

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE AUTHORIZING THE DIRECTOR OF AVIATION  
OR DIRECTOR'S DESIGNEE TO PROVIDE THE CITY'S  
AIR SERVICE SUPPORT PROGRAM FOR NEW AIR  
CARRIER SERVICE BY SPIRIT AIRLINES AT THE SAN  
JOSE MINETA INTERNATIONAL AIRPORT**

**WHEREAS**, the City of San José ("City") owns and operates the San José Mineta International Airport ("Airport"); and

**WHEREAS**, Federal Aviation Administration ("FAA") policy allows airports to establish air service incentive programs involving waivers or discounting of fees and charges imposed on airlines in exchange for new service, so long as the incentives are limited to a defined promotional period and the incentives are available on a non-discriminatory basis to all airlines that are willing to provide the same type and level of new service consistent with the incentive program; and

**WHEREAS**, consistent with FAA policy, in 2006 the Airport established the Air Service Support Program, which has been amended from time to time to take into account changes in the industry; and

**WHEREAS**, application of the Air Service Support Program to assist the air carriers in succeeding financially in serving the new destinations will benefit the City; and

**WHEREAS**, pursuant to its Air Service Support Program, the City desires to authorize the Director of Aviation or the Director's designee to provide fee waivers and/or marketing support to Spirit Airlines;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN

JOSE THAT:

The Director of Aviation or the Director's designee is hereby authorized to provide the following fee waivers and/or marketing support pursuant to the Airport's Air Service Support Program:

By launching new air carrier service to Las Vegas (LAS), San Diego (SAN), and Dallas-Ft. Worth (DFW), Spirit Airlines shall receive:

- a. As a New Entrant Carrier, 100% of boarding gate and ticket counter fees waived for twelve (12) months after initial operation, amounting to approximately \$1,240,252; and
- b. As a New or Added Long-Haul Domestic Carrier for service to DFW, 100% of landing fees waived for eighteen (18) months after initial operation, amounting to approximately \$300,965; and
- c. marketing funds, amounting to \$175,000.

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ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk