

ORDINANCE NO. 3420

AN ORDINANCE RELATED TO AIRPORT OPERATIONS IN THE CITY OF STILLWATER; AMENDING CHAPTER 8 OF THE STILLWATER CITY CODE TITLED "AVAIATION," ARTICLE II, "STILLWATER REGIONAL AIRPORT AUTHORITY," SECTION 8-19, "DEFINITIONS," SECTION 8-20, "CREATED," SECTION 8-21, "MEMBERSHIP," SECTION 8-22, "OFFICERS, MEETINGS, ETC.,"; REPEALING IN ITS ENTIRETY SECTION 8-24, "REPORTS"; AMENDING SECTION 8-26, "FISCAL AFFAIRS," AND SECTION 8-27, "PRIVILEGES; OPERATION AND USE"; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STILLWATER, OKLAHOMA, THAT:

Section 1. That the Stillwater City Code, Chapter 8, titled "Aviation", Article II, titled "Stillwater Regional Airport Authority" be and the same is hereby now amended in part to read as follows:

Sec. 8-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Air navigation facility or facility* means any facility other than one owned and operated by the United States used in, available for use in, or designed for use in, aid of air navigation, including any structures, mechanisms, lights, beacons, markers, 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, and any combination of any or all of such facilities.~~

Airport means any area of land or water designated, set aside, used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

Authority means the Stillwater Regional Airport Authority as created by this article.

Sec. 8-20. - Created.

- (a) There is hereby created a municipal airport authority as authorized and permitted by the Municipal Airports Act, 1947, found in 3 O.S. § 65.1 et seq., which shall be known and is hereby designated as the Stillwater Regional Airport Authority of the city.
- ~~(b) Nothing found within this article is intended to limit, restrict or otherwise deter the city, as a municipal corporation, from providing assistance, equipment or services in times of need or upon exigent circumstances when requested by the said authority in furtherance of a total spirit of cooperation for safe and efficient air transportation.~~

Sec. 8-21. - Membership.

- (a) The authority shall consist of ~~seven~~ five voting members, all of whom shall serve by appointment of the city council. Each member shall be a qualified voter of the city at the time of appointment. At least ~~three~~ two members shall have personal knowledge concerning aircraft and/or airport operations.
- (b) The chief executive officer of the chamber of commerce and the city manager shall serve and be a part of said authority as nonvoting, ex officio members.
- (c) The city manager, or his administrative airport officer designee, shall serve, subject to any regulations which the city council may prescribe, as purchasing

agent for the contracting for any purchase, or issuing purchase authorizations for, all supplies, materials and equipment for the authority.

- (d) The term of each member shall begin on January 1 of each year. Members of the authority shall be appointed for a term three years or until their qualified successors are duly appointed. ~~Two members of the authority shall initially be appointed for a term of one year. Two members of the authority shall initially be appointed for a term of two years. The remaining three members of said authority shall be appointed for a term of three years. Thereafter, each member shall serve for a term of three years.~~ All members of the authority shall serve without compensation.
- (e) If a vacancy shall occur in the membership of the authority, by whatever means or cause, the city council shall appoint a qualified voter of the city to fill the unexpired term of that vacant position. Members of the authority shall serve at the pleasure of the city council and are subject to removal at any time for any reason.

Sec. 8-22. - Officers, meetings, etc.

- (a) Each year, at a time prescribed for the beginning term of a new member or as soon thereafter as practicable, the authority shall elect a chair, and a ~~secretary-treasurer~~ vice-chair among its members. It shall be the duty of the chair to preside over all meetings of the authority. ~~and it shall be the duty of the secretary-treasurer to keep a record of the meetings and to perform such additional duties as may be prescribed by the authority.~~
- (b) The authority shall be subject to the open meeting laws of the state, and all meetings, deliberations, and voting of the authority shall be open to the public. The authority shall adopt rules, regulations and bylaws for conducting its affairs subject to approval of the city council. ~~Four~~ Three members shall constitute a quorum for the transaction of business at any meeting. The authority shall ~~hold a minimum of 12~~ schedule monthly meetings and shall meet at all other such times as it may determine or on call of its chair.

Sec. 8-23. - Functions generally.

- (a) The authority shall have, unless otherwise specifically provided within this article, the care, management and control of all airports owned, leased or otherwise acquired or maintained by the city. The city manager shall appoint or employ an airport manager and shall be responsible for appointing or employing superintendents and officers or other regular employees. The authority shall, subject to approval of the city council, have power to:
 - (1) Adopt, amend, change, alter or repeal any rules, regulations, or bylaws for the maintenance and operation of any and all airports belonging to the city; and
 - (2) Enter into the planning, development, construction, enlargement, improvement, maintenance, equipment, operation, regulation and protection of such buildings, structures, facilities or airports as may be necessary, provided that in no case shall any expenditure or encumbrance be in excess of the amount provided and supplemented thereto by the city council for that current fiscal year and/or grants, loans or other financial assistance obtained or acquired.

The authority is hereby further authorized and permitted, out of an appropriation or other moneys made available for such purposes, to care for, maintain, improve, manage and control the grounds, buildings, structures, facilities and runways used for airport purposes and owned by the city.

- (b) The authority shall have the power to maintain an airport master plan and to plan, establish, develop, construct, equip, enlarge, improve, maintain, operate, regulate, protect and police airports and air navigation facilities, either within or without the corporate limits of the city, including the construction, installation, equipment, maintenance and operation of such airports or buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers, and the purchase and sale of supplies, goods and commodities as

incident to the operation of airport properties. For such purposes, the said authority shall use any available airport property that is now owned or controlled by the city, or that may hereafter be acquired by purchase, gift, devise, lease, eminent domain proceedings or otherwise.

- (c) It shall be the duty of the said authority to maintain, or cause there to be maintained, insurance coverage, if reasonably available, in an amount adequate and sufficient to absolve the city of any and all liability that might be incurred due to the operation of the ~~municipal~~ airport, its structures, buildings, facilities and grounds. Said insurance coverage shall be maintained at the expense of the authority.
- (d) It shall be the duty of the authority to study, review and analyze, and make reports, findings, and recommendations to the city council concerning the betterment of aviation within the city and to utilize, maintain and operate the airport and its facilities in the best interests and welfare of the people.
- (e) All decisions of the authority are subject to review by the city council, which may in its discretion, accept, reject, modify or invalidate all or part of any action taken by the authority pursuant to the provisions set forth in this article or elsewhere in this Code or applicable state law.

Sec. 8-24—8-25. -Reports. Reserved.

~~The authority shall cause there to be rendered to the city council within a reasonable amount of time at the end of each fiscal year period reports in writing which shall show, describe, set out and specify the operations and transactions of the authority during the preceding half year, and shall include a copy of the operating statements, profit and loss statements, and balance sheets for each preceding half year. The authority shall cause an annual financial statement to be prepared and submitted to the city council. Said statement shall be prepared by a certified public accountant. It shall be the duty of said authority to cause there to be submitted to the city council at least 90 days prior to the end of each fiscal year, a budget request for the operation and maintenance of the airport, its facilities, services, structures and grounds for the next ensuing fiscal year. Said request shall be initially submitted to the city manager, or his authorized designee, in triplicate.~~

Sec. 8-26. - Fiscal affairs.

- (a) The authority shall have the power to contract for any purchase, or issue purchase authorizations for all supplies, materials, equipment or service in and for the execution of the powers granted it, and for the purposes provided within this article. Such contracting, purchasing, accounting or disbursing shall be done by the said authority in accordance with those methods, procedures and practices provided for by the laws of the city and state. Routine purchases and contracts within the transactional limitations of the City Manager as established by ordinance may be made by the Airport Director without the necessity of prior approval or ratification by the Authority.
- (b) The revenues obtained from the ownership, control or operation of the airport or air navigation facility, including proceeds from the sale of any airport or portion thereof of air navigation facility property, shall be deposited in a special fund to be designated the "airport fund," which revenues shall be appropriated solely to, and used by the city the purposes authorized by this article.
- (c) The authority, except as may be limited by the terms and conditions of any grant, loan, or agreement, may sell, lease or otherwise dispose of any airport property, be it real or personal, or a portion thereof or interest therein, in accordance with the laws of the state and the city.

Sec. 8-27. - Privileges; operation and use.

The authority, except as may be limited by the terms and conditions of any grant, loan or agreement with the governments of the United States or the state, shall have the power in operating an airport or air navigation facility or service to enter into contract, lease or make other arrangement for any of the following, with any individual, firm, partnership, corporation, association, body politic, or agency for a term not to exceed five years:

- (1) Granting the privilege of using or improving such airport or air navigation facility or any portion or facility thereof, or space therein for commercial purposes;
- (2) Conferring the privilege of supplying goods, commodities, things, services or facilities at such airport or air navigation facility; or
- (3) Making available services to be furnished by the authority or its agents at such airport or air navigation facility;
provided the term may exceed five years, yet not to exceed 25 years with prior approval of the city council. In each case the authority may establish the terms and conditions and shall authorize the airport manager to fix the charges, rentals or fees for the privileges or services within the limits established by the authority, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the authority.

The Airport Director may enter into short term rentals or leases not to exceed one (1) year in duration with vendors and service providers provided that the value of the rental or lease does not exceed the transactional limitations of the City Manager as established by ordinance

Sec. 8-28. - Contract for airport operation.

Except as may be limited by the terms and conditions of any grant, loan, or agreement with the governments of the United States or the state, the authority may by contract, lease, or other arrangement, upon a consideration fixed by it, grant to any qualified individual, firm, partnership, corporation, association, body politic, or agency for a term not to exceed five years, and only with the prior approval of the city council, the privilege of operating, as agent of the authority or otherwise, any airport owned or controlled by the authority; provided, that no such person shall be granted any authorization to operate such airport other than as a public airport or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the authority might not have undertaken.

Sec. 8-29. - Governmental function.

The acquisition of any land or interest therein pursuant to this article and the laws of the state, the planning, acquisition, establishment, development, construction, improvement, maintenance, equipment, operation, regulation, protection and policing of airports and air navigation facilities, including the acquisition or elimination of airport hazards, and the exercise of any other powers herein granted to the authority, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity.

Sec. 8-30. - Charges for airport services.

Charges for services provided by the city at the airport, including but not limited to aircraft repair and maintenance, aircraft storage, hangar rental and gasoline sales, shall be due and payable monthly according to dates to be determined by the authority; and each monthly bill shall indicate thereon the due date. A late payment charge in an amount equal to 1½ percent of the total amount due on each monthly bill will be added in the event the bill is not paid on or before the due date stated on the bill. The due date shall be 30 days after the bill is mailed.

Secs. 8-31—8-48. - Reserved.

PASSED, APPROVED, AND ADOPTED THIS ____ DAY OF DECEMBER 2018.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

ELIZABETH CHRZ, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF DECEMBER 2018.

JOHN E. DORMAN, CITY ATTORNEY

EMERGENCY CLAUSE

THE EMERGENCY CLAUSE IS HEREBY PASSED, APPROVED AND
ADOPTED THIS ____ DAY OF NOVEMBER 2018.

WILLIAM H. JOYCE, MAYOR

ATTEST:

ELIZABETH CHRZ, CITY CLERK

(SEAL)

APPROVED AS TO FORM AND LEGALITY THIS ____ DAY OF DECEMBER 2018.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 11-19-18
Second Reading: 12-3-18