



Legislation Text

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AN ORDINANCE TO ESTABLISH THE MUNICIPAL AIRPORT COMMISSION, PROVIDE FOR ITS COMPOSITION AND TO VEST SUCH COMMISSION WITH AUTHORITY TO CONTROL AND OPERATE THE MUNICIPAL AIRPORT (**NOTE: THIS ORDINANCE WAS AMENDED BY ORD-89:1321 ON FEBRUARY 20, 1989; ORD-05:234 ON APRIL 19, 2005**)

BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

Section 1: Pursuant to the provisions of Acts of Arkansas, 1949, No. 53, as amended, (hereinafter referred to as “the Act”) there is hereby created a Commission to be known as the Jonesboro Municipal Airport Commission. Such Commission is created for the purpose of operating and managing the Jonesboro Municipal Airport, its related properties and facilities, and it shall have all of the powers, duties and responsibilities set forth in said Act. Such Commission shall assume and undertake such powers, duties and responsibilities upon the appointment, acceptance, confirmation and the taking of oath of office by each of the Commissioners. Upon confirmation of the initial Commissioners by the City Council the Mayor and City Clerk shall be authorized to execute such instruments as may be necessary to vest complete charge of said airport, its related properties and facilities, in the Commissioners so appointed and confirmed.

Section 2: The Commission shall be composed of five citizens who are qualified electors of the City of Jonesboro. At least one of the five members shall be fully experienced in aviation, holding some type of pilot aeronautical rating, provided however, that if there is not any citizen experienced in aviation, holding some type of pilot aeronautical rating, who is available or willing to serve on said Commission, then the City Council may waive this requirement. No member of such Commission shall hold any elective or other appointive office under the Municipal, County, State or Federal government while a member of said Commission, neither shall any such member be a candidate for any elective office while a member of said Commission. Provided further, no member of said Commission shall engage financially in any aeronautical enterprise while a member of the Commission.

Section 3: The Commissioners shall be appointed by the Mayor and confirmed by a three-fourth vote of the duly elected and qualified members of the City Council, and shall hold office for a term of five (5) years; provided that the Commissioners first appointed and confirmed after the passage of this Ordinance shall serve for terms of 1, 2, 3, 4 and 5 years each, to be designated by the Mayor and therefore upon the expiration of their respective term, their successors shall be appointed by the Mayor, subject to the approval of three-fourths of the duly elected and qualified members of the City Council for a term of 5 years. The Commissioners shall file the oath required by law in the State of Arkansas. Any Commissioner may be removed upon a three-fourths vote of the duly elected and qualified members of the City Council. Any and all vacancies on the Commission shall likewise be filled by appointment of the Mayor, subject to confirmation by the City Council. The City Council retains the authority to fix and prescribe, by appropriate resolution, any compensation to be paid to Commissioners.

Section 4: The Commissioners shall have full and complete authority to manage, operate, improve, extend and maintain the Municipal Airport, its related properties and facilities and shall have full and complete charge of said airport, its related properties and facilities, including the right to employ or remove any and all assistants

and employees of whatsoever nature, kind or character and to fix, regulate and pay their salaries, it being the intention of this Ordinance to vest in said Commissioners unlimited authority to operate, manage, maintain, improve and extend said airport, its related properties and facilities and to have full and complete charge thereof. Without limiting the generality of the foregoing, the Commission shall have power to enter into such contracts, agreements and arrangements as necessary to provide for airport service and operations, such contracts, agreements and arrangements to pertain to all of the airport property and facilities for the purpose of providing general airport services and facilities, aircraft maintenance, charter services, flight training, fixed base operations and any and all other necessary, appropriate and convenient goods or services; and the Commission shall have power to lease or rent any part or all of such airport property and facilities on short term or long term bases, as the Commission shall deem necessary and appropriate to perform their duties and responsibilities and provide the desired services.

Section 5: Except as specifically reserved herein, or as such may be reserved by the laws of the State of Arkansas to the governing body of municipality, the power and authority conferred upon the Commission by this Ordinance shall be full and complete and it shall not be necessary that the Jonesboro City Council ratify, approve or confirm any action taken by the Commission. Provided however, that nothing in this Ordinance shall be construed as authorizing the Commission to incur any indebtedness or obligations for which the City would have a general obligation.

Section 6: All revenue derived from the operation of the airport, after paying the operating expenses and maintenance, shall be set aside the used for additional improvements on such airport, or for the retirement of bonds and interest thereon issued or advancement made after the passage of the Act for the purchase and improvement of such airport.

Section 7: The Commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation and management of said airport, its related properties and facilities and shall have authority to alter, change or amend such rules and regulations at their discretion. The Commission shall comply or cause to be complied with, all Civil Air Regulations of the Federal and State government to air worthiness of aircraft, certification of aircraft, and operation of aircraft. They shall protect all of the aerial approaches to the airport in so far as it comes within their jurisdiction.

Section 8: The Commissioners shall keep a record of all revenues and expenditures of the airport, its related property and facilities, and shall submit monthly reports to the Mayor and City Council. The Commissioners shall also file an annual report in accordance with the provisions of Section 13 of the Act and the City Council may require that any or all reports be audited and certified by a Certified Public Accountant.

Section 9: The Commissioners shall submit to the City annually, before the City prepares its budget, a statement of the amount of funds necessary for maintenance, operation and management of the airport, its related properties and facilities above the estimated revenue and the funds remaining on hand.

Section 10: The Commissioners shall have, in addition to the above enumerated powers such other and further powers as now given by law to the Board of Public Affairs and the City Council of any City and they have be governed by all existing statues pertaining to the duties of Boards of Public Affairs and City Councils.

Section 11: If any of the provisions of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 12: Section 3-2, "Municipal Airport Commission created; Composition" of City of Jonesboro Ordinance No.1242 (October 20, 1969) is hereby repealed and the Commission created by such Ordinance is hereby abolished. All other Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict. Provided however, that all rules and regulation now in effect for the regulation and governing of the airport shall remain in full force and effect until such time as such rules and regulations are revised, amended or replaced by new rules and regulations promulgated by the Commission created by this Ordinance. The codifier of the City of Jonesboro Code of Ordinances shall codify the provisions of this Ordinance according to his discretion in Chapter Three of the Code of Ordinances.

Section 13: It is found and declared by the City Council of the City of Jonesboro, Arkansas, that an Airport Commission vested with authority to control and operate the municipal airport, in accordance with the Arkansas Airport Commission Act, is necessary for implementation of plans of improvement for the airport and for the preservation of the public peace, health and safety, and therefore an emergency is hereby declared to exist and this Ordinance shall take effect from and after its passage and approval.

PASSED and ADOPTED this 18th day of April, 1977.