

ORDINANCE NO. 17-08

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKALOOSA COUNTY AMENDING SECTIONS OF DIVISION 2 OF THE CODE OF OKALOOSA COUNTY, AMENDING THE DEFINITIONS; AMENDING THE PROVISIONS RELATING TO THE ACQUISITION OF PROPERTY; AMENDING THE PROVISIONS RELATING TO THE POWERS OF THE BOARD; LIMITING THE TERMS OF LEASES; AUTHORIZING THE CREATION OF AN ADVISORY BOARD RELATING TO THE AIRPORTS OF OKALOOSA COUNTY; PROVIDING THE CREATION, MEMBERSHIP AND AUTHORITY OF THE BOARD TO BE PROVIDED BY RESOLUTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County currently owns and operates three airports for the benefit of the public, each of which have a distinct scope of services and needs; and

WHEREAS, the provisions of Division 2, relating to Airport and Industrial Site Development requires amendments to conform its provisions with currently law; and

WHEREAS, the Board has previously appointed multiple committees to provide recommendations and guidance to the Board and the Airport Department in the operations of the respective airports; and

WHEREAS, the Board believes that it would be beneficial to consolidate the scope of responsibilities that presently are tasked to different committees into a single Board to be assured a coordinated effort among each airport and with the mission of the United States Air Force; and

WHEREAS, the actual creation of the Board, the appointment of its members and its powers and authority are best established by Resolution.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Okaloosa County:

SECTION 1. Division 2, Section 2-51 of the Code of Okaloosa County is amended as follows:

DIVISION 2. - AIRPORT AND INDUSTRIAL SITE DEVELOPMENT

Sec. 2-51. - Definitions.

The following words, terms and phrases used in this division shall have the meanings herein given unless otherwise specifically defined, or unless another intention clearly appears, or the context otherwise requires:

Air navigation means the operation or navigation of aircraft in the air space over the county, or upon any airport or restricted landing area within the county.

Air navigation facility means any facility used in, available for use in, or designed for use in, aid of air navigation, including airports, restricted landing areas, and any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience, to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport, or restricted landing area, and any combination of any or all of such facilities.

Airport means any area of land or water, except a restricted landing area, which is designed for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving and discharging passengers or cargo, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way, whether heretofore or hereafter established.

Airport purposes means and includes airport, restricted landing area and other air navigation facility purposes.

~~*Authority* means the Okaloosa County Airport and Industrial Authority.~~

County means Okaloosa County, Florida.

Industrial park means and includes any area designated by the county commissioners as an industrial site and shall include but not be limited to manufacturing, repairing, assembling, and any activities incidental to the production, sale or distribution of goods and services for profit.

SECTION 2. Division 2, Section 2-52 of the Code of Okaloosa County is amended as follows:

Sec. 2-52. - Acquisition of property—Purposes.

(a) The county commissioners are hereby authorized to acquire property, real or personal for the purpose of establishing, constructing, and enlarging airports and other air navigation facilities and industrial parks and sites, and to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate such airports and other air navigation facilities and structures and other property incidental to their operation, either within or without the territorial limits of the County ~~any municipality in the county and within the territorial limits of any municipality~~ subject to the approval of the city council or governing body of any municipality. Provided however, that the County may not acquire or take over any airport or other air navigation facility owned or controlled by any other municipality of the state without the consent of such municipality. The county commissioners are hereby authorized to make, prior to any such acquisition, investigation, surveys and plans; to construct, install, and maintain airport facilities for the servicing of aircraft and for the comfort and accommodation of air travelers; and to purchase and sell equipment and supplies as an incident to the operation of its airport and industrial site properties all in accordance with County policies, ~~provided that advertisement for bids shall not be required for purchases of less than \$1,000.00.~~ It may use for airport and industrial site purposes any available property that is now or may at any time hereafter be owned and controlled by it. Such air navigation facilities as are established on airports shall be supplementary to and coordinated in design and operation with those established and operated by the federal and state government.

(b) Property needed by the county commissioners for an airport or industrial site, or for the enlargement of either or for other airport purposes, may be acquired by purchase, gift, devise, lease or other means if the county commissioners are able to agree with the owners of such property on the terms of such acquisition, and otherwise by condemnation in the manner provided by the law under which counties are authorized to acquire property for public purposes with full power to exercise the right

of eminent domain. Any title to real property so acquired shall be in fee simple, absolute and unqualified in any way, or any lesser interest therein. For the purpose of making surveys and examinations relative to any condemnation proceedings, it shall be lawful to enter upon any land, doing no unnecessary damage. The county commissioners may take possession of any such property so to be acquired at any time after the filing of the petition describing the same in condemnation property and proceedings, as provided by Florida law. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken.

(c) In the event the exercise of any power under any section of this division by the county commissioners requires the removal, relocation, or reconstruction of any structure located in, on, under, or across any private property, public street or highway, or other public or private places, then the county commissioners shall reimburse the owner of such structure for the estimated or actual expense of said removal, relocation or reconstruction prior to the incurring of such expense by such owner.

SECTION 3. Division 2, Section 2-55 of the Code of Okaloosa County is amended as follows:

Sec. 2-55. - Development costs.

(a) *Methods of payment.* The cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging, or improving or equipping industrial sites or airports and the erecting of buildings thereon and other air navigation facilities, and the sites therefor, including structures and other property incidental to their operation, in accordance with the provisions of this division, may be paid for by appropriation of monies available therefor, or wholly or partly from the proceeds of bonds, as it shall determine. This word "cost" includes awards in condemnation proceedings and rentals where an acquisition is lease, and also includes amounts paid to utility companies for relocation of their wires, poles and other facilities.

(b) *Bond issuance.* Any bonds issued by the county commission pursuant to the provisions of this division shall be authorized and issued in the manner and within the limitation, except as herein otherwise provided, prescribed by laws of this state and the County for the issuance and authorization of bonds thereof for public purposes generally;

provided, however, that any bonds issued by the county commissioners under authority of this division shall be self-liquidating bonds and shall not be a lien against the general taxing powers of the Ceounty ~~or any municipality therein.~~

SECTION 4. Division 2, Section 2-56 of the Code of Okaloosa County is amended as follows:

Sec. 2-56. - Appropriations ~~Powers of municipalities.~~

The ~~municipalities of the eCounty~~ are is hereby empowered to appropriate monies for acquiring, establishing, constructing, enlarging, improving, maintaining, equipping or operating industrial sites or airports and other air navigation facilities under the provisions of this division, as to industrial sites or airports, partly or wholly within the limits of the Countysuch municipalities.

SECTION 5. Division 2, Section 2-57 of the Code of Okaloosa County is amended as follows:

Sec. 2-57. - Additional powers of county commissioners.

In addition to the general powers of this division conferred and without limitation thereof, the county commissioners are hereby authorized:

(1) *Administrative board.* To vest authority for the construction, enlargement, improvement, maintenance, equipment, operation of any industrial site or airports or any buildings thereon, and regulation thereof in a board created by the county commissioners by resolution which shall prescribe the powers and duties of such a board and its members. The expense of such construction, enlargement, improvement, maintenance, equipment, operation, and regulation shall be the responsibility of the county commissioners.

(2) *Rules and regulations.* To adopt and amend all needful rules and regulations for the management, government, and use of any properties under its control, whether within or without the territorial limits of any municipality; to appoint airport powers; to fix by resolution, as may be appropriate, and enforce penalties for the violation of such rules and regulations.

(3) *Leases and sales for operational purposes.* To let and lease for a term not exceeding ~~99~~ 50 years all or any part of such industrial sites or airports or other navigation facilities, or real property acquired or set apart for industrial sites or airport purposes, to private parties, any municipal or state government or the national government, or any department of either thereof, for operation or use consistent with the purposes of this division; space, area, improvements, or equipment on such industrial sites or airports; to sell any part of such industrial sites or airports or other air navigation facilities or real property owned by the county commissioners to any municipal or state government, or the United States or any department or instrumentality thereof, for industrial sites or aeronautical purposes or purposes incidental thereto, and to make reasonable charges to any person for the privilege of supplying upon its airports, goods, commodities, things, services, and facilities.

(4) *Leases and sales of unused property.* To sell and lease any property, real or personal, acquired for industrial sites or airport purposes and belonging to the county which, in the judgment of the county commissioners, may not be required for aeronautical purposes ~~industrial sites, at public or private sale.~~ in accordance with the laws governing the sale or leasing of similar county owned property.

SECTION 6. Division 2, Section 2-59 of the Code of Okaloosa County is amended as follows:

Sec. 2-59. - Administration.

(a) *Generally.* The county commissioners shall have exclusive power, authority and control in the operation and administration of the provisions of this division. ~~and the vesting of these powers in a body known as~~ The Okaloosa County Airport and Industrial Authority as ~~set out~~ authorized in Chapter 59-1629, Special Acts of Florida, is hereby repealed and such authority granted to the board therein, is hereby abolished and has no further force and effect. ~~This division shall in no way affect or impair outstanding contracts between the authority and others.~~

(b) *Creation of administrative board authorized.* The county commissioners may appoint a board, by resolution, ~~with the same or a similar name as the Okaloosa Airport and Industrial Authority~~ to assist the county commissioners in the administration of the provisions of this division and with matters relating to the administration, operations, planning and development of the various airports of the County.

(c) *Composition of board; terms of office; vacancies.* If the county commissioners exercise their rights to appoint a board as set out in paragraph (b) above, ~~the board shall have the membership of such board, their terms, and their power and authority shall be established by a resolution adopted by the county commissioners. consist of five members who shall be residents of Okaloosa County, Florida, and initially three of the board members shall hold office for terms of two years and the other two board members shall hold office for one-year terms. After the initial appointments all members shall serve two-year terms. Any vacancy in membership on said board shall be filled by appointment by the county commissioners.~~

(d) *Compensation of board members; quorum; officers.* The members of any board appointed by the county commissioners as set out in paragraphs (b) and (c) above shall receive no compensation for their services but may be entitled to ~~receive the necessary expenses incurred in the discharge of their duties including~~ travel expenses, in accordance with Florida law. ~~Three members shall constitute a quorum of the board for the purpose of conducting its business. Action may be taken by the board upon the affirmative vote of three of the members. The board shall elect from its members a chairman and secretary and treasurer.~~

(e) *Employment of secretaries, technical experts, etc.* The county commissioners may employ ~~secretaries such as~~ staff, technical experts and other employees, permanent and temporary, as may be required from time to time, in order to accomplish the purposes of this division.

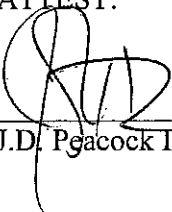
(f) *Execution of contracts, leases, etc.* Leases, contracts and instruments of all kinds shall be approved ~~executed~~ in accordance with the policies of the County.

SECTION 7. This Ordinance shall become effective upon filing with the Secretary of State in accordance with the law.


PASSED AND ADOPTED in Regular Session this 16 day of May, 2017.

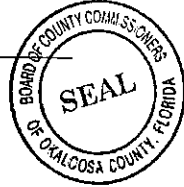
BOARD OF COUNTY COMMISSIONERS
OF OKALOOSA COUNTY, FLORIDA

ATTEST:

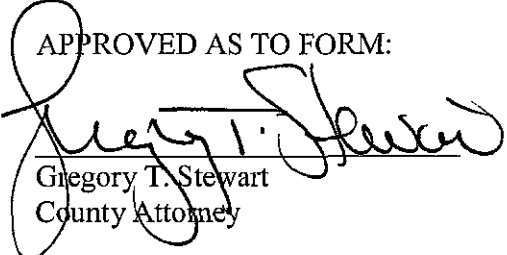

J.D. Peacock II, Clerk




Carolyn N. Ketchel, Chairman



APPROVED AS TO FORM:


Gregory T. Stewart
County Attorney