

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 133

Short Title: Columbus Co. Airport Authy.

(Local)

Sponsors: Representatives Hill; Redwine and Wright.

Referred to: Local and Regional Government I.

February 8, 1995

A BILL TO BE ENTITLED

**AN ACT TO ENABLE THE COUNTY OF COLUMBUS TO ESTABLISH AN
AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES
IN THE COUNTY.**

The General Assembly of North Carolina enacts:

Section 1. There is created the Columbus County Airport Authority (hereinafter referred to as the Airport Authority) which shall be a body corporate and politic having the powers and jurisdiction enumerated in this act.

Sec. 2. The Airport Authority shall consist of five members who shall be appointed to staggered terms of four years by the Columbus County Board of Commissioners. All of the members shall be residents of the County. The terms of two of the initial five members of the Airport Authority shall be for four years and the terms of the remaining three initial members shall be for two years. Thereafter, all terms shall be for four years. Each of the members and their successors shall take and subscribe before the Clerk of the Superior Court of Columbus County, an oath of office and file that oath with the Columbus County Board of Commissioners. Upon the occurrence of any vacancy on the Airport Authority, the vacancy shall be filled within 60 days at a regular meeting of the Board of County Commissioners. Membership on the Columbus County Board of Commissioners and on the Airport Authority shall not constitute double

1 office holding within the meaning of Article VI, § 9 of the Constitution of North
2 Carolina.

3 Sec. 3. The members shall, for the purpose of doing business, constitute a
4 board of directors, which may adopt suitable by-laws for its management. The members
5 of the board of directors shall receive compensation, per diem, or otherwise, as the
6 Columbus County Board of Commissioners may from time to time determine and be paid
7 their actual traveling expenses incurred in transacting the business and at the instance of
8 the Airport Authority.

9 Sec. 4. The Airport Authority shall have the following powers and authority:

- 10 (1) To purchase, acquire, establish, construct, own, control, lease, equip,
11 improve, maintain, operate, and regulate airports or landing fields for
12 the use of airplanes and other aircraft within the limits of the County
13 and for such purposes, to purchase, improve, own, hold, lease, and/or
14 operate real or personal property.
- 15 (2) To borrow money and to issue bonds and to secure the loans or bonds
16 by mortgages on any property held or to be held by it, with the consent
17 of the Columbus Board of County Commissioners.
- 18 (3) To sue or be sued in the name of the Airport Authority, to acquire by
19 purchase, and to hold lands for the purpose of constructing, maintaining,
20 or operating any airport within the limits of the county, and to make
21 contracts and to hold personal property as may be necessary for the
22 exercise of the powers of the Airport Authority. The Airport Authority
23 may acquire by purchase, or otherwise, any existing lease, leasehold
24 right, or other interest in any existing airport located in the county.
- 25 (4) To charge and collect reasonable and adequate fees and rents for the use
26 of the airport property or for services rendered in the operation of the
27 airport.
- 28 (5) To make all reasonable rules and regulations as it deems necessary for
29 the proper maintenance and operation of the airport and to provide
30 penalties for the violation of those rules and regulations. The rules and
31 regulations and schedules of fees shall be not in conflict with the laws of
32 the State of North Carolina or the rules and regulations of the Civil
33 Aeronautics Administration of the federal government.
- 34 (6) To issue revenue bonds or other securities and obligations for the
35 purpose of providing funds for the construction, maintenance, purchase,
36 improvement, and operation of the airports, landing fields, or other
37 facilities. The bonds, if issued, shall be denominated "Columbus
38 County Airport Authority Bonds". The Airport Authority may
39 determine:
 - 40 a. The form and denomination of the bonds.
 - 41 b. The maturity date of the bonds, not to exceed 50 years from their
42 issuance date.

1 c. The rate of interest and whether the interest will be payable
2 semiannually or annually.

3 The bonds shall be signed by the chairman of the Airport Authority and
4 corporate seal affixed or impressed upon each bond, and attested by the
5 secretary of the board. The coupons to be attached to the bonds shall
6 bear the facsimile signature of the chairman of the Airport Authority.

7 Any bonds, notes, or securities issued for the purpose, or purposes
8 above set out, may be issued and sold only with the approval of the
9 County Commissioners, but the sale shall be made under the
10 supervision, and with the approval of the Local Government
11 Commission.

12 Bonds and notes issued under this act shall be exempt from all State,
13 county, or municipal taxes or assessments, direct or indirect, general or
14 special, and the interest paid on these bonds or notes shall not be subject
15 to taxation as income. The bonds, notes, or other securities shall not be
16 obligations of the County of Columbus, but the Airport Authority may
17 pledge the revenues, rents, income, and tolls arising out of the use of
18 any airport property or any specific part of the airport property until
19 such time as the sums borrowed therefor are fully amortized and repaid.

20 The bonds or other securities which the Airport Authority may incur
21 shall be issued and incurred upon any other terms, covenants, and
22 conditions that the Airport Authority may deem proper.

23 (7) To sell, or otherwise dispose of, any property, real or personal,
24 belonging to the Airport Authority, but no sale of real property shall be
25 made without the approval of the Board of County Commissioners.

26 (8) To purchase any insurance that the Airport Authority deems necessary.

27 (9) With the approval of the Local Government Commission, to invest or
28 reinvest any of its funds in either bonds, notes, or certificates of
29 indebtedness of the United States of America, or in bonds or notes of
30 any agency or instrumentality of the United States of America, the
31 payment of principal and interest of which is guaranteed by the United
32 States of America, or in bonds or notes of the State of North Carolina,
33 or in bonds of any county, city, or town of North Carolina, which have
34 been approved by the Local Government Commission.

35 (10) To purchase any of its outstanding bonds or notes.

36 (11) To operate, own, lease, control, regulate, or grant to others the right to
37 operate on any airport premises, restaurants, agricultural fairs, motion
38 picture shows, and other amusements.

39 (12) To lease for a term not to exceed 25 years, and for purposes not
40 inconsistent with the grants and agreements under which the airport is
41 held, real or personal property under the supervision of or administered
42 by the Airport Authority.

1 (13) To contract with persons, firms, or corporations for terms not to exceed
2 25 years, for the operation of airline scheduled passenger and freight
3 flights, nonscheduled flights, and any other airplane activities not
4 inconsistent with any grant agreements under which the airport property
5 is held, and to charge and collect reasonable and adequate fees, charges,
6 and rents for the use of the property or for services rendered in the
7 operation of the airport.

8 (14) To erect and construct buildings, hangars, shops, and other
9 improvements and facilities, not inconsistent with or in violation of the
10 agreements applicable to and the grants under which the real property of
11 the airport is held; to lease the improvements and facilities for a term or
12 terms not to exceed 25 years; to borrow money for use in making or
13 paying for the improvements and facilities, secured by and on the credit
14 only of the lease agreements, to pledge and assign the leased property
15 and lease agreements as security for any authorized loans.

16 Sec. 5. By agreement with the County, the Airport Authority may acquire
17 from the County, and the County may grant and convey, either by gift or for any
18 consideration the County deems wise, any real or personal property which the County
19 now owns or may hereafter acquire, including nontax monies, and which may be
20 necessary for the construction, operation, and maintenance of any airport located in the
21 County.

22 Sec. 6. Any lands acquired, owned, controlled, or occupied by the Airport
23 Authority shall be acquired, owned, controlled, and occupied for a public purpose.

24 Sec. 7. Private property needed by the Airport Authority for any airport,
25 landing field, or facilities may be acquired by gift or devise, or may be acquired by
26 private purchase or by the exercise of the power of eminent domain, pursuant to the
27 provisions of Chapter 40 of the General Statutes.

28 Sec. 8. The Airport Authority shall make an annual report to the County
29 Commissioners, setting forth in detail the operations and transactions conducted pursuant
30 to this act. The Airport Authority is the corporate instrumentality and agent for the
31 County for the purpose of developing airport facilities in the County, but the Airport
32 Authority shall have no power to pledge the credit of the County, or any subdivision of
33 the County, or to impose any obligation on the County or any subdivision of the County,
34 except and when that power is expressly granted by statute or with the consent of the
35 County.

36 Sec. 9. All rights and powers given to the counties or municipalities by the
37 General Statutes of North Carolina relating to the development, regulation, and control of
38 municipal airports and the regulations of aircraft, are vested in the Airport Authority, and
39 the County may delegate its statutory powers to the Airport Authority and the Airport
40 Authority shall have concurrent rights with the County to control, regulate, and provide
41 for the development of aviation in the County of Columbus.

42 Sec. 10. The Airport Authority may employ agents, engineers, and attorneys
43 and other persons whose services the Airport Authority deems necessary or useful in

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

4 Sec. 11. The governing body of the County may appropriate and use from the
5 net proceeds derived from the operation by the County of any public utility, or from
6 funds derived from any source, other than ad valorem taxes, sums sufficient to carry out
7 the provisions of this act to establish and maintain any airport in any proportion and on
8 any basis as determined by the County.

9 Sec. 12. The Airport Authority may expend any funds appropriated from time
10 to time by the County for joint airport purposes and may enter into contracts and pledge
11 the credit of the Airport Authority to the extent of the monies appropriated by the County
12 for airport purposes.

13 Sec. 13. The board of directors may deal with the Federal Aviation
14 Administration of the United States Government and any other representative of the
15 United States Government relative to the grading, constructing, equipping, improving,
16 maintaining, and operating of airports and landing fields established or acquired under
17 the authority of this act.

18 Sec. 14. A majority of the board of directors shall control its decisions. Each
19 member of the board of directors, including the chairman, shall have one vote. At the
20 first meeting of the board of directors and annually thereafter, the board of directors shall
21 elect from among its members a chairman and a secretary and a treasurer. The board of
22 directors shall meet at the places and times that the chairman designates.

23 Sec. 15. The powers granted to the Airport Authority, including the specific
24 powers contained in Section 9 of this act, shall not be effective until the members of the
25 Airport Authority have been appointed by the County Commissioners, and nothing
26 contained herein shall require the County Commissioners to make initial appointments to
27 said Airport Authority, it being the specific intent of this legislation to enable but not
28 require the formation of the Columbus County Airport Authority.

29 Sec. 16. If any part or parts of this act shall be held to be unconstitutional,
30 such unconstitutionality shall not affect the validity of the remaining parts of this act, and
31 all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

32 Sec. 17. This act is effective upon ratification.