

**DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD  
OFFICIAL BOARD ACTION/RESOLUTION**

<b>Date:</b> 2-01-2001	<b>Subject:</b> Amendment to Contract and Agreement between the Cities of Dallas and Fort Worth	<b>Resolution No.:</b> 2001-02-55
<b>Recommended Action:</b> That the Airport Board request the Cities of Dallas and Fort Worth to amend the Contract and Agreement relating to the maximum fine amount for violations of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board.		
<b>Description:</b> <ul style="list-style-type: none"> <li>• This is a request to the Cities of Dallas and Fort Worth to amend paragraph F of the Contract and Agreement to increase the maximum fine amount for violations of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board (Code) from \$200.00 to \$500.00.</li> </ul>		
<b>Justification:</b> <ul style="list-style-type: none"> <li>• In 1991 the Texas legislature amended §12.23 of Chapter 12 of the Penal Code which increased the maximum fine for an individual adjudged guilty of a Class C misdemeanor from \$200.00 to \$500.00.</li> <li>• Notwithstanding the higher fine permitted by State law, the Contract and Agreement between The Cities of Dallas and Fort Worth currently caps fines for violations of the Airport's Code of Rules and Regulations at \$200.00.</li> </ul>		
<b>Additional Information:</b> <ul style="list-style-type: none"> <li>• The Contract and Agreement represents the joint action of the Cities of Dallas and Fort Worth to create the DFW International Airport Board. It was entered into pursuant to the Texas Municipal Airports Act, Article 46d-14 (re-codified as Chapter 22 of the Transportation Code)</li> </ul>		
<b>Funding Source(s)/Operating and Maintenance Impacts:</b> <ul style="list-style-type: none"> <li>• No impact on the O &amp; M Budget is anticipated.</li> </ul>		
<b>Committee:</b> <u>Operations</u>	<b>Contract No(s):</b>  <b>Purchase Order No(s):</b>  <b>Agreement No(s):</b>	<b>Action Amount:</b>  <b>Revised Amount:</b>
<b>For information contact:</b> Gary Keane 4-3160		

BE IT RESOLVED BY THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD:

That the Airport Board request the Cities of Dallas and Fort Worth to amend the Contract and Agreement relating to the maximum fine amount for violations of the Code of Rules and Regulations of the Dallas-Fort Worth International Airport Board.

This Resolution shall take effect immediately upon its passage.

Approved as to Form:

*J. Kean*

General Counsel

1-25-01

Date Signed

Approved as to Funding:

*Joni Colquhoun*

Vice President of  
Finance and Budget

1/29/01

Date Signed

Approved as to M/WBE:

*William Johnson*

Vice President of  
Small and Emerging Business

1/29/01

Date Signed

SIGNATURES REQUIRED FOR APPROVAL:

*J. Kean*

Department Vice President  
General Counsel

Date Signed

*Jeffrey P. Feys*

Chief Executive Officer

Date Signed

arrests when necessary to prevent or abate the commission of any offense against any rule or regulation of the Board and against the laws of the State of Texas or the United States of America, when any such offense or threatened offense occurs upon any lands or facilities controlled and/or operated by the Board. ~~The Board may prescribe reasonable penalties for the breach of any rule or regulation not exceeding more than~~ Two Hundred Dollars (\$200) fine. All such rules, regulations or orders shall become effective only upon approval of the governing bodies of the Cities of Dallas and Fort Worth, and after publication of a substantive statement of the rule or regulation and the penalty for violation thereof, in a newspaper of general circulation in each of the Counties of Dallas and Tarrant. The notice shall state that a breach of the rule or regulation will subject the violator to the infliction of a penalty and shall state that the full text of the rule or regulation sought to be enforced is on file in the principal office of the Board where the same may be read by any interested party. Said rules and regulations properly authorized as herein set out and as provided by law, shall, after the required publication, be judicially recognized by the courts the same as other valid penal ordinances of a city of this State.

G. The Board shall provide for a suitable seal with the following letters upon its face:

"DALLAS-FORT WORTH REGIONAL AIRPORT  
BOARD"

The seal shall be used for the authentication of legal documents, contracts and other instruments, indicating the official action of the Board.

# Chapter 11 10

## Saving, Severability and Penalties

### Section 1. Catchlines of Sections

Catchlines of the sections of this Code are intended as mere catchwords to indicate the general contents of the section, and for index or search convenience and shall not be taken or deemed to be titles nor shall same be construed as a substantive part of any section.

### Section 2. Severability

The sections, ~~paragraphs~~ subsections, sentences, clauses and phrases phrases of this Code are severable, and if any phrase, clause, sentence, ~~paragraph~~ subsection or section of this Code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases phrases, clauses, sentences, ~~paragraphs~~ subsections and sections of this Code, since the same would have been enacted without the incorporation in this Code of any such unconstitutional phrases phrase, clause, sentence, ~~paragraph~~ subsection or section.

### Section 3. Penalty, Continuing Violations

The violation of any provisions of this Code where an act or a failure to act is made unlawful or is otherwise prohibited, shall be punishable by a fine not to exceed ~~Two Hundred Dollars (\$200.00)~~ Five Hundred dollars (\$500.00), and each day a violation shall continue shall constitute a separate offense; provided, however, where the offense is one for which a penalty is fixed by State law, the latter penalty shall govern.

THE STATE OF TEXAS  
COUNTY OF DALLAS  
COUNTY OF TARRANT



KNOW ALL MEN BY THESE PRESENTS:

**AMENDMENT TO CONTRACT AND AGREEMENT  
(Paragraph 8.F., Regarding Maximum Fines)**

**THIS AMENDMENT TO CONTRACT AND AGREEMENT** (herein called "Amendment") is entered into and effective this 26th day of June, 2001, by and between the **CITY OF DALLAS, TEXAS**, a municipal corporation acting by and through its duly authorized City Manager, and the **CITY OF FORT WORTH, TEXAS**, a municipal corporation acting by and through its duly authorized City Manager (both parties herein jointly called the "Cities").

**WITNESSETH:**

**WHEREAS**, the Parties hereto did, by that certain Contract and Agreement, dated April 15, 1968, provide for the construction and operation of the Dallas-Fort Worth International Airport (the "Airport"), and continued, expanded and further defined the powers and duties of the Dallas-Fort Worth International Airport Board (the "Board"); and

**WHEREAS**, the parties have heretofore authorized and executed **five** amendments to the Contract and Agreement; and

**WHEREAS**, Paragraph 8.F. of the Contract and Agreement, among other powers, authorizes the Board to adopt and enforce rules and regulations for the orderly, safe, efficient and sanitary operation of the Airport, and to prescribe reasonable penalties for the violation of any rule or regulation not exceeding more than a \$200 fine; and

**WHEREAS**, State law has been amended to increase the maximum fine for (i) a Class C misdemeanor from \$200 to \$500, and (ii) an ordinance violation from \$200 to \$500, except for violation of a fire safety, zoning, or public health and sanitation regulation, for which the maximum fine increased to \$2000; and

**WHEREAS**, the Board has requested the Cities to amend Paragraph 8.F. of the Contract and Agreement, relating to the maximum fine amount the Board may set, to permit the Board to prescribe higher fines for violations of its rules and regulations; and

**WHEREAS**, the City of Dallas, by Resolution No. 01-1471, approved May 9, 2001, and the City of Fort Worth, by Resolution No. 2743, approved June 26, 2001, authorized the execution of this Amendment (being the **sixth** such amendment) to the Contract and Agreement between the Cities, to amend Paragraph 8.F. to permit the Board to prescribe reasonable penalties for violation of the Airport's rules and regulations not exceeding the maximum fines authorized by State law;

**NOW, THEREFORE**, the Cities of Dallas and Fort Worth hereby agree as follows:

**SECTION 1.** Paragraph 8.F. of the Contract and Agreement is hereby amended to read as follows:

## POWERS AND DUTIES

"F. The Board shall have the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient and sanitary operation of the Airport; to employ and constitute its own security force and peace officers; and any member of such security force and any such peace officer or any county peace officer, shall have the power to make arrests when necessary to prevent or abate the commission of any offence against any rule or regulation of the Board and against the laws of the State of Texas or the United States of America, when any such offense or threatened offense occurs upon any lands or facilities controlled and/or operated by the Board. The Board may prescribe reasonable penalties for the breach of any rule or regulation not exceeding more than the maximum Two Hundred Dollars (\$200) fines authorized by State law. All such rules, regulations or orders shall become effective only upon approval of the governing bodies of the Cities of Dallas and Fort Worth, and after publication of a substantive statement of the rule or regulation and the penalty for violation thereof, in a newspaper of general circulation in each of the Counties of Dallas and Tarrant. The notice shall state that a breach of the rule or regulation will subject the violator to the infliction of a penalty and shall state that the full text of the rule or regulation sought to be enforced is on file in the principal office of the Board where the same may be read by any interested party. Said rules and regulations properly authorized as herein set out and as provided by law, shall, after the required publication, be judicially recognized by the courts the same as other valid penal ordinances of a city of this State."

SECTION 2. All other terms of the Contract and Agreement, as previously amended, shall remain in full force and effect.

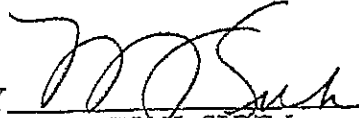
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ENTERED INTO as of the date first above written, and executed in multiple originals by the duly authorized officers of the constituent Cities.

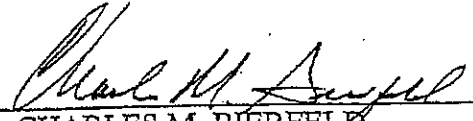
ATTEST:

CITY OF DALLAS, TEXAS  
TEODORO J. BENAVIDES  
City Manager

BY   
SHIRLEY ACY  
City Secretary

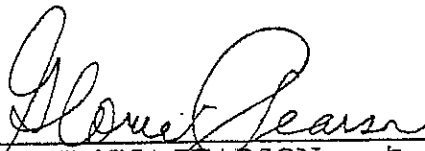
BY   
MARY K. SUHM  
First Assistant City Manager

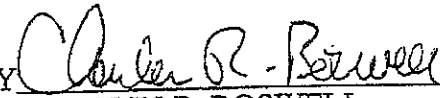
APPROVED AS TO FORM:  
MADELEINE B. JOHNSON  
City Attorney

BY   
CHARLES M. BIERFELD  
Special Assistant City Attorney

ATTEST:

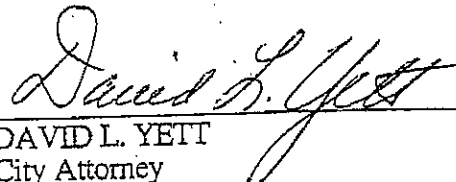
CITY OF FORT WORTH, TEXAS  
GARY W. JACKSON  
City Manager

BY   
GLORIA PEARSON 7-11-01  
City Secretary

BY   
CHARLES R. BOSWELL  
Assistant City Manager

APPROVED AS TO FORM AND LEGALITY:

Resolution NO. 2743  
Contract Authorization

BY   
DAVID L. YETT  
City Attorney

\_\_\_\_\_  
Date

(ACKNOWLEDGMENTS)

THE STATE OF TEXAS

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COUNTY OF DALLAS

This instrument was acknowledged before me on July 10, 2001, by Mary K. Suhm, First Assistant City Manager of the City of Dallas, Texas, a municipal corporation, on behalf of said municipal corporation.



Jessica Rios  
Notary Public, State of Texas

Jessica Rios  
(Typed or Printed Name of Notary)

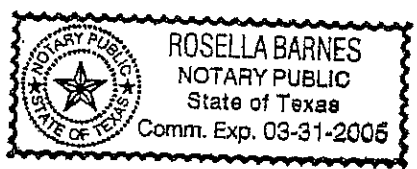
My Commission Expires: 2-17-02

THE STATE OF TEXAS

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COUNTY OF TARRANT

This instrument was acknowledged before me on July 11, 2001, by Charles R. Bosswell, Assistant City Manager of the City of Fort Worth, Texas, a municipal corporation, on behalf of said municipal corporation.



Rosella Barnes  
Notary Public, State of Texas

ROSELLA BARNES  
(Typed or Printed Name of Notary)

My Commission Expires: 03-31-05



# A Resolution

011471

NO. 2743

Approving an Amendment to the Contract and Agreement Between the City of Fort Worth, Texas and the City of Dallas, Texas dated April 15, 1968.

WHEREAS, in 1968, the Cities of Fort Worth and Dallas, pursuant to State law, entered into the Contract and Agreement, effective April 15, 1968, authorizing and directing the D-FW International Airport Board (the "Board"), acting on behalf of the owner Cities, to proceed with the design, construction, development and operation of D-FW International Airport (the "Airport"); and

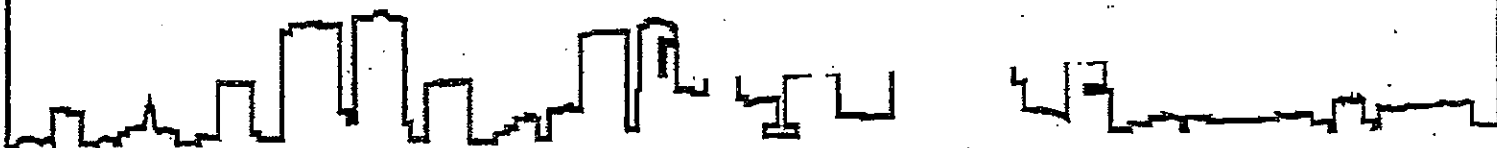
WHEREAS, Paragraph 8.F. of the Contract and Agreement authorizes the Board to adopt and enforce rules and regulations for the orderly, safe, efficient and sanitary operation of the Airport, and to prescribe reasonable penalties for the violation of any rule or regulation not exceeding more than \$200 fine; and

WHEREAS, subsequently, State law was amended to increase the maximum fine for (i) a Class C misdemeanor from \$200 to \$500, and (ii) an ordinance violation from \$200 to \$500, except for violation of a fire safety, zoning, or public health and sanitation regulation, for which the maximum fine increased to \$2000; and

WHEREAS, on February 1, 2001, the Board approved a Resolution No. 2001-02-55 requesting that the Cities of Fort Worth and Dallas amend Paragraph 8.F. of the Contract and Agreement, relating to the maximum fine amount the Board may set, to permit the Board to prescribe the higher fines for violations of its rules and regulations;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, OF FORT WORTH, TEXAS THAT:**

**SECTION 1:** Following approval as to form by the City Attorney, the City Manager is hereby authorized to execute an amendment to the 1968 Contract and Agreement between the Cities of Fort Worth and Dallas, amending Paragraph 8.F. to permit the Board to prescribe reasonable penalties for violation of the Airport's rules and regulations not exceeding the maximum fines authorized by State law.

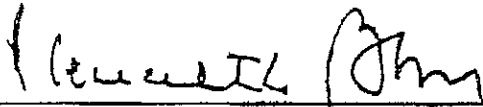


**CITY OF FORT WORTH**

**SECTION 2:** That this resolution shall be effective immediately from and after its passage in accordance with the provisions of the Charter of the City of Fort Worth, and it is accordingly so resolved.

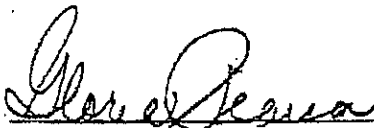
ADOPTED this 26th day of June 2001.

BY:




Kenneth Barr  
Mayor, City of Fort Worth

ATTEST:

By: 

Gloria Pearson  
City Secretary

APPROVED AS TO FORM:

By: 

David L. Yett  
City Attorney

## OFFICIAL ACTION OF THE DALLAS CITY COUNCIL

May 9, 2001

01-1471

Item 78: Authorize an amendment to the Contract and Agreement between the Cities of Dallas and Fort Worth relating to the maximum fine amount for violations of the rules and regulations of the Dallas-Fort Worth International Airport Board - Financing: No cost consideration to the City

Mayor Pro Tem Poss moved to approve the item.

Motion seconded by Deputy Mayor Pro Tem Salazar and unanimously adopted.

May 9, 2001

**WHEREAS**, in 1968, the Cities of Dallas and Fort Worth, pursuant to State law, entered into the Contract and Agreement, effective April 15, 1968, authorizing and directing the D-FW International Airport Board (the "Board"), acting on behalf of the owner Cities, to proceed with the design, construction, development and operation of D-FW International Airport (the "Airport"); and

**WHEREAS**, Paragraph 8.F. of the Contract and Agreement authorizes the Board to adopt and enforce rules and regulations for the orderly, safe, efficient and sanitary operation of the Airport, and to prescribe reasonable penalties for the violation of any rule or regulation not exceeding more than a \$200 fine; and

**WHEREAS**, subsequently, State law was amended to increase the maximum fine for (i) a Class C misdemeanor from \$200 to \$500, and (ii) an ordinance violation from \$200 to \$500, except for violation of a fire safety, zoning, or public health and sanitation regulation, for which the maximum fine increased to \$2000; and

**WHEREAS**, the Board has requested the Cities to amend Paragraph 8.F. of the Contract and Agreement, relating to the maximum fine amount the Board may set, to permit the Board to prescribe the higher fines for violations of its rules and regulations; Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1:** That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute an amendment to the 1968 Contract and Agreement between the Cities of Dallas and Fort Worth, amending Paragraph 8.F. to permit the Board to prescribe reasonable penalties for violation of the Airport's rules and regulations not exceeding the maximum fines authorized by State law.

**SECTION 2:** That this resolution shall be effective immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED BY  
CITY COUNCIL**

MAY 09 2001

*Shirley Gray*  
City Secretary

APPROVED \_\_\_\_\_  
HEAD OF DEPARTMENT

APPROVED *De H. Green*  
CITY CONTROLLER  
*Ed*

APPROVED *Todd / Bond*  
CITY MANAGER