

**AN ORDINANCE TO REVISE THE PROVISIONS FOR MANAGEMENT AND ADMINISTRATION OF THE MUNICIPAL AIRPORT BY AMENDING CHAPTER 2.72 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has adopted ordinances that establish the Rapid City Regional Airport Board; and

WHEREAS, the City has also adopted ordinances that provide for the Board's powers and responsibilities; and

WHEREAS, the Board hired a professional consultant to review and recommend revisions to the Airport's governing documents; and

WHEREAS, the Common Council desires to update the existing ordinances in accordance with the consultant's recommendations and to update provisions to reflect best practices for operations and management of the Airport.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 2.72 Of the Rapid City Municipal Code be and is hereby amended to read in its entirety as follows:

**CHAPTER 2.72: RAPID CITY REGIONAL AIRPORT BOARD**

Section

- 2.72.010 Created.
- 2.72.020 Members—Qualifications— Compensation.
- 2.72.030 Members—Appointment—Terms— ~~Removal~~ Vacancies.
- 2.72.035 Members—Removal.
- 2.72.040 Bond requirements.
- 2.72.050 Officers—Election—Terms.
- 2.72.060 Officers and employees— Compensation—Duties.
- 2.72.070 Powers.
- 2.72.080 Signature authority.
- 2.72.090 Meetings—Quorum.
- 2.72.100 Recordkeeping and reporting requirements.
- 2.72.110 Legal advisor.
- 2.72.115 ARFF services.
- 2.72.120 Budget preparation.
- 2.72.130 Funds requisitions.
- 2.72.140 Reporting requirements—Records inspection.

**2.72.010 Created.**

There is created for the city an Airport Board, to be known as the Rapid City Regional Airport Board, as authorized by SDCL § ~~50-6-4~~ 50-7-13.

### **2.72.020 Members–Qualifications–Compensation.**

A. The Board shall be composed of 5 members, each of whom shall be a resident of the city or of the city's extraterritorial platting jurisdiction as provided by SDCL ch. 11-6. Members shall be appointed as hereinafter provided and shall serve without compensation; however, nothing herein shall limit payment to members as reimbursement for expenses incurred in the performance of duties as members of the Board in accordance with applicable city policies and regulations.

B. No member of the Board shall have direct or indirect financial interest in any lease or concession agreement at the airport. However, a licensed pilot who leases space from the Board for a non-commercial hangar shall be eligible to serve on the Board provided the member abstains from voting on any action pertaining to his or her lease. Members shall at all times follow all laws, ordinances, rules and policies related to conflicts of interest.

### **2.72.030 Members–Appointment–Terms–Removal–Vacancies.**

The Mayor shall appoint and the Council shall approve each member of the Board for a term of 3 years; provided that the current members of the Board will serve until their appointments expire. Thereafter, appointments shall be made as they expire. No member shall serve more than 2 consecutive ~~3-year~~ terms. Any vacancy shall be filled for the unexpired term in the same manner as members are appointed. If the unexpired term is less than two years, such partial term shall not be counted as a term for purposes of the 2-term limit imposed herein.

### **2.72.035 Members – Removal.**

The Mayor with the confirmation of the Common Council, shall after public hearing have authority to remove any member of the Board for cause, which cause shall be stated in writing and made a part of the record of the hearing.

### **2.72.040 Bond requirements.**

Each member of the Board shall, upon entering upon his or her official duties, give bond to the city in the sum of \$5,000, conditioned upon the faithful performance of the duties of his or her office. The bond shall be approved by the Council and shall be filed, together with his or her oath of office, in the office of the Finance Officer. All premiums for bonds required under this section shall be paid by the city.

### **2.72.050 Officers–Election–Terms.**

The Board shall, at its first meeting in May, elect from among its members a President, Vice President and a Secretary, each of whom shall serve for a term of 1 year or until a successor is elected and qualified. The Vice President shall act in the absence or disability of the President.

### **2.72.060 Officers and employees–Compensation– Duties.**

The Board may appoint and employ such officers and employees as it may deem necessary and shall by resolution prescribe and fix their duties and compensation, in accordance with the city's annual salary ordinance, nonunion personnel policy resolution or union contract as may be applicable. All employees of the airport shall be deemed employees of the city and subject to the nonunion personnel policy or applicable union contract.

### **2.72.070 Powers.**

A. The Board shall have the power to establish, improve, care for, regulate and manage the Rapid City Regional Airport, to erect buildings and structures thereon, and, with the approval of the Council, acquire land for airport purposes. However, expenditures shall not exceed appropriations as determined and set by the Common Council.

B. The Board shall have the power to sell, trade, loan, destroy, or otherwise dispose of any structures, vehicles, equipment, or other personal property which the Board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired. The Board shall follow all applicable state law, city ordinance, and city policy for disposal of surplus property. Upon passage of a resolution declaring any property surplus, the Board shall promptly notify the Finance Officer of such action.

C. The Board shall have the power to lease Airport land and/or improvements, to allow the occupancy and/or development of Airport land or improvements, and to enforce the provisions of any lease, occupancy or development agreement.

D. The Board shall have the power to grant, by permit, agreement, or otherwise, the right to engage in aeronautical and non-aeronautical activities at the Airport.

E. The Board shall have the power to approve, adopt, implement, supplement, amend, modify, and enforce such rules, regulations, standards, directives, agreements, and policies as are necessary and proper for carrying out its duties to manage the airport.

### **2.72.080 Signature authority.**

The President of the Board, and in his or her absence or disability the Vice President, shall have authority to sign, execute and acknowledge in the name of the Board all maps, plats, contracts or documents of any character required by this chapter or by SDCL Chapter 50-67.

### **2.72.090 Meetings–Quorum.**

The Board shall hold regular meetings at least once each month and shall hold such special meetings as it deems proper. Three members shall constitute a quorum.

### **2.72.100 Recordkeeping and reporting requirements.**

The Secretary of the Board shall keep a record of its proceedings and shall make the reports as shall be required by the Board. In his or her absence or disability to act, the Board may appoint a secretary, pro tempore, to perform his or her duties.

### **2.72.110 Legal advisor.**

The City Attorney shall be the legal advisor of the Board.

### **2.72.115 ARFF services.**

The Board shall utilize the Rapid City Fire Department for aircraft rescue and firefighting (ARFF) services required by federal and state laws and regulations. ARFF services provided, training of personnel, equipment procurement, payment of costs, and other matters shall be subject to agreement between the Board and the Department of Fire and Emergency Services.

**2.72.120 Budget preparation.**

The Board, on or before August 15 each year, shall make an estimate of the amount of money necessary for maintaining, establishing, improving, caring for, regulating and managing the Rapid City Regional Airport and for necessary structures and buildings to be placed thereon for the ensuing year. The estimate shall specify the amount required therefor and shall be certified by the Secretary to the Finance Officer on or before September 1 of each year.

**2.72.130 Funds requisitions.**

The President of the Board, and in his or her absence or disability the Vice President, shall have authority to requisition funds from the Finance Officer, which requisition shall be countersigned by the secretary or, in his or her absence or disability, some member of the Board other than the President or Vice President.

**2.72.140 Reporting requirements–Records inspection.**

The Board shall make an annual report to the Council of its accounts and expenditures. The Council may require a report from the Board at any time and the books, papers, records and accounts shall be open to the inspection of the Council and its officers and agents.

CITY OF RAPID CITY

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Mayor

Attest

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Finance Officer

(seal)