of eight dollars per deplaned passenger.
(2) Each non-signatory airline that requires use of the international passenger processing facility, as may be required under applicable regulations, shall pay an international passenger facility use fee of ten dollars per deplaned passenger.
(r) International aircraft facility use fee: Each operator, excluding any signatory airline and non-signatory airline, that requires use of an international aircraft facility located in the terminal complex, as may be required under applicable regulations, shall pay an international aircraft facility use fee of two hundred fifty dollars per occurrence, in addition to an aircraft per turn fee as referenced in Section 20.10.010(e).

(s) West side international aircraft facility use fee: Each operator that requires use of the west side international aircraft facilities under applicable regulations, shall pay a west side international aircraft facility use fee of two hundred fifty dollars per occurrence.

(t) Ground service equipment building rent: Each operator that requires use of any ground service equipment building shall pay rent in the amount of sixteen dollars per square foot per annum.

(u) Security deposit: In order to guarantee the timely payment of all rentals, fees, and charges provided for in this chapter, each operator shall provide a security deposit in the total amount of three months estimated rentals, fees, and charges, including those listed above or included in a lease agreement or operating permit. The security deposit amount may be adjusted by the director of aviation as the operator’s activity increases or decreases. The security deposit shall be in the form of an irrevocable letter of credit, or other satisfactory security in a form approved by the director of aviation. If the operator fails to make any payment in accordance with the requirements of this chapter, the county shall have the right to take and use so much of such security deposit as may be necessary to make such payment in full and to exercise any other legal remedies to which it may be entitled.

(v) Additional fees: The county may, but is not obligated to, make payments or incur costs to cure any violation by that operator of any applicable law, rule, or regulation. Any amounts paid or costs incurred by the county to cure any such violation shall, after due notice to any operator, constitute additional rent owed by that operator, and shall be due and payable with the next succeeding payment of monthly rent due under this chapter, plus a twenty percent administrative fee.

(w) Surcharge by operator: If an operator imposed a surcharge in addition to normal airfare and tax on its air transportation to recover all or a portion of the amount payable by the operator as rentals, fees, and charges hereunder, except for passenger facility charges, and if the operator expressly identifies the surcharges as such to the public, the total amount of the surcharge up to the maximum amount that may be charged under the Nevada Municipal Airports Act shall be additional rent owed by that operator and shall be due and payable with the next succeeding payment of monthly rent under this chapter.

(x) Late fees: Any payment due pursuant to this chapter or other lease agreement, or operating permit that is not received within thirty days after the due date shall accrue interest at the rate of not less than twelve percent per annum, unless otherwise stated in the lease agreement.

(y) Activity report submission: Each operator shall submit a report of its passenger, cargo, mail, freight, and aircraft activities at the airport on or before the fifteenth day of each month for the preceding month’s activities together with a check in payment of all activity based fees, including but not limited to landing fees, per enplaned passenger fees, or other fees as identified in this chapter, and passenger facility charges (PFCs) for operator’s operations at the airport during the preceding month, except that each governmental service contractor may claim an exemption from reporting its passengers, cargo, mail, and freight activities based on federal requirements for confidentiality. Such reports shall be on forms prescribed by the department of aviation.
(1) On or before January 1st each year, each operator shall submit to the director of aviation a written estimate of the total of the maximum certificated weights of the operator's expected aircraft arrivals at the airport during the twelve months beginning the following July 1st.

(2) Flight schedules: Every thirty days, each air transportation company shall be required to submit its flight schedule for the next ninety-day period in an electronic form as provided by the department of aviation.

SECTION 2. Section 20.11.060 of the Clark County Code is hereby amended to read as follows:

20.11.060 [Effective date—Termination.] PFC Effective Date and Termination Date

The imposition of the PFC pursuant to Section 20.11.020 shall be effective on June 1, 1992. Such imposition shall terminate on the earlier of:

(a) [May 31, 2022] November 1, 2053; or

(b) The date on which the total PFC revenue plus interest theron equals the allowable cost of the approved projects; unless Approvals dated after February 24, 1992, permit a later termination date, in which case the imposition shall terminate on such later termination date. Such charge shall also terminate if the authority to collect the charge is validly terminated by the Administrator under Subpart E of the Regulations or by the Administrator under regulations validly promulgated under the Airport Noise and Capacity Act of 1990 (Pub. L. 101-508, Title IX, Subtitle D).

SECTION 3. If any section of this Ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this Ordinance.

SECTION 4. All Ordinances, parts of Ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall take effect and be in force from and after July 1, 2014, following its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.
PROPOSED on the 20th day of May, 2014.
PROPOSED BY: Commissioner Steve Sisolak
PASSED on the ______ day of ______________, 2014.
VOTE: AYES:


NAYS:


ABSTAINING:


ABSENT:


ATTEST:

DIANA ALBA
County Clerk

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By ___________________________
Chair

APPROVED AS TO FORM:
STEVEN B. WOLFSON, District Attorney

BY: _________________________
(Deputy)

This ordinance shall be in force and effect from and after the 1st day of July, 2014.