

**121630**  
June 27, 2012

**WHEREAS**, Section 8.C. of the 1968 Contract and Agreement, as amended, between the City of Dallas, Texas and the City of Fort Worth, Texas, provides that the Dallas/Fort Worth International Airport Board ("Airport Board") may enter into contracts, leases and other arrangements with any person, association of persons, firms, or public or private entities or corporations for terms not exceeding 40 years, granting the privilege of using or improving the Airport, or any portion thereof or space therein for commercial purposes and may confer the privilege of supplying goods, commodities, things, services or facilities at the Airport or of making available services to be furnished to or by the Airport Board or its agents thereof and contracts, leases and other arrangements that the Airport Board wishes to enter into that exceed 40 years must first be approved by the City Councils of the Cities of Dallas and Fort Worth, and;

**WHEREAS**, Section 8.E.(4) of the 1968 Contract and Agreement provides that the Airport Board shall have the general power to enter into contracts, provided that they shall be submitted to the Councils of the two cities for lawful provisions for payment if the contract payments are to be made other than concurrently with the rendition of services or delivery of goods in subsequent years and not from special funds already authorized or from sums fixed by the 1968 Contract and Agreement; and

**WHEREAS**, on December 6, 2007, the Airport Board passed, approved, and ordered Resolution No. 2007-12-232, authorizing a new agreement between the Airport Board and Oncor Electric Delivery Company LLC ("Oncor") to re-establish the electric utility infrastructure operation and maintenance responsibilities and electric utility main extension policies on Airport property; and

**WHEREAS**, the term of the agreement with Oncor is 15 years, subject to termination upon eleven months notice, unless the Airport Board opts not to purchase the infrastructure system, in which case the Airport Board is obligated to extend the agreement with Oncor indefinitely; and

**WHEREAS**, the Airport Board has requested that the City Councils of the Cities of Dallas and Fort Worth approve Resolution No. 2007-12-232 and authorize the agreement between the Airport Board and Oncor;

**NOW, THEREFORE,**

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

**SECTION 1.** That Resolution No. 2007-12-232 of the Airport Board, a duly certified copy of which is attached hereto as **Exhibit A** and made a part of this resolution by reference, is hereby approved, and that the Airport Board is hereby authorized to execute an agreement with Oncor for a term of 15 years; provided, however, if the Airport Board opts not to purchase the electric utility infrastructure system, the agreement between the Airport Board and Oncor will be extended indefinitely.

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**SECTION 2.** That none of the costs arising from or associated with the agreement between the Airport Board and Oncor are to be paid by the City of Dallas.

**SECTION 3.** That this resolution shall take effect 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

JUN 27 2012

  
City Secretary



DALLAS/FORT WORTH INTERNATIONAL AIRPORT  
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DFW AIRPORT, TEXAS 75261-9428  
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T 972 973 8888 F 972 973 5751

May 30, 2012


STATE OF TEXAS                   §

COUNTY OF DALLAS           §

COUNTY OF TARRANT       §

I, Donna J. Schnell, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2007-12-332, approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on December 6, 2007.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD, this the 30<sup>th</sup> of May 2012.

  
Donna J. Schnell  
Board Secretary



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

<b>Date</b> 12/06/2007	<b>Committee</b> Operations	<b>Subject</b> Agreement for Electric Facilities	<b>Resolution #</b> 2007-12-332
<b>Action</b> That the Chief Executive Officer or Designee be authorized to execute Contract No. 7003979, an Agreement for Electric Facilities, between Oncor Electric Delivery Company LLC and the Dallas/Fort Worth International Airport Board.			
<b>Description</b> <ul style="list-style-type: none"> <li>This Agreement will replace an existing Agreement between Board and Oncor Electric Delivery Company LLC, which went into effect on March 10, 1971, and is set to expire on December 31, 2007, and will establish electric utility infrastructure operation and maintenance responsibilities, and line extension policies.</li> </ul>			
<b>Justification</b> <ul style="list-style-type: none"> <li>This Agreement will reestablish the electric utility infrastructure operation and maintenance responsibilities and line extension policies utilized on Board property.</li> <li>This Agreement will not establish the Board's electric commodity rates.</li> <li>Electricity distribution and infrastructure related costs will continue to be determined by Oncor's tariff rates as approved by the Public Utility Commission of Texas.</li> </ul>			
<b>D/M/WBE Information</b> <ul style="list-style-type: none"> <li>In accordance with the Board's M/WBE Program, no goal was set for this Contract due to the nature of the procurement (Use Agreement).</li> <li>Oncor Electric Delivery Company LLC has agreed, however, to provide reports to the Board's Small and Emerging Business Department regarding its utilization of minority and women-owned businesses through its corporate supplier diversity program. Those reports are also submitted to the Public Utility Commission of Texas. Oncor Electric Delivery Company LLC, additionally, has agreed to consult with the Small and Emerging Business Department should contracting opportunities arise that are directly related to its Contract with the Board.</li> </ul>			
<b>Schedule/Term</b> <ul style="list-style-type: none"> <li>Start Date: January 1, 2008</li> <li>Contract Term: 15 years, with one 15-year extension option</li> </ul>			
<b>Contract #</b> 7003979	<b>Agreement #</b>	<b>Purchase Order #</b>	<b>Action Amount</b> \$0 <b>Revised Amount</b> \$0
<b>For Information contact</b> Rusty Hodapp 4-8470 Robert Ramert 3-5677	<b>Fund</b> 0102	<b>Project #</b>	<b>External Funding Source</b>  <b>Amount</b> \$0

**Additional Information**

- On March 10, 1971, the Board entered into an Agreement with Oncor Electric Delivery Company LLC (formerly Texas Power and Light Company) to install, operate, and maintain the electrical utility infrastructure on Airport property. This Agreement is set to expire on December 31, 2007. The agreement does not govern the Airport's electric rates; it establishes operation and maintenance responsibilities, and line extension policies.
- On May 20, 2005, the Board retained Carter & Burgess, Inc. (C&B) to assist in evaluating the Board's options relative to the expiration of the Oncor Infrastructure Agreement. The Board's options included purchasing the infrastructure and severing the relationship with Oncor, or negotiating a new agreement and maintaining an ongoing relationship.
- After reviewing the economic, regulatory, and operational aspects associated with these options, on September 22, 2005, C&B submitted their findings to Board Staff and recommended negotiating a new agreement with Oncor. Staff agreed with C&B's findings and recommendation, and on October 4, 2005, Staff briefed the Operations Committee of the Airport Board.
- This Board Action will authorize the execution of a 15-year Agreement with Oncor. As in the past, Oncor will be responsible for the operation and maintenance of the electric transmission and distribution infrastructure, and the Board will install and maintain all civil facilities associated with said infrastructure. The cost of all installations, removal, and/or modifications of said infrastructure will be determined by Oncor's Public Utility Commission approved tariffs.

Additional Attachments: N

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

That the Chief Executive Officer or Designee be authorized to execute Contract No. 7003979, an Agreement for Electric Facilities, between Oncor Electric Delivery Company LLC and the Dallas/Fort Worth International Airport Board.

**Approved as to Form by**


Gary Keane  
General Counsel  
Nov 28, 2007 1:53 pm

**Approved as to Funding by**

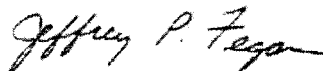

Max Underwood  
Vice President  
Finance  
Nov 29, 2007 7:54 am

**Approved as to M/WBE by**


Don O'Bannon  
Vice President  
Small & Emerging Business  
Nov 28, 2007 2:53 pm

**SIGNATURE REQUIRED FOR APPROVAL****Approved by**


Department Head  
Energy & Transportation Mgmt  
Nov 28, 2007 10:52 am



Chief Executive Officer

Dec 10, 2007 9:02 am

Date