

West Michigan Airport Authority

Meeting Agenda

Monday, May 11, 2009

11:30am – 1:00pm

Park Township Offices, 52 - 152nd Avenue

1. Consideration of the April 13, 2009 Meeting Minutes. (Action Required)
2. Public Comments.
3. Extension of FBO Agreement and Status Report. (Action Required)
4. Airport Fueling Rules and Regulations. (Action Required)
5. 2009/2010 Public Information Strategy Update.
6. Airport Layout Plan Progress.
7. FBO Report.
8. Monthly Budget and Investment Report. (Accept as Information)
9. Other Business.
10. Adjourn.

Mission Statement: To provide the public with state-of-the-art global air access to strengthen the local economy and improve the area's quality of life.



If you are not able to attend the meeting, please contact Greg Robinson (355-1313) or Carolyn O'Connor (355-1311). We must have at least two (2) of the three representatives of each unit of government present at the meeting to attain a quorum. Thank you.

West Michigan Airport Authority
Meeting Minutes (PROPOSED)
April 13, 2009

The West Michigan Airport Authority met at 11:30am at the Howard Miller Community Center, 14 S. Church Street in Zeeland, Michigan

Present: Authority Members Price, Wickmann, Hoogland, Klunder, Wiersma, Mitchell and Dykstra

Absent: None.

Others Present: Ottawa County Representative Disselkoen, Allegan County Representative Burns, Assistant City Manager Robinson, FBO Ludema and Executive Assistant O'Connor

The meeting was called to order at 11:36am.

09.04.01 Consideration of the March 9, 2009 Meeting Minutes.

It was moved by Wickmann and supported by Klunder to approve the March 9, 2009 meeting minutes as submitted. This motion was unanimously adopted.

09.04.02 Public Comments.

There were no public comments.

09.04.03 Public Hearing and Approval of Resolution on the FY 2010 Operating and Capital Budget.

Mr. Robinson highlighted a few portions of the FY2010 Operating and Capital Budget as submitted to Authority at the March 2009 meeting. It is anticipated that the revenues from the .10 mil will be \$245,000 in FY2010, which will be used predominantly for contingency and capital projects.

Chairperson Dykstra declared the public hearing to be open. Then, Mr. Dykstra declared the public hearing to be closed.

It was moved by Hoogland and supported by Price to approve the resolution adopting the FY2010 Operating and Capital Budget as submitted. This motion was unanimously adopted.

09.04.04 Approval of the Resolution Certifying FY2010 Millage Amounts.

It was moved by Klunder and supported by Wickmann to approve the resolution certifying the millage amount of .10 mil for FY2010. This motion was adopted.

09.04.05 Airport Fueling Rules and Regulations.

Mr. Robinson highlighted key pieces of the Airport's Fueling Rules and Regulations as currently written. The Authority was being asked to formally approve the rules and regulations to allow staff to proceed with issuing permits. Tulip City Airport currently has three fueling facilities: Tulip City Air Services, Brown Transport and Westshore Aviation. The Authority members discussed various concerns and issues with the regulations and whether a redrafting should occur prior to approval.

It was moved by Price and supported by Wiersma to approve the Fueling Rules and Regulations as submitted. It was then moved by Price and supported by Hoogland to table the motion to approve to the May 2009 West Michigan Airport Authority meeting. This motion was adopted.

09.04.06 Agreement with Mead & Hunt for Survey & Property Map Update.

Mr. Robinson explained that, although the agreement with Mead & Hunt had been approved a couple months ago, a change had occurred regarding the survey portion of the agreement. A local surveyor was utilized for a project with the City of Holland, and a quote from the surveyor for the airport survey came in substantially less than the firm recommended by Mead & Hunt. Grant documents from the Michigan Department of Transportation (MDOT) Aeronautics Division have not been received and are anticipated for June 2009.

It was moved by Wiersma and supported by Wickmann to approve the revised agreement with Mead & Hunt for the survey and updated property map for Tulip City Airport. This motion was approved.

It was then moved by Wickmann and supported by Klunder to proceed with the projects while awaiting the MDOT grant documents. This motion was approved.

09.04.07 Automated Clearing House (ACH) Electronic Transaction Policy.

It was moved by Klunder and Wiersma to approve the ACH Electronic Transaction Policy and Resolution as submitted. This motion was unanimously adopted.

09.04.08 Fixed Base Operator (FBO) Report.

Mr. Ludema presented the monthly FBO report describing fuel sales and miscellaneous airport activities. Although air traffic is down in comparison to 2008, the month of April has started off to be quite busy.

09.04.09 Monthly Budget & Investment Report.

Mr. Robinson presented the monthly budget and investment report. This was accepted as information.

09.04.10 Other Business.

- Mr. Dykstra reviewed the additional articles included in the airport packet.
- Mr. Hoogland inquired about the frequency of helicopter landings. Mr. Ludema replied that most landings were hospital-related, specifically Aero Med, due to the helicopter pad at Holland Hospital not being approved by the FAA.
- Ms. Price inquired about the status of stimulus monies for the Airport. Mr. Robinson replied that MDOT has indicated that Tulip City Airport will not be receiving any stimulus dollars for any of the capital projects in our five-year plan.
- Mr. Robinson provided an update on the Marketing Committee's work with The Image Group. Currently, the marketing plan is in the strategy/planning phase, and it is anticipated that the work will be soon.
- The Airport Layout Plan (ALP) Work Team will be meeting on April 30th at 8:00am at Holland City Hall.
- Mr. Mitchell inquired about the impact of the Large Aircraft Security Plan (LASP) and aircraft fees currently being looked at by the Federal Government. It was anticipated that neither policy would have an impact on the Authority or how it manages the airport.
- Mr. Hoogland inquired about the status of the tunnel repairs. Mr. Robinson replied that a quote was being requested from K & R Construction, but no further work has been completed as of the meeting.
- Mr. Robinson requested Authority members to keep the group apprised on any matters that the Authority should take a position on or need to be concerned about. Such matters can be discussed at an Authority meeting.
- Mr. Robinson provided an update on various matters as requested by various Authority members:
 - The FBO Agreement is currently being reviewed by the Attorney's Office.
 - MDOT – Aero and the Federal Aviation Administration (FAA) have been contacted regarding using vacant T-hangars for non-aircraft-related purposes. It was stated that it was possible if three conditions were met:
 - a. Revenues generated must be used for Airport purposes.
 - b. Airport-related uses take priority over non-airport-related uses.
 - c. T-hangars must be vacant with no waiting list for the hangar.

- In regards to the carbon sequestration project, the Holland Board of Public Works has received the engineering feasibility study, which focused on the economics related to various sites. The Authority members requested that a copy of the study be forward to members as soon as it is released.
- Ms. O'Connor will be maintaining the West Michigan Airport Authority website on an interim basis until the marketing study is completed and the new website goes live.
- The Building & Development Committee should plan on meeting after Tulip Time to discuss various matters.

09.04.11 Adjournment.

It was moved by Wickmann and supported by Wiersma to adjourn the meeting. This motion was unanimously adopted. The next regularly scheduled meeting of the West Michigan Airport Authority will be Monday, May 11, 2009 at 11:30 am at Park Township Hall.

Respectfully Submitted,

Amanda Price
WMAA Secretary

FIFTH AMENDMENT TO FIXED BASE OPERATOR AGREEMENT

This Fifth Amendment is entered into this _____ day of _____, 2009, by and between the **WEST MICHIGAN AIRPORT AUTHORITY**, a community airport authority under Act 206 of 1957 (hereinafter referred to as the "Authority") and **TULIP CITY AIR SERVICE, INC.**, a Michigan Corporation, with its principal place of business located in Holland, Michigan (hereinafter referred to as the "Operator").

WITNESSETH:

On October 23, 1986, the City of Holland and Operator entered into a Fixed Base Operator Agreement ("Agreement") whereby the City of Holland and the Operator agreed to permit Operator to provide certain services for the operation of the Tulip Authority Airport ("Airport"). On November 15, 1995, the City of Holland and the Operator entered into the First Amendment to Fixed Base Operator Agreement ("First Amendment") whereby Paragraph 8(d) of the Agreement was amended. On November 1, 2006, the City of Holland and the Operator entered into the Second Amendment to Fixed Base Operator Agreement ("Second Amendment") whereby Paragraph 1 of Agreement was amended. On December 6, 2008, the Authority and the Operator agreed to amend paragraph 1 of the Agreement to extend the term of the Agreement until February 28, 2009 ("Third Amendment"). On February 9, 2009, the Authority and the Operator agreed to amend paragraph 1 of the Agreement to extend the term of the Agreement until May 1, 2009 ("Fourth Amendment").

The City of Holland, the City of Zeeland, and Park Township formed the Authority and this Agreement was assigned to the Authority by the City of Holland. Pursuant to the terms and conditions of the Agreement, the term of the Agreement will expire on May 1, 2009. The Authority desires to amend the Agreement with the Operator to extend the term of the Agreement until July 1, 2009. The Authority and the Operator desire to amend the Agreement according to the terms, conditions, and agreements hereinafter set forth.

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. Paragraph 1 of the Agreement is hereby amended to read as follows:

"1. Term. The term of this Agreement shall be extended, commencing on the 2nd day of May, 2009, and continuing until the 1st day of July, 2009 (the "Termination Date")." Nothing contained herein shall limit the right of the Authority and the Operator to commence the process of preparing and implementing a new FBO Agreement during the renewal term in accordance with applicable law and regulation.

2. With the exception of the change, amendment, and modification set forth herein, the remaining terms, conditions, and agreements between the Authority and the Operator set forth in the Agreement, the First Amendment, the Second Amendment, the Third Amendment, and the Fourth Amendment are hereby reaffirmed and republished.

IN WITNESS WHEREOF, we the parties hereto have executed this Fifth Amendment to the Agreement on the date first noted above.

WEST MICHIGAN AIRPORT AUTHORITY

By: _____
Kurt D. Dykstra
Its: _____
Chairperson

TULIP CITY AIR SERVICE, INC.

By: _____
Ronald Ludema
Its: _____
President

APPROVED AS TO FORM:

By: _____
Andrew J. Mulder

Date: _____

FUELING RULES & REGULATIONS

Tulip City Airport
Holland, Michigan

Adopted by West Michigan Airport Authority
_____, 2009

Tulip City Airport Fueling Rules & Regulations

1. Fueling.

- A. No person other than a fixed-base operator (“FBO”) may sell fuel at the Airport or engage in fueling operations at the Airport other than fueling (as described in subsection B of this section), in accordance with these Fueling Rules and Regulations. Fuel co-operatives, defined as multiple independent owners of multiple aircraft sharing Fueling Facilities, as defined below, are not permitted to operate at the Airport. An FBO may sell fuel to all aircraft operators desiring to purchase fuel in accordance with an FBO agreement between the FBO and the West Michigan Airport Authority (“AUTHORITY”).
- B. A person who owns an aircraft which such person operates at the Airport may fuel that aircraft and other vehicles such person owns operating solely within the Airport from Fueling Facilities such person owns and operates at the Airport; provided such person has a valid Fueling Permit from the AUTHORITY and complies with all laws, rules and regulations applying to fueling at the Airport adopted by the AUTHORITY or any other governmental agency or authority.

2. Fueling Permit.

- A. Any person engaged in fueling at the Airport in accordance with Section 1 shall hold a valid Fueling Permit while engaged in such fueling and comply with these Fueling Rules and Regulations. A Fueling Permit shall expire ten (10) years after the date it was issued, provided that the holder of an expired Fueling Permit may continue fueling in reliance upon the expired Fueling Permit for up to one hundred eighty (180) days after its expiration date if such holder has filed an application for a new Fueling Permit with the AUTHORITY in accordance with these Fueling Rules and Regulations.
- B. Fueling Facilities shall include but not be limited to fixed-location fuel storage tanks for fuel (whether for aircraft or other vehicles operated within the Airport), pipes, pumps, and fuel-transport vehicles. Fixed-location fuel tanks, pipes and pumps shall be located above-ground in a location approved as part of the approval or modification of a Fueling Permit, which location shall have been leased from the AUTHORITY for such purpose on terms and at a rental rate established from time to time by the AUTHORITY, provided that underground storage tanks in existence before December 1998 may continue to be used provided they meet applicable federal regulations.
- C. For purposes of these Fueling Rules and Regulations, a person shall be deemed to own an aircraft and/or Fueling Facilities if it leases the aircraft and/or Fueling Facilities from the title owner for financing purposes but has substantial control over and responsibility for the aircraft and/or Fueling Facilities and the title owner=s interest is substantially that of lender or lessor.
- D. All action of the “AUTHORITY” under these Rules shall be by the AUTHORITY Council unless otherwise indicated or required by applicable law.

3. Application for Fueling Permit. Before constructing, installing, or bringing on the Airport any Fueling Facilities or engaging in any fueling, a person desiring to engage in fueling must apply for, in writing, and obtain a Fueling Permit from the AUTHORITY. The written application shall contain, at a minimum, the following information:

- A. For fueling, the name and address of the aircraft owner(s) applying for the permit; the name and address of the title owner(s) of the aircraft, if different; and whether the applicant owns or leases the aircraft to be self-fueled;

- B. A written authorization for the Federal Aviation Administration and any governmental aviation or aeronautics commission, administrator, agency, and department of any state in which the applicant has operated or lived to release information in their respective files relating to the applicant on such forms as is required by such bodies;
- C. Proof of insurance coverage for contamination by an existing policy or insurance company binder for coverage or letter of intent, effective not later than the date installation of the Fueling Facilities is to commence (or if such insurance is not available on the market, such other means of financial assurance as would be permitted by 42 USC 6991 to 6991i), which insurance or alternative financial assurance is acceptable to the AUTHORITY, to guarantee adequate funds, in an amount determined by the AUTHORITY, not less than One Million Dollars (\$1,000,000) for the proposed Fueling Facility, will be available to remove the contemplated Fueling Facilities and/or remediate any release or spill of fuel released into the environment, which insurance policy shall provide for a mandatory notice to the AUTHORITY at least thirty (30) days before cancellation or termination of coverage;
- D. Evidence of applicant=s financial ability to pay for curing any other violations of these regulations or for damages or injury resulting from any release of contamination or other violation of these regulations in an amount, excluding the insurance or financial assurance required by the preceding subsection, equal to the total deductibles or self-insured retention limits of the applicant for insurance policies the applicant is required to carry (including under the preceding subsection if the applicant uses insurance to satisfy that requirement) to obtain and keep its Fueling Permit;
- E. Proof of liability insurance coverage, by means of an existing policy or insurance company binder for coverage or letter of intent, effective not later than the date installation of the Fueling Facilities is to commence, in an amount acceptable to the AUTHORITY not less than Five Million Dollars (\$5,000,000), covering any injury to any person or to any property, whether owned by the AUTHORITY or any other person, related to or arising in connection with fueling, which insurance policy shall provide for a mandatory notice to the AUTHORITY at least thirty (30) days before cancellation or termination of coverage;
- F. Preliminary plans and specifications prepared by an engineer licensed by the State of Michigan for all improvements which the applicant contemplates on the Airport in connection with fueling, which plans and specifications may not be modified or deviated from after submittal to the AUTHORITY without the express written consent of the AUTHORITY, and manufacturer specifications for all other Fueling Facilities which the applicant contemplates using on the Airport in connection with fueling, which facilities shall not be altered or replaced unless the AUTHORITY has expressly consented to such alteration or replacement;
- G. A timeline of any improvements to be constructed or installed at the Airport;
- H. A copy of any permit or approval that may be required from any governmental body other than the Authority Board under these Fueling Rules and Regulations;
- I. A Spill Prevention Countermeasures and Control ("SPCC") Plan in accordance with the Federal Water Pollution Prevention and Control Act or equivalent state law, complying with applicable regulations and acceptable to the United States Environmental Protection Agency and/or Michigan Department of Environmental Quality;
- J. If the applicant will install any improvement capable of being shared by others for which it would desire possible reimbursement ("Common Improvement"), an agreement pursuant to Section 11 below for such other users to reimburse the costs of such Common Improvement, a letter of credit from a financial

institution reasonably acceptable to the AUTHORITY for the full cost of such Common Improvement, and evidence of builder=s risk insurance in an amount of One Million Dollars (\$1,000,000); if the applicant will share any Common Improvement installed by another person, an acceptance of the reimbursement agreement with regard to such Common Improvement; provided, however, in no instance shall different owners share Fueling Facilities;

- K. Any other information the AUTHORITY may require or request;
- L. A fee in an amount established from time to time by the AUTHORITY Airport Advisory Board to be applied toward the costs of AUTHORITY staff reviewing the application. The applicant shall be responsible for all costs incurred by the AUTHORITY in connection with reviewing and acting on the application, including, but not limited to legal and engineering consultants.

A holder of a Fueling Permit (“Permit Holder”) shall notify the AUTHORITY of any change in the foregoing information and shall provide the AUTHORITY annually with a certificate of insurance from the Permit Holder’s insurer(s) for all insurance carried to comply with Subsections C and E, which certificate shall meet the requirements of Subsections C and/or E as applicable. Every two years, the AUTHORITY will review the levels of insurance required for Fueling Permits. Permit Holders will be obligated to meet revised insurance limits, except a Permit Holder that has been granted an exception from the limits established in this Section will instead be required to increase the approved insurance limit by the percentage increase applied to holders without such an exception.

4. Review of Application for Fueling Permit. The West Michigan Airport Authority will review all applications submitted to the AUTHORITY and recommend approval or denial of all completed applications within ninety (90) days after the completed application has been submitted. If an application is incomplete, the Airport Advisory Board will inform the applicant of the additional information needed. An application may be denied for one or more of the following reasons:

- A. The applicant does not meet qualifications, standards and requirements established by these Minimum Standards;
- B. The applicant's proposed operations or construction will endanger or pose a threat to the health, safety or welfare of people or property using or located at or in the vicinity of the Airport or creates a safety hazard on the Airport;
- C. Granting the application will require the expenditure of funds, labor, or materials of the AUTHORITY or result in a financial loss to the AUTHORITY;
- D. The proposed location of the Fueling Facilities is not appropriate or adequate for security, safety or environmental reasons;
- E. The proposed facilities and/or layout thereof are not consistent with the Airport Layout Plan;
- F. The proposed fueling operations will result in a congestion of fueling vehicles in the fuel tank area or in other areas of the Airport or incompatibility with aircraft operations;
- G. The proposed fueling operations would unduly interfere with the operations of an FBO;
- H. For self-fueling, the applicant or other owner of the aircraft has provided false information or

misrepresented any material fact in the application or in supporting documents or has failed to make full disclosure of information relevant to the application;

- I. The applicant or other owner of the aircraft has a record of violating the rules or regulations of this or any other airport, the Civil Air Regulations, or Federal Aviation Regulations;
- J. The applicant or other owner of the aircraft has defaulted in the performance of any lease or other agreement with the AUTHORITY or with any other airport owner or authority;
- K. The applicant or other owner of the aircraft has failed to provide any of the items required in the application for Fueling Permit to the satisfaction of the AUTHORITY;
- L. The applicant or other owner of the aircraft has committed any felony or any other crime or violated any local ordinance, rule, or regulation that adversely reflects on its willingness or ability to comply with the qualifications, standards, or requirements established by these Minimum Standards in connection with fueling;
- M. Any other reason the AUTHORITY reasonably determines that the applicant's proposed fueling or Fueling Facilities would be or are contrary to health, safety, or welfare of the AUTHORITY or people within the AUTHORITY or in the vicinity of the Airport.

Should any of these items change after a Fueling Permit has been approved, the Permit Holder shall notify the AUTHORITY and the AUTHORITY may then revoke or condition the Fueling Permit in accordance with Section 9 of these Fueling Rules and Regulations.

5. Structural Controls.

- A. All Fueling Facilities must at all times meet all requirements imposed by any governmental agency having jurisdiction over Fueling Facilities at the Airport or by any insurer providing insurance coverage to the Airport or with providing insurance with regard to the particular Fueling Facilities;
- B. Fuel storage tanks shall be above ground in a fixed location, provided that a tank used to store fuel for vehicles other than aircraft may be a vehicle-mounted tank of not more than 250 gallons, and provided that underground storage tanks in existence before December 1998 may continue to be used provided they meet applicable federal regulations;
- C. All aboveground storage tanks shall have sufficient secondary containment to prevent a spill, leak or other release from reaching soil or water and comply in all respects with federal and state requirements applicable to above-ground storage tanks. Any vehicle with a vehicle-mounted fuel storage tank shall be operated only upon paved surfaces and shall otherwise be operated in compliance with the requirements of Section 6 below;
- D. Vehicles used to transport fuel within the Airport shall have a maximum capacity of 10,000 gallons of fuel, shall have a radio capable of monitoring or communicating with the FBO at the Airport, and shall have safety locks on sumps;
- E. All fuel tanks shall use a bottom-fill system;
- F. All fuel dispensing areas must be paved and improved with measures to prevent contamination of storm water runoff;

- G. Adequate grounding wires or other approved means of reducing static electricity acceptable to the Michigan State Police Fire Marshal Division or the Michigan Department of Environmental Quality, whichever has jurisdiction at a given time, shall be installed, inspected, and maintained;
- H. A properly maintained and charged fire extinguisher appropriate for fuel fires and a supply of dry absorbent material shall be kept in each fuel transport vehicle operated at the Airport;
- I. Each Permit holder shall have sump buckets available in the ramp area and hangar area at all times;
- J. Each Permit holder shall have and keep safety signage posted in the area of fuel dispensing as required by government regulations;
- K. Within ninety (90) days of completion of any new structure at the Airport, the Permit holder controlling it shall submit a "significant materials list" to the Storm Water Pollution Prevention Plan (AS.W.P.P.@) administrator;

6. Operational Controls.

- A. No fuel in Fueling Facilities shall be dispensed into any Fueling Facilities, aircraft or vehicle not owned by the owner of the Fueling Facilities who holds a valid Permit for such fueling, except by an FBO;
- B. Vehicles used to transport fuel from fixed fuel storage tanks to aircraft within the Airport ("Fueling Trucks") shall be subject to approval by the AUTHORITY, shall comply with all applicable laws and regulations and any reasonable requirements of the AUTHORITY's insurance carriers or carriers of insurance for the Permit Holder, and shall be properly maintained to prevent leaks. During operation Fueling Trucks shall comply with all applicable laws and regulations and any reasonable requirements of the AUTHORITY's insurance carriers or carriers of insurance for the Permit Holder, including but not limited as to lighting, and shall have a radio for Airport communications operating. Fueling Trucks shall only be filled from fixed fuel storage tanks within the Airport and shall only operate within the Airport;
- C. Over-the-road fuel transport vehicles ("Tankers") may only dispense fuel to fixed-location fuel storage tanks, shall not directly dispense to a Fueling Truck or to aircraft, shall not be used to store fuel at the Airport, and shall only operate within those areas of the Airport reasonably necessary for dispensing fuel to fixed location fuel storage tanks;
- D. All Tankers shall have such containment systems as required by applicable law or regulation;
- E. A Fueling Truck or Tanker approaching or crossing a runway or taxiway shall during such approach or crossing have a radio for Airport communications operating on the Common Traffic Advisory Frequency ("CTAF").
- F. All Fueling Facilities shall be secured when not being used to prevent leaks, spillage, and unauthorized use;
- G. All Fueling Facilities shall be routinely inspected at least monthly, with a comprehensive inspection to be performed at least every six (6) months, with written inspection reports kept on file for a minimum of three years and provided to the AUTHORITY upon request of the Chairperson. All Fueling Facilities shall be maintained in good and workable order and operated in a manner that minimizes the risk of accidental or intentional explosion, fire, or release of fuel or any other regulated substance to the environment, and otherwise kept in compliance with all applicable governmental regulation, including conformance with the

SPCC Plan and registration requirements;

- H. If a spill or release of fuel or any other regulated substance to the environment occurs at the Airport, the Permit Holder for the Fueling Facilities from which the spill or release occurred shall immediately stop and contain the spill or release, clean up the fuel or substance released, and notify the AUTHORITY of the spill or release and of the steps taken in response. The Permit Holder shall then proceed to remediate any contaminated soil or water as promptly as reasonably possible. If a theft of fuel occurs at the Airport, the Permit Holder for the Fueling Facilities from which the theft occurred shall notify the AUTHORITY and law enforcement officials immediately upon discovering the theft;
- I. Other than for Fueling Facilities owned by an FBO, no substances other than fuel for aircraft owned by the Permit Holder or for other vehicles owned by the Permit Holder and operated solely within the Airport shall be stored in Fueling Facilities at the Airport and all regulated substances shall be stored only in containers approved for storage of that substance;
- J. No smoking, flames, or sparks shall be permitted within ten (10) yards of any Fueling Facilities during fueling;
- K. All personnel involved in fuel dispensing to fixed storage tanks, fuel transport vehicles or aircraft shall be properly trained to perform their tasks while minimizing the risk of harm to people, property and the environment at the time they commence employment and at least annually thereafter;
- L. Oil water separators shall be inspected each six (6) months to assure they remain in good working order and to determine if pumping is appropriate and repaired and/or pumped as appropriate, with written inspection reports kept on file for a minimum of three years and provided to the AUTHORITY upon request of the Chairperson;
- M. If any hazardous or regulated substance is spilled or released into a secondary containment structure, the Permit Holder shall immediately act to stop the spill or release, promptly test the substance in the secondary containment structure for contamination and, if contaminated, dispose of it in accordance with applicable law;
- N. S.W.P.P. maps will be reviewed and updated every six (6) months and all employees involved in fueling shall have training for the S.W.P.P. within ninety (90) days of employment;
- O. All Fueling Facilities and areas shall be maintained so as not to present an unsightly appearance or unnecessary danger.

7. Exceptions from Specific Requirements.

- A. An applicant for a Fueling Permit may submit a written request for one or more exceptions from the provisions of these Fueling Rules and Regulations along with the application for a Fueling Permit. The request for an exception shall state the circumstances of the applicant that justify the requested exception. Following receipt of a request for an exception from a provision of these Fueling Rules and Regulations, the AUTHORITY Board may request further information from the applicant and may hold a public hearing on the request to make findings of fact and, based on such findings, adopt a written recommendation to the AUTHORITY that it approve, approve with modifications or conditions, or reject the requested exception. The AUTHORITY, acting through its members, shall have the power to approve, approve with modifications or conditions, or reject the requested exception from these Fueling Rules and Regulations. This section does

not authorize exceptions from any other applicable laws, including ordinances of the AUTHORITY.

B. The requested exception may be granted if the AUTHORITY determines the following:

1. That there are exceptional or extraordinary circumstances or conditions applying to the applicant's situation that do not apply generally to other Permit Holders and that such circumstances have not been created by the applicant or a person or entity with which the applicant is affiliated;
2. That the requested exception is necessary to enable to the applicant to obtain or retain a Fueling Permit; provided, that the possibility of reduced cost shall not of itself be deemed sufficient to warrant an exception;
3. That the exception would not be of significant detriment to the Airport, other users of the Airport, or other properties in the vicinity and will not materially impair the intent and purposes of the Fueling Rules and Regulations or the public health, safety and welfare; and
4. That the applicant's circumstances on which the request is based are not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation to address such circumstances.

C. In determining whether and by what amount to reduce the amount of insurance required to be carried by the holder of a Fueling Permit to ensure the coverage required reflects the level of risk, consideration shall be given to, but not limited to, the following: the fuel capacity of the tank; the type of Fueling Facilities; the anticipated number of fueling operations; the type, size, and number of aircraft to be fueled; the location of the fuel tank relative to buildings, taxiways, runways; and any other factors that may affect the risk and possible magnitude of injury or damage.

8. Flowage Fee. A flowage fee shall be charged for every gallon of fuel pumped at the Airport (a) by an FBO into any aircraft or into any fuel storage tank not owned by an FBO or (b) by an outside fuel provider into any fuel storage tank. The purpose of the flowage fee is to pay for Airport maintenance and services. The AUTHORITY shall establish the amount of the flowage fee from time to time at whatever level it determines appropriate. The owner of each Fueling Facility shall report to the AUTHORITY the amount of fuel loaded into its Fueling Facility when loaded and pay to the AUTHORITY the corresponding flowage fee.

9. Revocation.

A. The AUTHORITY may revoke a Fueling Permit by written notice to the Permit Holder for any of the following reasons:

1. An attempted assignment of the permit without the prior written consent of the AUTHORITY;
2. Any material change of any information or fact set forth in an application for a Fueling Permit without the prior written consent of the AUTHORITY;
3. The holder of the Fueling Permit fails to notify the AUTHORITY in writing of any change to any fact set forth in an application for its Fueling Permit, regardless whether such change is material;
4. The AUTHORITY determines that a Permit Holder has violated the terms of its Fueling Permit or these rules and regulations;

5. The AUTHORITY determines that any condition exists that would have permitted denial of the Permit Holder's application for a Fueling Permit had such condition existed or been known at the time the permit was granted.
 - B. Immediately upon receipt of any such notice of revocation, the Permit Holder shall cease fueling and within ten (10) days of the date of any such notice of revocation, the Permit Holder, or its assign or successor, shall decommission its Fueling Facilities by fully emptying and securing against access all fuel storage tanks (whether in a fixed location or on a vehicle), draining all pipes, and locking all pumps.
 - C. The Permit Holder, or its assign or successor, shall have thirty (30) days from the notice of revocation to submit an application for a new Fueling Permit. If the new application is not submitted within the thirty (30) days, or if following review, the AUTHORITY denies the new permit, the holder of the revoked permit, or its assign or successor, shall remove the Fueling Facilities within ninety (90) days of the revocation or denial, whichever is later, unless a court of competent jurisdiction enjoins requiring such removal pending a judicial appeal.
10. Alternative Enforcement. If the AUTHORITY determines any fueling system or facilities or condition related thereto violates these rules and regulations or for any other reason poses an immediate risk to public health, safety, or welfare, the AUTHORITY may cure the default or condition and recover all costs of such cure, plus interest at the lower of the highest rate permitted by law or twelve percent (12%), from the Permit Holder or person without such a permit who is responsible for the presence of the violation or threatening condition.
11. Improvements Payback Agreements. The first person that installs a fueling system in a shared fuel tank area ("Tank Farm") will initially bear the cost of certain improvements other than Fueling Facilities that are capable of being shared by others engaged in fueling, for example as an illustration but not limitation, a driveway from the adjoining public road to the Tank Farm and an access road from the Tank Farm to a paved area within the Airport providing access to the hangar area ("Common Improvements"). The AUTHORITY shall have the authority to allow other persons to use Common Improvements in return for requiring such persons to enter into a reimbursement agreement acceptable to the AUTHORITY for each such person to reimburse the person that initially bore the capital costs of a Common Improvement. The AUTHORITY does not guarantee that any other person will use any Common Improvement. The person originally bearing the cost to construct a Common Improvement shall provide the AUTHORITY with documentation reasonably satisfactory to the AUTHORITY of the capital cost of each such Common Improvement. Subsequent applicants for a Fueling Permit that relies upon using such a Common Improvement shall pay the person(s) who have previously borne all or part of the capital cost of a Common Improvement (e.g., construction, replacement) to be shared an amount such that each person using such Capital Improvement bears a pro rata share of such costs. (e.g., the second user shall reimburse the original user the capital costs of the Common Improvement; the third user shall reimburse both the first and second users so that each will have borne 1/3 of such capital costs.) The reimbursement agreement shall also provide a means for maintenance, repair, and replacement of shared Common Improvements so that each user bears a pro rata share of such costs in the future.

MONTHLY AIRPORT ACTIVITY REPORT

Total Fuel Gallons Delivered	Current Month Apr-09	One Year ago Apr-09	Fiscal Year To Date From 10/08	F/Y to Date Compared to one year Ago
	45,812	69,043	327,430	-165,536

(Rounded to whole units)

Transplant Flights 0

Wings Of Mercy Flights 2

Freight Flights From/To Holland 0

Notable Activities

None

Fund Fn Dept	Account	Description	2009 Budget Annual	2009 Actuals Annual	2009 Unrecognized Variance	2009 Percent Budget
104 03 000	450582C	City of Holland Contribution	121,650.00	113,971.44	7,678.56	93.69
104 03 000	450582P	Park Township Contribution	90,150.00	89,846.56	303.44	99.66
104 03 000	450582Z	City of Zeeland Contribution	42,891.00	47,531.85	<4,640.85>	110.82
104 03 000	4606541	FBO Franchise Fees	20,000.00	16,666.60	3,333.40	83.33
104 03 000	4606545	Fuel Flowage Fee	2,500.00	1,444.64	1,055.36	57.79
104 03 000	480665	Investment Income	15,000.00	7,804.73	7,195.27	52.03
104 03 000	4906851	Recoveries-Insurance	0.00	1,190.00	<1,190.00>	0.00
104 03 000	5405360023	Fed Grant FAA Entitl-Capital	150,000.00	0.00	150,000.00	0.00
104 03 000	5405360024	Federal Grant-FAA Capital	3,659,500.00	0.00	3,659,500.00	0.00
104 03 000	5505700024	State Grant-MDOT Capital	100,250.00	0.00	100,250.00	0.00
104 03 000	560582A	Contrib-Holland City-Startup	0.00	341,943.60	<341,943.60>	0.00
104 03 000	5606692	Rental-Hangar Land Lease	73,000.00	74,823.21	<1,823.21>	102.50
104 03 000	5606698	Rental-Agricultural Land Lease	7,200.00	7,380.00	<180.00>	102.50
104 03 000	560669T	Rental - T-Hangars	55,000.00	39,160.00	15,840.00	71.20
104 000		-General Government	4,337,141.00	741,762.63	3,595,378.37	17.10
104		-General Fund-Airport Authority	4,337,141.00	741,762.63	3,595,378.37	17.10

Fund	Fn Dept	Account	Description	2009 Budget Annual	2009 Actuals Annual	2009 Unrecognized Variance	2009 Percent Budget
280	03 540	480665	Investment Income	0.00	2.70	<2.70>	0.00
280	03 540	560582A	Contrib-Holland City-Startup	0.00	231.44	<231.44>	0.00
280	540		-Airport Operations	0.00	234.14	<234.14>	0.00
280			-Airport Donations	0.00	234.14	<234.14>	0.00

Fund Fn Dept	Account	Description	2009 Budget Annual	2009 Actuals Annual	2009 Unrecognized Variance	2009 Percent Budget
675 00 000	480665B	Banking Fees-Invest Income	0.00	9.08	<9.08>	0.00
675 000		-General Government	0.00	9.08	<9.08>	0.00
675		-Cash/Investments Pool	0.00	9.08	<9.08>	0.00

Fund Fn Dept	Account	Description	2009 Budget Annual	2009 Actuals Annual	Unrecognized Variance	2009 Percent Budget
Grand Totals			4,337,141.00	742,005.85	3,595,135.15	17.11

Fund	Fund Fn Dept	Account	Project	Description	2009 Budget Annual	2009 Actuals Annual	2009 Encumb Annual	2009 Unexp Balance	2009 Percent Expended
104	03 540	710701		Payroll-Regular	32,900.00	12,309.22	0.00	20,590.78	37.41
104	03 540	710707		Payroll-Temporary Help	11,300.00	0.00	0.00	11,300.00	0.00
104	03 540	711702		Payroll-Vacation/Personal	0.00	945.02	0.00	<945.02>	0.00
104	03 540	711703		Payroll-Holidays	0.00	493.40	0.00	<493.40>	0.00
104	03 540	711704		Payroll-Sick Time	0.00	168.51	0.00	<168.51>	0.00
104	03 540	711712		Special Pay-Longevity	0.00	190.20	0.00	<190.20>	0.00
104	03 540	711713		Special Pay-Unused Sick Time	0.00	420.00	0.00	<420.00>	0.00
104	03 540	7117160001		Insurance-Health	4,900.00	1,337.20	0.00	3,562.80	27.29
104	03 540	7117160002		Insurance-Dental	400.00	110.87	0.00	289.13	27.72
104	03 540	711717		Insurance-Life & AD&D	100.00	17.36	0.00	82.64	17.36
104	03 540	711718		Retirement Contrib-MERS	2,000.00	2,080.39	0.00	519.61	80.02
104	03 540	711720		Insurance-Income Protection	200.00	64.71	0.00	135.29	32.36
104	03 540	712715		Employer FICA Contribution	3,400.00	814.55	0.00	2,585.45	23.96
104	03 540	712723		Insurance-Unempl Comp	200.00	27.15	0.00	172.85	13.58
104	03 540	712724		Insurance-Workers Comp	200.00	12.99	0.00	187.01	6.50
104	540			+Personal Services	56,200.00	18,991.57	0.00	37,208.43	33.79
104	03 540	721730		Postage	1,000.00	95.35	0.00	904.65	9.54
104	03 540	721905		Photocopies/In-House Printing	300.00	76.11	0.00	223.89	25.37
104	03 540	721931		Building & Grnds Maintenance	15,000.00	6,585.64	0.00	8,414.36	43.90
104	03 540	721933		Equipment Maintenance	20,000.00	16,665.93	0.00	3,334.07	83.33
104	03 540	7228019000		Printing	0.00	591.39	0.00	<591.39>	0.00
104	03 540	7228019010		Advertising/Promotional	20,000.00	243.86	0.00	19,756.14	1.22
104	03 540	722804		Contractual-Legal	10,000.00	9,752.36	0.00	247.64	97.52
104	03 540	7228050001		Contract-Indpt Audit	0.00	1,351.54	0.00	<1,351.54>	0.00
104	03 540	7228050004		Contract-Financial Svc Fee	0.00	59.40	0.00	<59.40>	0.00
104	03 540	7228070002		Contr-Plan Development	2,000.00	3,125.00	0.00	<1,125.00>	156.25
104	03 540	7228070005		Contractual-Engineering	2,000.00	0.00	0.00	2,000.00	0.00
104	03 540	7228090045		Contr-Mtce/FBO Fuel Flowage	2,500.00	1,444.64	0.00	1,055.36	57.79
104	03 540	7228090061		Contract-Management Services	50,000.00	26,085.02	0.00	23,914.98	52.17
104	03 540	723850		Communications-Telephone	500.00	204.13	0.00	295.87	40.83
104	03 540	723860		Travel, Conf, Seminars	2,500.00	685.71	0.00	1,814.29	27.43
104	03 540	723910		Commercial Insurance Premiums	25,000.00	22,562.00	0.00	2,438.00	90.25
104	03 540	723920		Public Utilities	2,200.00	2,002.69	0.00	197.31	91.03
104	03 540	723940		Reimb City-Debt Obligation T Hangar	17,400.00	2,982.50	0.00	14,417.50	17.14
104	03 540	723949		Reimb City-Local Share Capital Proj	0.00	5,364.91	0.00	<5,364.91>	0.00
104	03 540	723955		Miscellaneous	3,000.00	1,322.52	0.00	1,677.48	44.08
104	540			+Other Current Expenditures	173,400.00	101,200.70	0.00	72,199.30	58.36
104	03 540	730971		Land	65,000.00	0.00	0.00	65,000.00	0.00
104	03 540	730974		Land Improvements	3,810,000.00	0.00	0.00	3,810,000.00	0.00
104	03 540	730975		Buildings & Structures	200,000.00	0.00	0.00	200,000.00	0.00
104	540			+Capital Outlay	4,075,000.00	0.00	0.00	4,075,000.00	0.00
104	03 540	770956		Contingency	10,000.00	0.00	0.00	10,000.00	0.00
104	540			+Contingencies	10,000.00	0.00	0.00	10,000.00	0.00

West Michigan Airport Authority
Expense Budget Summary By Fund for Accounting Period 1/2009 through 12/2009

FUND: 104 General Fund-Airport Authority

Fund	Fund Fn Dept	Account	Project	Description	2009 Budget Annual	2009 Actuals Annual	2009 Encumb Annual	2009 Unexp Balance	2009 Percent Expended
104	05 540	723955		Miscellaneous	0.00	118.70	0.00	<118.70>	0.00
104	540			+Other Current Expenditures	0.00	118.70	0.00	<118.70>	0.00
104	540			+Airport Operations	4,314,600.00	120,310.97	0.00	4,194,289.03	2.79
104				+Airport Operations	4,314,600.00	120,310.97	0.00	4,194,289.03	2.79
104				+General Fund-Airport Authority	4,314,600.00	120,310.97	0.00	4,194,289.03	2.79

West Michigan Airport Authority
 Expense Budget Summary By Fund for Accounting Period 1/2009 through 12/2009 FUND:

Fund	Project	Account	Description	2009 Budget Annual	2009 Actuals Annual	2009 Encumb Annual	2009 Unexp Balance	2009 Percent Expended
Grand Totals				4,314,600.00	120,310.97	0.00	4,194,289.03	2.79

GROUP/FUND	WORKING CAPITAL		ACTUAL REVENUE	EXPENSES		ENCUMBRANCES	OTHER		WORKING CAPITAL ENDING
	BEGIN YEAR	END YEAR		CURRENT YEAR	APPLICATIONS OR SOURCES				
General Fund-Airport Authority Reserves-Restricted	0.00	741,762.63	120,310.97	0.00	0.00	0.00	0.00	596,451.66	
	0.00	0.00	0.00	0.00	0.00	0.00	25,000.00	25,000.00	
TOTAL: General Funds	0.00	741,762.63	120,310.97	0.00	0.00	0.00	0.00	621,451.66	
Airport Donations	0.00	234.14	0.00	0.00	0.00	0.00	0.00	234.14	
TOTAL: Special Revenue Funds	0.00	234.14	0.00	0.00	0.00	0.00	0.00	234.14	
Cash/Investments Pool	0.00	9.08	0.00	0.00	0.00	0.00	0.00	9.08	
TOTAL: Internal Service Funds	0.00	9.08	0.00	0.00	0.00	0.00	0.00	9.08	
Grand Totals:	0.00	742,005.85	120,310.97	0.00	0.00	0.00	0.00	621,694.88	

WEST MICHIGAN AIRPORT AUTHORITY - CASH AND INVESTMENT PORTFOLIO STATUS REPORT

At Close of Business Day: April 30, 2008

Cash or Investment Type	Fifth Third	Bank of Holland	Chemical	Flagstar	Huntington	Macatawa	Other Financial Arrangements	TOTAL	Percent Of Grand Total
POOLED									
<u>Short-Term Money Management:</u>									
- Cash in Bank Deposit Account	53,585							53,585	8.91%
- MBIA Michigan Class Pool Account					200,000		140,167	140,167	23.31%
- Certificates of Deposit	- 0 -	- 0 -	- 0 -	- 0 -	200,000	200,000	- 0 -	400,000	66.53%
- Accrued Interest Receivable	- 0 -	- 0 -	- 0 -	- 0 -	3,932	3,595	- 0 -	7,527	1.25%
Total Short-term	53,585	- 0 -	- 0 -	- 0 -	203,932	203,595	140,167	601,278	100.00%
<u>Long-Term Money Management:</u>									
- Certificates of Deposit	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	0.00%
Total Long-term	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	- 0 -	0.00%
TOTAL POOLED	53,585	- 0 -	- 0 -	- 0 -	203,932	203,595	140,167	601,278	100.00%

Percent of Short-Term Total	=	8.91%	0.00%	0.00%	0.00%	33.92%	33.86%	23.31%	100.00%
Percent of Long-Term Total	=	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Percent of Grand Total	=	8.91%	0.00%	0.00%	33.92%	33.86%	23.31%	100.00%	

Additional Information:

> Most recent update of Interest Rate for Deposit Acct at Fifth Third Bank: 0.24968%

> Most recent update of Interest Rate for MBIA Michigan Class Acct: 0.488%

Terms/Rates of Short-term Certificates of Deposits:

> \$100,000 at Macatawa maturing 05/21/2009, 202 days @ 3.40%

> \$100,000 at Macatawa maturing 06/25/2009, 237 days @ 3.75%

> \$200,000 at Huntington maturing 10/29/09, 363 days @ 3.91%

Vend# Vendor Name Remit# Payee Bank Cntrl# Chk Date Check Amount Sep
 17 CUNNINGHAM DALMAN P.C. ATTORNEYS A AP 000084 05/07/09 1,123.86

Claim# General Description PO# Stat Contract# Invoice# Invc Dt Gross Amount Discount Amt Discount Used Net Amount
 75 152654-AJM GENERAL MATTERS 24280 03/21/09 1,123.86 0.00 1,123.86
 GL Distribution Account Name Gross Amount Work Order# ActCd Description
 104-03-540-722804 Contractual-Legal 1,123.86 GENERAL MATTERS

Vend# Vendor Name Remit# Payee Bank Cntrl# Chk Date Check Amount Sep
 26 FENCE CONSULTANTS OF WEST MICHIGAN AP 000085 05/07/09 3,690.00

Claim# General Description PO# Stat Contract# Invoice# Invc Dt Gross Amount Discount Amt Discount Used Net Amount
 76 REPAIRED CHAIN LINK FENCE 25535 03/31/09 3,690.00 0.00 3,690.00
 GL Distribution Account Name Gross Amount Work Order# ActCd Description
 104-03-540-721931 Building & Grnds Mai 3,690.00 REPAIRED DAMAGED CHAIN LINK FENCE AT ARIPORT

Vend# Vendor Name Remit# Payee Bank Cntrl# Chk Date Check Amount Sep
 16 HARRIS AIRPORT SYSTEMS AP 000086 05/07/09 1,250.00

Claim# General Description PO# Stat Contract# Invoice# Invc Dt Gross Amount Discount Amt Discount Used Net Amount
 77 APRIL MAINTENANCE MONTHLY FEE 1153 04/07/09 1,250.00 0.00 1,250.00
 GL Distribution Account Name Gross Amount Work Order# ActCd Description
 104-03-540-721931 Building & Grnds Mai 1,250.00 APRIL MAINTENANCE MONTHLY FEE

Vend# Vendor Name Remit# Payee Bank Cntrl# Chk Date Check Amount Sep
 27 THE IMAGE GROUP AP 000087 05/07/09 2,500.00

Claim# General Description PO# Stat Contract# Invoice# Invc Dt Gross Amount Discount Amt Discount Used Net Amount
 78 WMAA CONSULTING 18502 04/16/09 2,500.00 0.00 2,500.00
 GL Distribution Account Name Gross Amount Work Order# ActCd Description
 104-03-540-7228019010 Advertising/Promotio 2,500.00 STRATEGY/MARKETING CONSULTING

Paid Checks:	
Check Count	5
Check Total	8,663.86
Backup Withholding Total	0.00
Paid by ACH:	
ACH Count	0
ACH Total	0.00
Backup Withholding Total	0.00
Total Payments:	
Payment Count	5
Payment Total	8,663.86
Backup Withholding Total	0.00
Void Checks:	
Check Count	0
Check Total	0.00
Backup Withholding Total	0.00

Check#	MICR	Vendor Number	Payee	Check Date	Check Amount	Description
000158		17	CUNNINGHAM DALMAN P.C. ATTORNEYS AT LAW	05/07/09	1,123.86	152654 AJM GENERAL MATTERS
000159		26	FENCE CONSULTANTS OF WEST MICHIGAN	05/07/09	3,690.00	REPAIRED CHAIN LINK FENCE
000160		16	HARRIS AIRPORT SYSTEMS	05/07/09	1,250.00	APRIL MAINTENANCE MONTHLY FEE
000161		27	THE IMAGE GROUP	05/07/09	2,500.00	WMAA CONSULTING
000162		1	GREG ROBINSON PETTY CASH/W.MI AIRPORT AU	05/07/09	100.00	PETTY CASH
Total						8,663.86