

ORDINANCE # 130

AN ORDINANCE DISSOLVING THE AIRPORT BOARD PREVIOUSLY CREATED BY RESOLUTION; RATIFYING THE ACTIONS THEREOF; CREATING AN AIRPORT BOARD BY ORDINANCE; DEFINING THE TERMS OF OFFICE OF ITS MEMBERS; PROVIDING FOR THE APPOINTMENT OF THEIR SUCCESSORS AND THE REMOVAL OF MEMBERS OF SAID BOARD; PROVIDING A TABLE OF ORGANIZATION; DEFINING A QUORUM; VESTING THE CONTROL AND SUPERVISION OF THE WHEELER MUNICIPAL AIRPORT IN SAID BOARD; FOR THE RENTAL OF PROPERTIES; PROVIDING FOR AN ACCOUNTING OF FUNDS; PROVIDING PENALTIES FOR VIOLATION OF REGULATIONS, AND DECLARING AN EMERGENCY

WHEREAS. the City Council has determined that the passage of the Ordinance set forth below would be in the best interest of the citizens of the City of Wheeler, NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEELER:

"SECTION 1.

It appearing to the City Council that the Council has by resolutions previously passed created an Airport Board for the Wheeler Municipal Airport; and it appearing further that the creation of such Airport Board should have been accomplished by passage of an ordinance rather than by resolution of the City Council, the Airport Board previously created by resolution of the City Council is hereby dissolved and the terms of office of all of the members previously appointed thereto are hereby terminated.

"SECTION 2.

Each and all of the official actions taken by said Airport Board prior to the dissolution thereof are hereby ratified and confirmed by the City Council.

"SECTION 3.

There is hereby created and established an Airport Board to be composed of five members, each of whom shall be a resident citizen of the City of Wheeler and/or Wheeler County, Texas, and such board shall be officially designated as the Airport Board of the City of Wheeler, Texas. The members of the Board shall be appointed by the City Council and shall hold their office for a term of three years, except that three of such members, to be chosen by lot, shall be appointed for terms of one, two or three years in such a manner that the terms of office of not more than two members of the Board will expire in any one year, and thereafter their successors shall hold office for three years and until their successors are appointed.

"SECTION 4.

No salary or compensation of any sort shall be paid to the members of said Airport Board for their services.

"SECTION 5.

Upon the death, resignation, removal or expiration of the term of office of any member of the Airport Board, the remaining members shall recommend for the consideration of the City Council not less than one nor more than three individuals as a possible successor, and the City Council shall then appoint a board member of its own choice, whether or not such board member may have been one of those recommended for a position on the Airport Board by the existing members of such Airport Board. The City Council of the City of Wheeler is hereby vested with full authority to remove all or any of the members of said Airport Board at the discretion of the City Council.

"SECTION 6

When the City Council of the City of Wheeler has appointed five persons to comprise the Airport Board of the City of Wheeler, said Board shall, as soon thereafter as practicable, hold an organizational meeting and shall appoint one of its members as chairman, and one of its members as vice-chairman, and it shall be the duty of the chairman, and in the absence of the chairman, the vice-chairman, to preside at all meetings of the Board. The secretary shall keep a record of all of the proceedings of said Board, which shall subsequent to each meeting of said Board be delivered to the City Council for inspection and review thereby.

"SECTION 7

Any three members of the Airport Board meeting together shall constitute a quorum for the transaction of business.

"SECTION 8

The Airport Board shall have the general supervision of the Wheeler Municipal Airport and shall have power to prescribe and formulate reasonable rules governing the operation of the Airport and the conduct of flying thereon; subject, however, to the provisions of any superior law governing the same. All rules and regulations formulated by said Board shall, before the same become

effective, be submitted to the City Council of the City of Wheeler for approval, to ~~be~~ evidenced by an ordinance covering the subject matter. The Airport Board shall have the power and authority, subject to the Approval of the City Council and the rules and regulations of the City of Wheeler pertaining to personnel, to approve the personnel necessary to be employed by the City of Wheeler for the operating and supervision of said Airport. The delegation of authority and powers, however, shall never be construed to limit or control, in any manner, the power of the City Council of the City of Wheeler to limit and control expenditures to ~~be~~ made in connection with said airport and as provided by budgeting laws governing municipalities.

"SECTION 9.

There is hereby designated a fund which shall be referred to and designated as the Airport Revenue Fund.

The Auditor of the City of Wheeler is directed to establish this fund, as designated, in the City depository and in his accounts, and to place in said fund all airport revenues not otherwise disburseable, as of the 19 day of August, 1985. All revenues hereafter produced by operation of the Airport shall be paid into this fund, and no disbursements shall be made therefrom except for the purpose of operating, maintaining, and developing said Airport. All such expenditures shall be made within the amounts and limits established by the City Council for the Airport budget ~~for~~ each fiscal year, and it shall be the further duty of the chairman of the Airport Board to timely submit to the City Council of the City of Wheeler an annual budget recommended and approved by the Airport Board. All monies appropriated ~~out of the~~ general funds each fiscal year or current year for the support and maintenance of the Municipal Airport shall be ~~delivered~~ to the Airport Board and their receipt taken therefor, and warrants on said funds shall be drawn by the Airport Board upon the signature of the chairman of said Board, and no debts shall be contracted by said Airport Board nor any member thereof on account of the use and operation of said Municipal Airport unless the same is so directed and authorized by the City Council of the City of Wheeler, nor shall any debts ever be created by said Airport Board on account of the maintenance and operation of the same in excess of the appropriation for such purposes for the current year, without the express resolution of the City Council authorizing same. The City Council of the City of Wheeler may annually appropriate out of the General Fund of the City such amounts as in its judgment will be necessary to properly maintain its municipal airport.

"SECTION 10.

When the City Council has approved minimum rentals for land, buildings and facilities at the airport and such approval has been duly evidenced by a resolution of the City Council, the Airport Board shall be and is hereby authorized and directed to rent such land, buildings and facilities at or above said minimum rentals; and the chairman of the Airport Board is authorized to execute rental agreements, when so approved by the Airport Board, on behalf of said Board, for periods not exceeding two years, unless the City Council shall by resolution expressly approve any such agreement for a longer term. It is hereby made the duty of the Airport Board to receive and account for all monies received at the Airport for such rentals and for the sale of any oil and gasoline, and any and all other revenues that may be received by them, or such employees as they may have under their direction.

"SECTION 11

The Airport Board shall make reports of expenditures of funds entrusted to them from time to time as requested by the City Council, and shall make annual reports of the receipts and disbursements of all funds coming into their hands for the support and maintenance of the Municipal Airport of the City of Wheeler, which report shall be filed with the City Secretary and shall be open to public inspection at all times.

"SECTION 12

In addition to the authority delegated to the Airport Board the Airport Board shall, from time to time, as it may deem proper, submit to the City Council its written recommendations for improving airport services and for establishing rules and regulations and changes thereto.

"SECTION 13.

Upon the formulation and adoption of any rules governing the operation of the Wheeler Municipal Airport, and the enactment of same into law by ordinance, any person who violates any such rules and regulations shall be guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than \$200.00 for each 24-hour period in which such violation occurs, each such 24-hour period during which a violation occurs to constitute a separate violation.

"SECTION 14

This ordinance is declared an emergency measure and this ordinance is hereby passed on the day of its introduction."

AND IT IS SO ORDERED

Passed unanimously on this 16 day of August, 1985

Louis C. Stas
Louis C. Stas, Mayor,
City of Wheeler, Texas

ATTEST

Mildred Ramsey
City Secretary