

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

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**HOUSE BILL 105**

Short Title: Jackson County Airport Authority.

(Local)

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Sponsors: Representatives Beall, Ramsey; and Carpenter.

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Referred to: Local and Regional Government II, if favorable, Finance.

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February 11, 1997

**A BILL TO BE ENTITLED**

**AN ACT TO ENABLE THE COUNTY OF JACKSON 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 hereby created the "Jackson 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 general law and future acts of the General Assembly.

Section 2. The Airport Authority shall consist of six members, who shall be residents of Jackson County, who shall be appointed for six year terms. Members may succeed themselves in office and serve more than one term. Two initial appointments to the Airport Authority shall be for two years, two initial appointments to the Airport Authority shall be for four years, and the remaining two initial appointments to the Airport Authority shall be for six years. When vacancies occur in the membership of the Airport Authority, for any reason, the remaining members of the Airport Authority shall submit a list of two or more candidates to the Jackson County Board of Commissioners who shall select one from that list to fill the unexpired term of vacant office. Each member shall take and subscribe before the Clerk of Superior Court of Jackson County an

1 oath of office and file the same with the Jackson County Board of Commissioners.  
2 Membership on the Jackson County Board of Commissioners and the Airport Authority  
3 shall not constitute double office holding within the meaning of Article VI, Section 9 of  
4 the Constitution of North Carolina.

5 Section 3. The Airport Authority may adopt suitable bylaws for its  
6 management. The members of the Airport Authority may receive compensation, per  
7 diem, or otherwise as the Jackson County Board of Commissioners from time to time  
8 determines and be paid their actual traveling expenses incurred in transacting the business  
9 and at the instance of the Airport Authority. Members of the Airport Authority shall not  
10 be personally liable for their acts as members of the Airport Authority, except for acts  
11 resulting from misfeasance or malfeasance.

12 Section 4. (a) The Airport Authority shall constitute a body, both corporate and  
13 politic, and shall have the following powers and authority:

- 14 (1) To purchase, acquire, establish, construct, own, control, lease, equip,  
15 improve, maintain, operate, and regulate airports and landing fields for  
16 the use of airplanes and other aircraft within the limits of the county and  
17 for this purpose to purchase, improve, own, hold, lease, or operate real  
18 or personal property. The Airport Authority may exercise these powers  
19 alone or in conjunction with the County of Jackson.
- 20 (2) To sue and be sued in the name of the Airport Authority, to make  
21 contracts and hold any personal property necessary for the exercise of  
22 the powers of the Airport Authority, and acquire by purchase, lease, or  
23 otherwise any existing lease, leasehold right, or other interest in any  
24 existing airport located in the county.
- 25 (3) To charge and collect reasonable and adequate fees and rents for the use  
26 of airport property or for services rendered in the operation of the  
27 airport.
- 28 (4) To make all reasonable rules and regulations it deems necessary for the  
29 proper maintenance, use, operation, and control of the airport, including  
30 public safety, and provide penalties for the violation of these rules and  
31 regulations; provided, the rules and regulations and schedules of fees  
32 not be in conflict with the laws of North Carolina, and the regulations of  
33 the Federal Aviation Administration. The Airport Authority may  
34 administer and enforce any airport zoning regulations adopted by the  
35 County of Jackson.
- 36 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General  
37 Statutes.
- 38 (6) To sell, lease, or otherwise dispose of any property, real or personal,  
39 belonging to the Airport Authority, according to the procedures  
40 described in Article 12 of Chapter 160A of the General Statutes, but no  
41 sale of real property shall be made without the approval of the Jackson  
42 County Board of Commissioners.

- 1 (7) To purchase any insurance that the Federal Aviation Administration or  
2 the Airport Authority shall deem necessary. The Airport Authority shall  
3 be responsible for any and all insurance claims or liabilities.
- 4 (8) To deposit or invest and reinvest any of its funds as provided by the  
5 Local Government Finance Act, as it may be amended from time to  
6 time, for the deposit or investment of unit funds.
- 7 (9) To purchase any of its outstanding bonds or notes.
- 8 (10) To operate, own, lease, control, regulate, or grant to others, for a period  
9 not to exceed 20 years, the right to operate on any airport premises  
10 restaurants, snack bars, vending machines, food and beverage  
11 dispensing outlets, rental car services, catering services, novelty shops,  
12 insurance sales, advertising media, merchandising outlets, motels,  
13 hotels, barber shops, automobile parking and storage facilities,  
14 automobile service establishments, and all other types of facilities as  
15 may be directly or indirectly related to the maintenance and furnishing  
16 to the general public of a complete air terminal installation.
- 17 (11) To contract with persons, firms, or corporations for terms not to exceed  
18 20 years, for the operation of airline-scheduled passenger and freight  
19 flights, nonscheduled flights, and any other airplane activities not  
20 inconsistent with the grant agreements under which the airport property  
21 is held.
- 22 (12) To erect and construct buildings, hangars, shops, and other  
23 improvements and facilities, not inconsistent with or in violation of the  
24 agreements applicable to and the grants under which the real property of  
25 the airport is held; to lease these improvements and facilities for a term  
26 or terms not to exceed 20 years; to borrow money for use in making and  
27 paying for these improvements and facilities, secured by and on the  
28 credit only of the lease agreements in respect to these improvements and  
29 facilities, and to pledge and assign the leases and lease agreements as  
30 security for the authorized loans.
- 31 (13) Subject to the limitations set out in this act, to have all the same power  
32 and authority granted to cities and counties pursuant to Chapter 63 of  
33 the General Statutes, Aeronautics.
- 34 (14) To have a corporate seal, which may be altered at will.
- 35 (b) The Airport Authority shall possess the same exemptions in respect to payment  
36 of taxes and license fees and be eligible for sales and use tax refunds to the same extent  
37 as provided for municipal corporations by the laws of the State of North Carolina.
- 38 Section 5. The Airport Authority may acquire from the county, by agreement  
39 with the county, and the county may grant and convey, either by gift or for such  
40 consideration as the county may deem wise, any real or personal property which it now  
41 owns or may hereafter acquire, including nontax monies, and which may be necessary for  
42 the construction, operation, and maintenance of any airport located in the county.

1 Section 6. Any lands acquired, owned, controlled, or occupied by the Airport  
2 Authority shall be, and are declared to be, acquired, owned, controlled, and occupied for  
3 a public purpose.

4 Section 7. Private property needed by the Airport Authority for any airport,  
5 landing field, or as facilities of an airport or landing field, may be acquired by gift or  
6 devise, or may be acquired by private purchase or by the exercise of eminent domain  
7 pursuant to Chapter 40A of the General Statutes, as a local public condemnor, including  
8 the provisions of G.S. 40A-42. If property acquired by condemnation has a burial ground  
9 or graveyard, then it shall be lawful for the Airport Authority, after 30 days notice to the  
10 surviving spouse or next of kin of the deceased buried there, or the person in control of  
11 the graves, if they are known, to remove the interred body and reinter the body in another  
12 cemetery in Jackson County. If no surviving spouse or next of kin or person in control  
13 can be found, then the Airport Authority may advertise for four consecutive weeks in a  
14 newspaper published in Jackson County of the intended removal of the graves. The  
15 removal shall then be conducted under the supervision of the Clerk of the Superior Court  
16 of Jackson County or his or her representative. The expense of the removal shall be  
17 borne by the Airport Authority.

18 Section 8. The Airport Authority shall make an annual report to the Jackson  
19 County Board of Commissioners setting forth in detail the operations and transactions  
20 conducted by it pursuant to this act. The Airport Authority shall not have the power to  
21 pledge the credit of Jackson County, or any subdivision thereof, or to impose any  
22 obligation on Jackson County, or any of their subdivisions, except when that power is  
23 expressly granted by statute.

24 Section 9. Subject to the limitations as set out in this act, all rights and powers  
25 given and granted to counties or municipalities by general law, which may now be in  
26 effect, or enacted in the future, relating to the development, regulation, and control of  
27 municipal airports and the regulation of aircraft are now concurrently vested in the  
28 Airport Authority. The Jackson County Board of Commissioners may delegate their  
29 powers under these acts to the Airport Authority, and the Airport Authority shall have  
30 concurrent rights with Jackson County to control, regulate, and provide for the  
31 development of aviation in Jackson County.

32 Section 10. The Airport Authority may contract with and accept grants from  
33 the Federal Aviation Administration, the State of North Carolina, or any of the agencies  
34 or representatives of either of said governmental bodies relating to the purchase of land  
35 and air easements and to the grading, constructing, equipping, improving, maintaining, or  
36 operating of an airport or its facilities or both.

37 Section 11. The Airport Authority may employ or contract with any agents,  
38 engineers, attorneys, and other persons whose services may be deemed by the Airport  
39 Authority to be necessary and useful in carrying out the provisions of Sections 1 through  
40 10 of this act.

41 Section 12. The Jackson County Board of Commissioners may appropriate  
42 funds derived from any source including ad valorem taxes to carry out the provisions of  
43 this act in any proportion or upon any basis as may be determined by the Jackson County

1 Board of Commissioners. The Jackson County Board of Commissioners may provide  
2 county services to the Airport Authority upon any basis as may be determined by the  
3 Jackson County Board of Commissioners.

4 Section 13. The Airport Authority may expend the funds that are appropriated  
5 by the county for joint airport purposes and may pledge the credit of the Airport  
6 Authority to the extent of the appropriated funds.

7 Section 14. The Airport Authority shall elect from among its members a chair  
8 and other officers at its initial meeting and then biennially thereafter. Officers shall be  
9 eligible to succeed themselves in office and to serve consecutive terms at the will of the  
10 members of the Airport Authority. A majority of the Airport Authority shall control its  
11 decisions. Each member of the Airport Authority, including the chair, shall have one  
12 vote. The Airport Authority shall meet at the places and times designated by the chair.

13 Section 15. If an airport established pursuant to this act ceases to be operated  
14 by the Airport Authority, or if any property acquired pursuant to this act for airport  
15 purposes is abandoned, then the title to that real or personal property, or rights under any  
16 existing lease, shall revert to and vest in the County of Jackson and on the sale of that  
17 property, the proceeds shall vest totally in the County of Jackson.

18 Section 16. The powers granted to the Airport Authority shall not be effective  
19 until the members of the Airport Authority have been appointed by the Jackson County  
20 Board of Commissioners, and nothing in this act shall require the Board of  
21 Commissioners to make the initial appointments. It is the intent of this act to enable but  
22 not to require the formation of the Jackson County Airport Authority.

23 Section 17. If any one or more sections, clauses, sentences, or parts of this act  
24 shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the  
25 remaining provisions thereof, but shall be confined in its operation to the specific  
26 provisions held invalid, and the inapplicability or invalidity of any section, clause,  
27 sentence, or part of this act in one or more instances or circumstances shall not be taken  
28 to affect or prejudice in any way its applicability or validity in any other instance.

29 Section 18. This act is effective when it becomes law.