

ORDINANCE NO. 3457

“AN ORDINANCE AMENDING THE STILLWATER CITY CODE BY AMENDING CHAPTER 8, AVIATION, ARTICLE II, STILLWATER REGIONAL AIRPORT AUTHORITY, TO AMEND SECTION 8-19, DEFINITIONS; SECTION 8-20, CREATED; SECTION 8-21, MEMBERSHIP; SECTION 8-22, OFFICERS, MEETINGS, ETC.; SECTION 8-23, FUNCTIONS GENERALLY; TO CREATE SECTION 8-24, OPERATIONS; TO AMEND SECTION 8-25, RULES, REGULATIONS AND ORDERS; SECTION 8-26, FISCAL AFFAIRS; SECTION 8-27, PRIVILEGES; OPERATION AND USE; SECTION 8-28, CONTRACT FOR AIRPORT OPERATION; SECTION 8-29, GOVERNMENTAL FUNCTION; AND SECTION 8-30, CHARGES FOR AIRPORT SERVICES”

(AMENDMENTS HIGHLIGHTED BY STRIKETHROUGH AND UNDERLINING)

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

SECTION 1: That the Stillwater City Code, Chapter 8, Aviation, Article II, Stillwater Regional Airport Authority, Sections 8-19 to 8-30, be amended to read as follows:

ARTICLE II. - STILLWATER REGIONAL AIRPORT AUTHORITY ~~ADVISORY BOARD~~

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:

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.

Board means the Stillwater Regional Airport Advisory Board as created by this article.

Sec. 8-20. Created.

There is hereby created a municipal airport ~~authority~~ advisory board 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. Advisory Board.

Sec. 8-21. Membership.

- (a) The ~~authority~~ advisory board shall consist of 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 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~~ advisory board 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~~ advisory board.
- (d) The term of each member shall begin on January 1 of each year. Members of the ~~authority~~ advisory board shall be appointed for a term three years or until their qualified successors are duly appointed. All members of the ~~authority~~ advisory board shall serve without compensation.
- (e) If a vacancy shall occur in the membership of the ~~authority~~, advisory board 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 advisory board 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 advisory board shall elect a chair, and a vice-chair among its members. It shall be the duty of the chair to preside over all meetings of the authority- advisory board.
- (b) The authority advisory board shall be subject to the open meeting laws of the state, and all meetings, deliberations, and voting of the authority advisory board shall be open to the public. The authority advisory board shall adopt rules, regulations and bylaws for conducting its affairs subject to approval of the city council. Three members shall constitute a quorum for the transaction of business at any meeting. The authority advisory board shall schedule monthly meetings establish an annual meeting schedule 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, 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 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.

The board shall perform the following functions:

- (a) annually review the schedule of airport rates and charges, the consumer price index and all other metrics and measures used for leases and other multi-year agreements and make necessary recommendations regarding these items to the City Council for the upcoming fiscal year;
- (b) periodically review terms and conditions for standard airport leases and contract documents;
- (c) review airport ordinances, regulations, rules, standards and operational policies as needed and make appropriate recommendations to the city council;
- (d) direct planning activities for the airport, the establishment of airport master plans and present the same to the city council for consideration and adoption;
- (e) study, review and analyze, and make reports, findings, and recommendations to the city council concerning the betterment of aviation within the city; and
- (f) other airport-related tasks assigned by the city council.

Sec. 8-24. Reserved.

Sec. 8-24. Operations.

The city manager is hereby charged with the day-to-day operation, care, management and control of all airports owned, leased or otherwise acquired or maintained by the city. In addition, he shall have the authority to:

- (a) employ an airport manager and other employees and agents to perform these tasks;
- (b) enter into agreements with fixed base operators, aviation based-services and airport vendors for rental or short-term leasing of airport facilities and real property for a term of one (1) year or less;
- (c) authorize the renewal of multi-year airport facility and ground leases provided the renewal term does not exceed one (1) year;
- (d) approve transfer or leasehold or rental interests of a duration of one (1) year or less;
- (e) approve annual fueling and self-fueling permits;
- (f) authorize purchases on behalf of the airport consistent with state law and city purchasing standards and procedures;
- (g) grant temporary airport use privileges for a term not to exceed one (1) year pursuant to standards adopted by the board and city council; and
- (h) other duties as assigned by the city council by resolution.

All other matters involving the operation, care, management and control of airports owned, leased or otherwise acquired or maintained by the city shall reside with the city council.

Sec. 8-25. Rules, regulations and orders.

- (a) The authority shall, subject to approval of the city council, have the power to make and alter, from time to time, all rules, regulations, standards and orders for the maintenance and conduct of the airport, its facilities, properties, services and grounds, including any activity or activities occurring or proposed to occur thereon.
- (b) All rules, regulations and orders which are issued by the authority shall be kept in substantial conformity with the laws of the state and any regulation or rule promulgated or standards established pursuant thereto, and as nearly as may be, with the federal laws governing aeronautics and the rules, regulations and standards duly issued thereunder. All air navigation facilities established or operated by the authority shall be supplementary to and coordinated in design and operation with those established by the governments of the United States and the state.

Sec. 8-265. 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, including proceeds from the sale of any airport 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 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 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
- (3) Making available services to be furnished by the authority or its agents at such airport;

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 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. 8-286. 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 city 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 city or otherwise, any airport owned or controlled by the authority city; 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 city might not have undertaken.

Sec. 8-297. 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, including the

acquisition or elimination of airport hazards, and the exercise of any other powers herein granted to the authority advisory board, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity.

Sec. 8-3028. 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 city council upon recommendation by the board; 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.

PASSED, APPROVED, AND ADOPTED THIS 14TH DAY OF SEPTEMBER, 2020.

WILLIAM H. JOYCE, MAYOR

(SEAL)
ATTEST:

TERESA KADAVY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 14TH DAY OF SEPTEMBER, 2020.

JOHN E. DORMAN, CITY ATTORNEY

First Reading: 8-24-20
Second Reading: 9-14-20