

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1680
Second Edition Engrossed 6/8/94

Short Title: Davidson Co. Airport Authority.

(Local)

Sponsors: Representatives Dockham; Howard, McCrary, and Wood.

Referred to: Local and Regional Government I.

May 26, 1994

A BILL TO BE ENTITLED

1 AN ACT ENABLING THE COUNTY OF DAVIDSON TO ESTABLISH AN
2 AIRPORT AUTHORITY FOR THE OPERATION AND MAINTENANCE OF
3 AIRPORT FACILITIES IN THE COUNTY OF DAVIDSON FOR THE CITIZENS
4 OF DAVIDSON COUNTY.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. There is hereby created the "Davidson County Airport Authority"
8 (for brevity hereinafter referred to as the "Airport Authority"), which shall be a body
9 both corporate and politic, having the powers and jurisdiction hereinafter enumerated
10 and such other and additional powers as shall be conferred upon it by future acts of the
11 General Assembly.

12 Sec. 2. The Airport Authority shall consist of five members who shall be
13 resident voters of Davidson County and who shall be appointed by the Davidson County
14 Board of Commissioners, and who shall meet quarterly at a place determined by the
15 Chairman of the Airport Authority. The Airport Authority shall consist of five members
16 who shall be appointed to staggered terms of four years by the Davidson County Board
17 of Commissioners. The initial terms of office of the members of the Airport Authority
18 shall be as follows: two members to be appointed to a term of four years, three
19 members to be appointed to a term of two years. Thereafter, all terms shall be four
20 years. After the initial term, any member may be reappointed to two more successive
21 terms, after which that member may not be reappointed to the Airport Authority except
22 after the lapse of two years following the most recent term served. In the event the
23 Davidson County Board of Commissioners should appoint one of the members of that

1 Board as a member of the Airport Authority, the membership shall not constitute double
2 officeholding within the meaning of Article VI, Section 9 of the Constitution of North
3 Carolina. Each of the members and their successors so appointed shall take and
4 subscribe before the Clerk to the Board of Commissioners for the County of Davidson,
5 an oath of office and file the same with the County Commissioners of Davidson County.
6 Any member of the Airport Authority may be removed, for cause, by the Davidson
7 County Board of Commissioners. The Davidson County Board of Commissioners,
8 may, at the request of the Airport Authority, increase membership to no more than nine
9 members or decrease the membership to no less than five members. The Davidson
10 County Board of Commissioners shall consult with the Airport Authority in filling
11 vacancies on the Airport Authority.

12 Sec. 3. The members shall, for the purpose of doing business, constitute a
13 Board of Directors, which shall adopt suitable bylaws for its management. The
14 members of the Board shall receive compensation or per diem by unanimous agreement
15 of the Board of County Commissioners. Members shall be allowed and paid their actual
16 traveling expenses incurred in transacting the business and at the instance of the Airport
17 Authority.

18 Sec. 4. The Airport Authority shall constitute a body both corporate and
19 politic, and may:

- 20 (1) Purchase, acquire, establish, construct, own, control, lease, equip,
21 improve, maintain, operate, and regulate the Davidson County Airport
22 for the use of airplanes and other aircraft, and all facilities incidental to
23 the operation of such airport, within the limits of Davidson County;
24 and for any of such purposes, to purchase, acquire, own, hold, lease,
25 and/or operate real or personal property;
- 26 (2) Purchase real or personal property;
- 27 (3) Sue or be sued in the name of the Airport Authority, make contracts
28 necessary for the exercise of the powers of the Airport Authority, and
29 acquire by purchase, lease, or otherwise, any existing lease, leasehold
30 right, or other interest in any existing airport located in Davidson
31 County;
- 32 (4) Charge and collect reasonable and adequate fees, royalties, rents, or
33 other charges for the use of the property owned, leased, or otherwise
34 controlled or operated by the Airport Authority or for services
35 rendered in the operation thereof;
- 36 (5) Make all reasonable rules and regulations as it deems necessary for the
37 proper maintenance, use, operation, and control of any airport or
38 airport facilities owned, leased, or otherwise controlled by the Airport
39 Authority; to provide penalties for the violation of such rules and
40 regulations; provided the rules and regulations and penalties be not in
41 conflict with the laws of the State of North Carolina and the rules and
42 regulations of the Federal Aviation Administration;
- 43 (6) Sell, lease, or otherwise dispose of any property, real or personal,
44 belonging to the Airport Authority, but no sale of real property shall be

1 made without the approval of the Board of County Commissioners of
2 Davidson County and the Federal Aviation Administration;

3 (7) Purchase such insurance as the Airport Authority shall deem
4 necessary;

5 (8) Deposit or invest and reinvest any of its funds as provided by the Local
6 Government Finance Act, as it may be amended from time to time, for
7 the deposit or investment of unit funds;

8 (9) Operate, own, lease, control, regulate, or grant to others a lease; not to
9 exceed 25 years, to operate on any airport premises, restaurants, snack
10 bars, and vending machines, food and beverage dispensing outlets,
11 rental car services, catering services, novelty shops, insurance sales,
12 advertising media, merchandising outlets, motels, hotels, barber shops,
13 automobile parking and storage facilities, automobile service stations,
14 garage service facilities, motion pictures, personal service
15 establishments, and all other types of facilities as may be directly or
16 indirectly related to the maintenance and furnishing to the general
17 public of a complete air terminal installation;

18 (10) Possess the same exemptions in respect to payment of taxes and
19 license fees, as provided for municipal corporations by the laws of the
20 State of North Carolina;

21 (11) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the
22 General Statutes;

23 (12) Have all the same power and authority granted to cities and counties
24 pursuant to Chapter 63 of the General Statutes; or

25 (13) Have a corporate seal which may be altered at will.

26 Sec. 5. Any lands acquired, owned, controlled, and occupied by the Airport
27 Authority shall, and are hereby declared to be acquired, owned, controlled, and
28 occupied for a public purpose.

29 Sec. 6. The Airport Authority shall make an annual report to the Davidson
30 County Board of Commissioners setting forth in detail the operations and transactions
31 conducted by it pursuant to this act. The Airport Authority shall be regarded as the
32 corporate instrumentality and agent for Davidson County for the purpose of operating,
33 maintaining, and developing airport facilities in Davidson County, but it shall not have
34 the power to pledge the credit of Davidson County or any subdivision thereof, or to
35 impose any obligation upon Davidson County or any subdivision thereof, except and
36 when such power is expressly granted by statute.

37 Sec. 7. All rights and powers given and granted to the counties or
38 municipalities by the statutes of North Carolina, which may now be in effect or enacted
39 in the future relating to the development, regulation, and control of county airports and
40 the regulation of aircraft, are vested in the Airport Authority, and Davidson County will
41 delegate its powers under those acts to the Airport Authority and the Airport Authority
42 shall control, regulate, and provide for the development of aviation in Davidson County.

43 Sec. 8. The Airport Authority may employ agents, engineers, attorneys, and
44 other persons whose services may be deemed by the Airport Authority to be necessary

1 and useful in carrying out the provisions of this act. Members of the Airport Authority
2 shall not be personally liable, in any manner, for their acts as members of the Airport
3 Authority, except for misfeasance or malfeasance.

4 Sec. 9. If any one or more sections, clauses, sentences, or parts of this act
5 shall be adjudged invalid, that judgment shall not affect, impair, or invalidate the
6 remaining provisions thereof, but that judgment shall be confined in its operation to the
7 specific provisions held invalid, and the inapplicability of invalidity of any section,
8 clause, sentence, or part of this act in one or more instances or circumstances shall not
9 be taken to affect or prejudice in any way to the applicability or validity in any other
10 instance of that section, clause, sentence, or part.

11 Sec. 10. This act is effective upon ratification.