

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 606
HOUSE BILL 1680

AN ACT ENABLING THE COUNTY OF DAVIDSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE OPERATION AND MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF DAVIDSON FOR THE CITIZENS OF DAVIDSON COUNTY.

The General Assembly of North Carolina enacts:

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

Sec. 2. The Airport Authority shall consist of five members who shall be resident voters of Davidson County and who shall be appointed by the Davidson County Board of Commissioners, and who shall meet quarterly at a place determined by the Chairman of the Airport Authority. The Airport Authority shall consist of five members who shall be appointed to staggered terms of four years by the Davidson County Board of Commissioners. The initial terms of office of the members of the Airport Authority shall be as follows: two members to be appointed to a term of four years, three members to be appointed to a term of two years. Thereafter, all terms shall be four years. After the initial term, any member may be reappointed to two more successive terms, after which that member may not be reappointed to the Airport Authority except after the lapse of two years following the most recent term served. In the event the Davidson County Board of Commissioners should appoint one of the members of that Board as a member of the Airport Authority, the membership shall not constitute double officeholding within the meaning of Article VI, Section 9 of the Constitution of North Carolina. Each of the members and their successors so appointed shall take and subscribe before the Clerk to the Board of Commissioners for the County of Davidson, an oath of office and file the same with the County Commissioners of Davidson County. Any member of the Airport Authority may be removed, for cause, by the Davidson County Board of Commissioners. The Davidson County Board of Commissioners, may, at the request of the Airport Authority, increase membership to no more than nine members or decrease the membership to no less than five members. The Davidson County Board of Commissioners shall consult with the Airport Authority in filling vacancies on the Airport Authority.

Sec. 3. The members shall, for the purpose of doing business, constitute a Board of Directors, which shall adopt suitable bylaws for its management. The

members of the Board shall receive compensation or per diem by unanimous agreement of the Board of County Commissioners. Members shall be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the Airport Authority.

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

- (1) Purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate the Davidson County Airport for the use of airplanes and other aircraft, and all facilities incidental to the operation of such airport, within the limits of Davidson County; and for any of such purposes, to purchase, acquire, own, hold, lease, and/or operate real or personal property;
- (2) Purchase real or personal property;
- (3) Sue or be sued in the name of the Airport Authority, make contracts necessary for the exercise of the powers of the Airport Authority, and acquire by purchase, lease, or otherwise, any existing lease, leasehold right, or other interest in any existing airport located in Davidson County;
- (4) Charge and collect reasonable and adequate fees, royalties, rents, or other charges for the use of the property owned, leased, or otherwise controlled or operated by the Airport Authority or for services rendered in the operation thereof;
- (5) Make all reasonable rules and regulations as it deems necessary for the proper maintenance, use, operation, and control of any airport or airport facilities owned, leased, or otherwise controlled by the Airport Authority; to provide penalties for the violation of such rules and regulations; provided the rules and regulations and penalties be not in conflict with the laws of the State of North Carolina and the rules and regulations of the Federal Aviation Administration;
- (6) Sell, lease, or otherwise dispose of any property, real or personal, belonging to the Airport Authority, but no sale of real property shall be made without the approval of the Board of County Commissioners of Davidson County and the Federal Aviation Administration;
- (7) Purchase such insurance as the Airport Authority shall deem necessary;
- (8) Deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of unit funds;
- (9) Operate, own, lease, control, regulate, or grant to others a lease; not to exceed 25 years, to operate on any airport premises, restaurants, snack bars, and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations,

garage service facilities, motion pictures, personal service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the general public of a complete air terminal installation;

- (10) Possess the same exemptions in respect to payment of taxes and license fees and be eligible for sales and use tax refunds to the same extent as provided for municipal corporations by the laws of the State of North Carolina;
- (11) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the General Statutes;
- (12) Have all the same power and authority granted to cities and counties pursuant to Chapter 63 of the General Statutes; or
- (13) Have a corporate seal which may be altered at will.

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

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

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

Sec. 8. The Airport Authority may employ agents, engineers, attorneys, and other persons whose services may be deemed by the Airport Authority to be necessary and useful in carrying out the provisions of this act.

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

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives