

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 998

Short Title: Sanford-Lee Airport Authority.

(Local)

Sponsors: Senators Staton, Johnson, Sherron; and Forrester.

Referred to: Local Government and Regional Affairs.

May 27, 1992

A BILL TO BE ENTITLED

AN ACT TO CREATE THE SANFORD-LEE COUNTY REGIONAL AIRPORT
AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created an airport authority to be known as the "Sanford-Lee County Regional Airport Authority" which shall be a body politic and corporate. The said authority shall be composed of six members, three appointed by the Board of Commissioners for the County of Lee and three by the Board of Aldermen of the City of Sanford. The said members shall be allowed a reasonable compensation as determined by the joint action of the Board of Aldermen of the City of Sanford and the Board of Commissioners for the County of Lee, and shall be paid actual expenses incurred in the transaction of business at the instance of the authority; provided, however, that no full-time employee or elected member of either the Board of Aldermen of the City of Sanford or the board of Commissioners of the County of Lee shall be aid for his or her services in connection with said authority, but shall be entitled only to reimbursement of actual expenses.

Sec. 2. The members appointed as set forth above shall serve at the pleasure of their respective appointing Board. The authority shall determine its own organization and shall annually at its first meeting in July of each calendar year elect its officers who shall serve for a term of one year, or until their successors are elected and qualify. Officers shall be eligible to succeed themselves in office and to serve consecutive terms at the will of the members of the authority.

Sec. 3. (a) The authority shall, in addition to the powers conferred in Chapter 63 of the General Statutes of North Carolina, have the following powers:

- 1 (1) To sue and be sued in the name of the airport authority, and all
2 pleadings served upon the airport authority shall be served on the
3 chairperson or secretary of the airport authority.
- 4 (2) To expend funds appropriated from time to time by the County of Lee
5 and the City of Sanford, jointly or severally, for airport purposes and
6 to appropriate and expend funds received by the authority from fees,
7 charges, rents, and dues arising out of the operation of said airport, the
8 facilities, improvements, and concessions located thereat or operated
9 thereon.
- 10 (3) To establish, construct, control, lease, maintain, improve, operated,
11 and regulate an airport on lands acquired by it with buildings necessary
12 to accommodate all types of business to operate an airport, runways,
13 taxi ramps, parking ramps, and any equipment to operate an airport, to
14 have complete authority for rules and regulations over all airport
15 property for the control of all types of vehicular traffic, mobile or
16 stationary, and pedestrian traffic with respect to areas or roadways not
17 under the control of the Department of Transportation and any rules
18 and regulations adopted by the airport authority for property
19 exclusively under its control and to have conjunctive authority to work
20 with and cooperate with all duly constituted law enforcement agencies
21 to enforce rules and regulations established by the State of North
22 Carolina. The penalty for violation of rules and regulations established
23 by the airport authority shall be a misdemeanor and, upon conviction,
24 shall be punishable by a fine not to exceed fifty dollars (\$50.00) or
25 imprisonment not to exceed 30 days. All rules and regulations so
26 adopted by the airport authority shall be recorded by delivering true
27 copies thereof certified by the chairperson and secretary of the
28 authority to the City of Sanford and the County of Lee.
- 29 (4) For the public use or benefit the authority shall possess the power of
30 eminent domain and may acquire by purchase, gift, or condemnation,
31 any property for the purpose of establishing, extending, enlarging, or
32 improving an airport. The Sanford-Lee County Regional Airport
33 Authority is hereby declared to be a local public condemner under the
34 provisions of Chapter 40A of the General Statutes and in exercising
35 the powers of eminent domain shall follow the procedures of Article 3
36 of Chapter 40A. Title to the property and the right of immediate
37 possession shall vest pursuant to subsection (a) of G.S. 40A-42. If
38 property acquired by condemnation shall have a burial ground or
39 graveyard then it shall be lawful for said airport authority after 30 days
40 notice to the surviving spouse, or the next of kin of the deceased
41 buried therein, or the person in control of such graves, if any are
42 known, to remove the body interred therein and reinter the same in
43 some cemetery in the same county. If no surviving spouse or next of
44 kin or person in control can be found, then the airport authority can

1 advertise for four consecutive weeks in a newspaper published in Lee
2 County of the intended removal of said gravesite and the removal shall
3 be conducted under the supervision of the Clerk of the Superior Court
4 for Lee County or his or her representative, and the expense of such
5 removal shall be borne by the airport authority. The airport authority
6 may dispose of any real or personal property belonging to it according
7 to the procedures described in Chapter 160A, Article 12.

8 (5) To lease for a term of 20 years and for purposes not inconsistent with
9 airport purposes or usage, real and/or personal property under the
10 supervision of or administered by the airport authority.

11 (6) To contract with persons, firms, or corporations for terms not to
12 exceed 20 years, for the operation of passenger and freight flights,
13 scheduled or nonscheduled, and any other plane or flight activities not
14 inconsistent with airport operations and to charge and collect
15 reasonable fees, charges, and rents for the use of such property, and
16 services rendered in the operation thereof.

17 (7) To operate, own, control, regulate, lease, or grant to others the license
18 to operate amusements or concessions for a term not exceeding 20
19 years.

20 (8) To enter into contracts, and with the prior written approval of the
21 County of Lee and the City of Sanford, to pledge as security the
22 property of the airport authority; provided, however, that neither the
23 airport authority nor the individual members thereof shall have any
24 authority to pledge the credit of or contract for the County of Lee or
25 the City of Sanford, or any combination thereof. With the prior
26 written consent of the County of Lee and the City of Sanford, the
27 airport authority shall be authorized to pledge any lease agreement to
28 which it is a party as security for any loan.

29 (9) To adopt and use a seal.

30 (10) To contract with the Federal Aviation Administration of the United
31 States of America or with the State of North Carolina or with any of
32 the agencies or representatives of either of said governmental bodies
33 relating to the grading, constructing, equipping, improving,
34 maintaining, or operating of an airport and/or its facilities.

35 (b) The Sanford-Lee County Regional Airport Authority shall enjoy
36 governmental immunity, however, the authority may contract to insure itself and any of
37 its officers, agents, or employees against liability for wrongful death or negligence or
38 intentional damage to persons or property or against absolute liability for damage to
39 persons or property caused by an act of omission of the authority or of any of its
40 officers, agents, or employees when acting within the scope of their authority and the
41 course of their employment. The members of the authority shall determine what
42 liabilities and what officers, agents, and employees shall be covered by any insurance
43 purchased pursuant to this provision.

1 Purchase of insurance pursuant to this provision waives the authority's
2 governmental immunity to the extent of insurance coverage, for any act or omission
3 occurring in the exercise of a governmental function. By entering into an insurance
4 contract with the authority, an insurer waives any defense based upon the governmental
5 immunity of the authority.

6 If the authority has waived its governmental immunity pursuant to the
7 foregoing provisions of this section, any person, or if he dies, his personal
8 representative, sustaining damages as a result of an act or omission of the authority or
9 any of its officers, agents, or employees occurring in the exercise of a governmental
10 function, may sue the authority for recovery of damages. To the extent of the coverage
11 of insurance purchased pursuant to this section governmental immunity may not be a
12 defense to the action. Otherwise, however, the authority has all defenses available to
13 private litigants in any action brought pursuant to these provisions without restriction,
14 limitation, or other effect whether the defense arises from common law or by virtue of a
15 statute.

16 Despite the purchase of insurance as authorized by this section, the liability of
17 an authority for acts or omissions occurring in the exercise of governmental functions
18 does not attach unless the plaintiff waives the right to have all issues of law or fact
19 relating to insurance in the action determined by a jury. The judge shall hear and
20 determine these issues without resort to a jury, and the jury shall be absent during any
21 motion, argument, testimony, or announcement of finding of fact, or conclusions of law
22 relating to these issues unless the defendant requests a jury trial on them.

23 Sec. 4. The Sanford-Lee County Regional Airport Authority may exercise
24 the powers granted to municipalities by the terms of Article 6, Chapter 63 of the
25 General Statutes of North Carolina concerning public airports and related facilities.

26 Sec. 5. In keeping with State policy, it is declared that the establishment of
27 an airport in Lee County is necessary and desirable and in the public interest of the
28 entire State and said airport authority herein created shall be regarded as performing an
29 essential governmental function in undertaking the construction, maintenance, and
30 operation of an airport and shall not be required to pay ad valorem taxes or assessments
31 upon properties acquired or otherwise used by it for such purposes.

32 Sec. 6. In the event of cessation of the operation of an airport established
33 under this act, or the abandonment of any of the property acquired hereunder for airport
34 purposes, the title to such real or personal property, or rights under any existing lease
35 shall revert to and vest in the County of Lee and the City of Sanford, and upon the sale
36 of any property after cessation of operations, the proceeds therefrom shall vest equally
37 in the County of Lee and the City of Sanford.

38 Sec. 7. This act is effective upon ratification.