

April 20, 1987

ORDINANCE NO. 2792

AN ORDINANCE AND RESOLUTION CREATING A REGIONAL AIRPORT AUTHORITY TO OPERATE AND MAINTAIN AN AIRPORT, GRANTING CERTAIN RIGHTS, REAL AND PERSONAL PROPERTY, AND SETTING FORTH CONDITIONS, REGULATIONS AND LIMITATIONS THERETO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, AND NORTH DAKOTA CENTURY CODE CHAPTER 2-06, THAT:

**SECTION 1 Preamble, Creation of Authority**

WHEREAS, a public hearing on the matter of the creation of a Regional Airport Authority was held, pursuant to NDCC §2-06-03 on the 6th day of April and 20th day of April, 1987; and

WHEREAS, it is now necessary to determine and declare the public convenience and necessity of such an authority and to create such an authority;

BE IT NOW THEREFORE RESOLVED AND ORDAINED that the public convenience and necessity require the creation of a Regional Airport Authority; pursuant to the provision of the Home Rule Charter of the City of Grand Forks, North Dakota, and the provisions of North Dakota Century Code Chapter 2-306, there is hereby created an authority, being a public body, corporate and politic, to construct, reconstruct, improve, operate, manage, regulate and maintain a Regional Airport with the County of Grand Forks, North Dakota.

**SECTION 2 Intent and Purpose**

It is the intent and purpose by adoption of this ordinance and resolution that the Regional Airport Authority is to accommodate the community and region at large with a cohesive governing body or Board of Commissioners that will provide the policy, structure, zoning, land acquisition, regulations and approval process necessary to oversee the development and management of an airport for the good of the communities and area which it serves. This purpose includes sound fiscal management functions, the adoption and approval of all operating maintenance budgets and capital improvement programs in addition to the appropriate staffing of a professional airport management team.

### **SECTION 3 Name**

Such Regional Airport Authority shall be designated and named by joint resolution of the City Council for the City of Grand Forks, North Dakota, and the County Commission for the County of Grand Forks, North Dakota.

### **SECTION 4 Powers**

Subject to any restrictions or limitations herein, the Regional Airport Authority created hereunder shall have such powers as granted by North Dakota Century Code Chapter 2-06.

### **SECTION 5 Incorporation**

The Regional Airport Authority created hereunder shall be a public body, corporate and politic. The chairman of the Commission, as established herein, shall file, in joint action with the Auditor for the City of Grand Forks and the Auditor for the County of Grand Forks, a certified copy of the ordinance and/or resolution adopted by the respective entities with the North Dakota Secretary of State for the issuance of a certificate of incorporation as provided for by NDCC Chapter 2-06.

### **SECTION 6 Members**

The powers and responsibilities of the Regional Airport Authority shall be vested in a Board of Commissioners consisting of five members; three of which shall be residents of the City of Grand Forks and appointed by the Mayor of the City of Grand Forks and confirmed by the City Council for the City of Grand Forks. Two members shall be appointed by the County Commission for the County of Grand Forks and shall be residents of either the City of Grand Forks and/or the County of Grand Forks. Commissioners first appointed shall be appointed for terms of one, two, three, four and five years, but thereafter, each Commissioner shall be appointed for a term of five years. The Commissioners first appointed by the County Commission for the County of Grand Forks shall serve the initial term of two and four years, respectively. The initial members to be appointed by the City of Grand Forks shall serve the initial term of one, three and five years, respectively.

### **SECTION 7 Qualifications**

Qualifications for the selection for Regional Airport Authority's Board of Commissioners by the participating cities and/or counties are as follows:

- a. A minimum of one Commissioner, appointed from any of

the classifications set forth hereinafter, shall hold a valid Airman Certificate issued by the FAA of at least a private rating. Student certificates shall not qualify.

b. Three Commissioners shall be selected and appointed from the following professions or areas of expertise:

(1) Persons licensed to practice law before the highest court in the State of North Dakota and having actively practiced his or her profession for the preceding five years.

(2) Persons from the field of banking, finance or investments and having actively practiced his or her profession for the preceding five years.

(3) Persons from the field of commercial insurance and shall having actively practiced his or her profession for the preceding five years.

(4) Persons from the fields of industry, commerce, engineering, accounting, planning, labor or agriculture, and having actively practiced his or her profession or vocation for the preceding five years.

c. The remaining Commissioners as well as Commissioners for additional participants shall be selected at large, being representative of the general public.

#### **SECTION 8 Chairperson**

There shall be elected a chairperson and vice chairperson from among the appointed Commissioners.

#### **SECTION 9 Additional Participants**

Additional counties and/or cities, whether in the State of Minnesota or North Dakota, may participate and become a member of said Regional Airport Authority upon resolution and agreement.

#### **SECTION 10 Additional Members of Board**

The number of Commissioners shall be expanded by one member for each newly participating city having a population in excess of 7,500. The number of Commissioners shall be expanded by one member for each newly participating county. Said Commissioners shall be appointed by the newly participating city and/or county for a term of five years. Such Commissioner may be appointed from any of the qualifications as set forth in Section 7 herein.

## **SECTION 11 Contribution by Additional Participants**

Additional counties participating in the Regional Airport Authority shall contribute an amount equal to the revenue generated by four mills levied upon all property within the county, including that property within cities, townships or park districts having an airport levy. Additional counties participating in a Regional Airport Authority shall contribute an amount equal to the revenue generated by four mills levied upon all property within the County, including that property within cities, townships or park districts having an airport levy. In the event contributions by the City of Grand Forks and the County of Grand Forks should decrease from levels existing after the initial participation of additional counties, such additional counties shall have a similar pro rata reduction in the required contribution.

## **SECTION 12 Vacancy**

Any vacancy by reason of non-residence, incapacity, resignation, removal or death shall be filled in the manner provided for the appointment of Commissioners herein for the unexpired term. A Commissioners term shall be continued until the appointment of a successor.

## **SECTION 13 Removal**

A Commissioner may be removed from office by two-thirds vote of the governing body for the appointing participant, but only after the service of notice stating such cause for removal is made upon the individual Commissioner or Commissioners and then upon the public hearing of such removal matter.

## **SECTION 14 Salary**

No salary shall be paid to the Commissioners but such Commissioner shall be entitled to reimbursement for actual, reasonable and necessary expenses incurred in the performance of their official duties.

## **SECTION 15 Regulations**

The Regional Airport Authority Board of Commissioners shall have the power to adopt such policies, procedures, rules and/or regulations as it may determine to be reasonably necessary and/or convenient.

## **SECTION 16 Records and Reports**

The Regional Airport Authority Board of Commissioners shall keep a full and complete record of all transactions of

the Authority. The Regional Airport Authority shall provide a detailed report on or before the first day of January of each year to the governing bodies for the participating entities.

#### **SECTION 17 Civil Service**

The Regional Airport Authority Board of Commissioners shall establish procedures, rules and regulations providing for the classification of employees, employment criteria, pay schedules, grievances and appeals for the employees of the Regional Airport Authority, except the Regional Airport Authority Commissioners.

#### **SECTION 18 Retirement and Pension Plan**

The Regional Airport Authority Board of Commissioners shall provide and establish a retirement and pension plan for benefit of all Authority employees, except the Regional Airport Authority Commissioners.

#### **SECTION 19 Conflict of Interest**

a. No person, while a member of the Regional Airport Authority Board of Commissioners, shall receive any income, other than dividends or other earnings from a mutual fund or trust if these earnings do not constitute a significant portion of a person's income, directly or indirectly from any association, firm, corporation, business or other organization doing business on any airport property under the Authority's jurisdiction.

b. No person, while a member of the Regional Airport Authority Board of Commissioners or an employee of the Regional Airport Authority, shall participate in any manner in any decision or action of the Board of Commissioners where that person has a direct or indirect financial interest. However, persons purchasing oil, fuel or other concessions, or leasing hangar space, real estate or having other minimal business contacts with the Regional Airport Authority shall not be excluded from participation.

c. No person is eligible to be appointed as a member of the Regional Airport Authority Board of Commissioners if the person has been employed with an entity, or an affiliated company of an entity, that has been doing business on any airport property under the Authority's jurisdiction within one year from the date when the person's term on the Commission will begin.

d. No two members of the Regional Airport Authority Board of Commissioners shall be appointed from the same public or private institution, organization, firm or business.

## **SECTION 20 Transfer Agreement**

The Mayor of the City of Grand Forks is hereby authorized and empowered to negotiate the terms, conditions and provisions of a transfer agreement with the Regional Airport Authority for the orderly transfer of real and personal property, indentures, indebtedness, financial obligations, contracts, agreements, personnel and all other matters incidental, necessary or convenient to the establishment and operation of the Regional Airport Authority created hereunder. However, said transfer agreement shall not be effective without the approval and concurrence of a majority of the City Council for the City of Grand Forks, North Dakota.

## **SECTION 21 Grant of Usage of Real and Personal Property**

The conveyance, grant or usage of any and all real and/or personal property shall be in the manner set forth in the transfer agreement as provided for by Section 18 herein.

## **SECTION 22 Tax Levy Limitations**

The amount of any tax certified for collection by the Regional Airport Authority to the governing bodies of the participating entities shall not exceed the maximum levy permitted by NDCC §57-15-06.7(1) for counties and §57-15-15(18) for cities.

## **SECTION 23 Applicable Law**


Any and all actions by the Regional Airport Authority Board of Commissioners shall be undertaken pursuant to and in accordance with the provisions of North Dakota law.

## **SECTION 24 Repealing Clause**

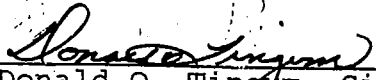
Any resolutions, ordinances, orders, regulations or parts thereto in conflict herewith or, to the extent of such conflict, are hereby repealed.

## **SECTION 25 Effective Date**

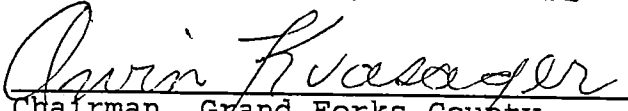
This ordinance and resolution shall be effective upon the adoption of a conforming resolution by the Grand Forks County Commission and upon the joint execution by the Mayor of and for the City of Grand Forks, North Dakota, and the chairman of and for the County Commission, County of Grand Forks, State of North Dakota.

  
H. C. Wessman, Mayor  
City of Grand Forks


ATTEST:

  
Donald O. Tingham, City Auditor  
City of Grand Forks

A resolution creating a Regional Airport Authority having been adopted on the 5th day of May, 1987, by the Grand Forks County Commission, State of North Dakota.

  
Quinn Kvasager  
Chairman, Grand Forks County  
Commission

ATTEST:

  
County Auditor  
County of Grand Forks

Date of 1st Reading: March 16, 1987  
Date of 2nd Reading: April 20, 1987  
Date of Publication:

Certificate 41175



CERTIFICATE OF INCORPORATION  
OF

.....  
GRAND FORKS REGIONAL AIRPORT AUTHORITY

The undersigned, as Secretary of State of the State of North Dakota, hereby certifies that copies of resolutions adopted pursuant to subsection 1 of section 2-06-3, N.D.C.C., by the municipalities included in the regional authority of

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GRAND FORKS REGIONAL AIRPORT AUTHORITY

duly signed and verified pursuant to the provisions of the North Dakota Airport Authorities Corporation Act, have been received in this office.

ACCORDINGLY the undersigned, as such Secretary of State, and by virtue of the authority vested in him by law, hereby issues this Certificate of Incorporation to

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GRAND FORKS REGIONAL AIRPORT AUTHORITY

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol in the City of Bismarck, this 8th day of October A. D., 19 87

*Ben Meier*  
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BEN MEIER Secretary of State.

By.....  
Deputy.