

Exhibit "C"

MIDLAND INTERNATIONAL AIRPORT NON-COMMERCIAL VENDORS POLICY

The Midland International Airport (the "Airport") exists solely as a public transportation venue with some industrial uses allowed on the perimeter. The term "Airport" includes the terminal, parking areas, other buildings, and grounds. The airport is not designed, operated as, or intended to be a public place for the exchange of ideas, debate, and promotion of expression. The purpose of this policy is to promote the fundamental purpose of the Airport while making reasonable accommodations for non-commercial vendors (groups or individuals) who may desire to communicate a non-commercial message to the traveling public.

The concerns of Airport management that motivate this policy are the elimination or reduction of: congestion, impediments, and disruptions to travelers; the duress of face-to-face solicitations; the cacophony that makes travel announcements difficult to hear, protection of Airport property, and promoting the public health and safety of everyone in the Airport.

NOTE: (1) "Commercial" means any activity involving the sale, lease or rental (or solicitation of offers for such) of tangible or intangible goods or services, whether for a profit or not, and without regard to the transaction being consummated at or away from the Airport. Commercial vendors are regulated by separate policies that require the lease of floor or wall space in order to advertise, sell, or provide services or goods to airport travelers. (2) Picketing, boycotts and similar protests must be done outdoors only and are subject to separate guidelines.

GENERAL:

1. This policy applies to every person or group regardless of message or viewpoint.
2. No person may use the airport for any non-commercial activity without a permit (See Attachment A) issued by the Director of Airports or his representative. An application shall be submitted to the Airport Operations Control Center at least three (3) days in advance of requested date of use of the non-commercial area. The permit shall include the following:
 - A. The full name and street address of the applicant;
 - B. The full name and street address of the organization sponsoring, conducting, or promoting the distribution;
 - C. Whether the sponsoring organization is a branch or division of a national organization and, if so, the name and street address thereof;
 - D. the sponsoring organization is a Texas corporations, a copy of its Corporate Charter, as amended, shall be furnished; if it is a foreign corporations, a copy of its Authorized Certificate to do business in the State of Texas shall accompany the application;
 - E. The date or dates and hours requested for use of the Airport premises for communicating a non-commercial message.
3. Anyone desiring to use the Airport premises for communicating a non-commercial message must arrange for use of one of the three non-commercial areas (See Attachment B), by going to the Airport Operations Control Center and completing a sign-in sheet.

4. Soliciting, begging, or requesting money or other valuables is strictly prohibited.
5. Sale of any goods (including literature) or services in a designate Area is prohibited.
6. Use of juke boxes, boom boxes, radios, compact disk players, tape players, phonographs, Karaoke machines, bull horns, megaphones, televisions, and all other sound producing or amplifying devices is prohibited (unless used with headphones).
7. Airport Management may deny or revoke permission for any non-commercial activity upon finding that:
 - A. By its manner, means, or otherwise the activity has become disruptive to the fundamental purpose of the Airport; or
 - B. The individual or group has not complied with state, federal, or local laws applicable to the group or person; or
 - C. The person or group has not fully completed all the information required on the permit or sign-in sheet or made material misrepresentations or omissions on either sheet; or
 - D. The person or group has not fully complied with all the requirements of this policy; or
 - E. There is a disaster or civil emergency at the Airport and suspension of normal activities is deemed desirable to minimize non-essential personnel in vicinity and maximize available space for operations or security.

The remedies of revocation, denial, or suspension are cumulative of all other civil and criminal penalties provided to a property owner under Texas law.

8. If permission for a non-commercial activity is denied or revoked, the Director of Airports will within five (5) business days furnish a written explanation or the reason(s). Within ten (10) days after receipt of the explanation, the applicant may request a hearing before the City Manager, by submitting a written request for a hearing to the City Secretary at P.O. Box 1152, Suite 330, Midland, Texas 79702. The request must state: the reasons why the applicant disagrees with the reason(s) and decision of the Director of Airports and the applicant's name, address, and a telephone number where applicant can be reached. The hearing shall be conducted as expeditiously as possible. The determination of the City Manager is final and binding.
9. This policy will be strictly followed. Please do not ask for waivers or exceptions; they will not be granted unless required by law.

DISPLAYS AND LITERATURE DISTRIBUTION:

1. In accordance with these rules, non-commercial message displays may be shown, and free literature distributed, to any person expressing an interest in receiving same. Literature or display cannot be left unattended. No more than two (2) persons shall man a designated area at a time, at least one of whom must be 18 years of age or older. Such person(s) must remain with the non-commercial area (exceptions: arriving/departing or taking a break). Persons not then on-duty shall not loiter at that or any other non-commercial area.

2. There shall be no hawking, calling out to, approaching, or following people in the airport. No person or group shall intentionally or knowingly engage in or cause physical, expressive, or verbal contact with another person when the person or group knows or has reason to believe that the other person will regard the contact as offensive. (A common accepted societal greeting such as “hello” or good morning,” spoken in a normal conversation volume and tone from the designated Area does not violate this rule).
3. **CAUTION: PAPER ON WAXED FLOORS IS A SLIP AND FALL HAZARD.** The Airport cannot dedicate a custodian to the non-commercial areas. Therefore, the person(s) manning the display is responsible for picking up and properly disposing of all discarded or dropped literature within sight of display. **Failure to do so will result in the group being denied permission to distribute at the Airport for a period of six (6) months.** Moreover, in the event of a claim against the Airport for damages or injury related to discarded literature within sight of the display, or any other act/omission of the person(s) or group while on airport property, **the Airport will demand financial contribution and indemnity from the distributing person and/or group.**
4. A person shall not man a display or distribute literature unless he/she wears a badge, nameplate or card or other personal identification clearly visible to the public, stating the true and correct legal name of the individual and the organization or cause represented.
5. A person or group shall not represent that permission to display a message or distribute literature is an endorsement or approval by the City of Midland or the Airport, of the purposes or viewpoints expressed by the person or group.

DESIGNATED NON-COMMERCIAL AREAS:

1. Anyone desiring to distribute literature or otherwise display a non-commercial message may do so only within one of the following non-commercial areas and must comply with the rules. Each area is approximately 8’x8’.

Area 1: The Ticket Counter Area – Open floor space with no improvements, located at the south end of the main ticket lobby next to the front windows;

Area 2: The Elevator Area – Open floor space with no improvements, located in the area east of the main glass feature elevator.

Area 3: The Baggage Claim Area – Open floor space with no improvements, located in the Southeast corner of the Baggage Claim Area (next to the SmartCart Return area).

2. A non-commercial area may be used by only one group at a time, on a first-come basis. Advanced reservations are accepted. (Walk-ins are allowed if the desired Area is not already in use or reserved). Reservations are made at the Airport Operations Control Center (third level of the Terminal Building) or by calling 432-560-2200 ext. 6. Reserved or walk-in use is arranged only in 4-hour segments during the public hours in the terminal. A person, group, or its individual representatives shall not be allowed to have more than ten (10) segments (whether consecutive or intermittent) reserved in advance at any given time. **Failure to appear for 4 reservations within a period of 3 consecutive calendar months (or less) will result in cancellation of all outstanding reservations and, a three (3) month suspension of reservation rights;** such person or group may use the walk-in method during suspension.

3. **Every person and group (walk-ins or reservations) must check-in at the Airport Operations Control Center immediately upon arriving at the Airport and complete a sign-in sheet.**
4. No person or group may have more than one table at the locations described above. Tables permitted shall not be more than four (4) feet in length or four (4) feet in width. Tables permitted shall have legs capable of being folded under or removed from the table surface and shall be folded or removed while being transported through the terminal building.
5. Maximum size of each sign (written, graphic, or a combination) shall not exceed 22x28 inches (poster board). All signs and displays must be placed on the top of the table or attached to the front or sides of the table. Do NOT use any tacks, staples, screws, hooks, or nails on or in any, wall, counter, window fixture, or other Airport property.
6. Sign, literature, display table, seating and persons manning the area must not extend outside of the designated Area.
7. Users must immediately vacate at the end of the reserved or walk-in segment(s). Everything brought in must immediately be removed upon ending use of the Area for that day. Overnight storage of literature, sign, etc. on Airport property is prohibited. Any display, sign, paper, or other item left in the Area at the end of the segment will be discarded as waste.

Direct any questions, concerns, or complaints about this policy to the Director of Airports at:

**Midland International Airport
P.O. Box 60305
Midland, TX 79711-0305
(432) 560-2200
(432) 560-2237 (FAX)**

MIDLAND INTERNATIONAL AIRPORT NON-COMMERCIAL VENDORS APPLICATION

Anyone desiring to use the Airport premises for communicating a non-commercial message must complete this application and submit it to the Airport Operations Control Center.

I. Applicant:

a) Name _____

b) Mailing Address _____

(Other than P.O. Box) _____

c) Telephone Number _____

d) Are you a member of the sponsoring organization? _____

II. Organization

a) Name _____

b) Mailing Address _____

(Other than P.O. Box) _____

c) Telephone Number _____

d) Agent or officer responsible _____

e) Full names, residence mailing address and telephone number of all members of organization who will be engaging in the requested activity.

III. Description of proposed activities, indicating the type of communication involved.

IV. Preference:

a) Area preferred: Area I _____ Area II _____ Area III _____

b) Date(s) _____

c) Hours _____

I, _____ hereby certify that my signature below indicates that I have read and fully understand all the general restrictions as well as penalty provisions and requirements of Midland International Airport.

Signature

Address

This application is approved:

Department of Airports authorized signature

Area Assigned _____

DEPARTMENT OF AIRPORTS USE

Date Received _____

Time Received _____