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Short Title: Charlotte Regional Airport Authority.

(Local)

Sponsors:

Referred to:

February 14, 2013

A BILL TO BE ENTITLED

AN ACT TO CREATE THE CHARLOTTE REGIONAL AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. This act shall be known and may be cited as the "Charlotte Regional Airport Authority Act."

SECTION 2. There is hereby created the Charlotte Regional Airport Authority, which shall be a body corporate and politic, having the powers, authority, and jurisdiction hereinafter enumerated and such other and additional powers and authority as shall be conferred upon it by future acts of the General Assembly.

SECTION 3. Unless the context requires otherwise, the following definitions apply throughout this act to the defined words and phrases and their cognates:

- (1) Airport facilities. – Airport facilities of all kinds, including, but not limited to, landing fields, hangars, fixed base operations, shops, restaurants and catering facilities, terminals, buildings, automobile parking facilities, and all other facilities necessary, beneficial, and/or helpful for the landing, taking off, operating, servicing, repairing, and parking of aircraft, the loading, unloading, and handling of cargo and mail, express and freight, and the accommodation, convenience, and comfort of crews and passengers, together with related transportation facilities, all necessary, beneficial, and/or helpful appurtenances, machinery, and equipment, and all lands, properties, rights, easements, and franchises relating thereto and considered necessary, beneficial, and/or helpful by the Authority in connection therewith.
- (2) Authority. – The Charlotte Regional Airport Authority created by this act or, if such Authority is abolished, the authority, board, body, commission, or other entity succeeding to the principal functions thereof.
- (3) Member. – An individual who is appointed to the Authority, as provided by this act.

SECTION 4.(a) The Authority shall consist of 13 members. The appointing authorities are encouraged to appoint members who, when practical, have experience in aviation, logistics, construction and/or facilities management, law, accounting, and/or finance, except the appointing authorities under subdivisions (1) through (8) of this subsection may only



1 appoint persons who have experience in aviation, transportation logistics, construction, and/or
2 facilities management. The 13 members shall be appointed as follows:

- 3 (1) One shall be a registered voter of the City of Charlotte appointed by the
4 Charlotte City Council.
- 5 (2) One shall be a registered voter of the City of Charlotte appointed by the
6 Mayor of the City of Charlotte.
- 7 (3) One shall be a registered voter of the County of Mecklenburg appointed by
8 the Board of Commissioners of Mecklenburg County.
- 9 (4) One shall be a registered voter of the County of Cabarrus appointed by the
10 Board of Commissioners of Cabarrus County.
- 11 (5) One shall be a registered voter of the County of Gaston appointed by the
12 Board of Commissioners of Gaston County.
- 13 (6) One shall be a registered voter of the County of Iredell appointed by the
14 Board of Commissioners of Iredell County.
- 15 (7) One shall be a registered voter of the County of Lincoln appointed by the
16 Board of Commissioners of Lincoln County.
- 17 (8) One shall be a registered voter of the County of Union appointed by the
18 Board of Commissioners of Union County.
- 19 (9) One shall be (i) a registered voter in the State of North Carolina, (ii) a
20 resident of the County of Mecklenburg, and (iii) appointed by the General
21 Assembly upon the recommendation of the Speaker of the House of
22 Representatives.
- 23 (10) One shall be (i) a registered voter in the State of North Carolina, (ii) a
24 resident of the County of Mecklenburg, and (iii) appointed by the General
25 Assembly upon the recommendation of the President Pro Tempore of the
26 Senate.
- 27 (11) One shall be (i) a registered voter in the State of North Carolina, (ii) a
28 resident of the County of Mecklenburg, and (iii) appointed by the Governor
29 of the State of North Carolina.
- 30 (12) Two at-large members who shall be appointed by a majority vote of the
31 other 11 members.

32 **SECTION 4.(b)** Members of the Authority shall serve four-year terms and may
33 serve up to a total of two successive four-year terms. A member may not be reappointed to the
34 Authority except after a lapse of four years following the most recent term served. In the event
35 a member is appointed to fill an unexpired term, and at least two years of the unexpired term
36 remain to be served, such appointment shall be counted in applying the two-term limit,
37 otherwise it shall not be counted.

38 **SECTION 4.(c)** Any vacancy occurring among the membership of the Authority
39 shall be filled within 60 days after notice thereof by appointment of the appointing authority of
40 a member to serve for the remainder of the unexpired term.

41 **SECTION 4.(d)** Members of the Authority and their successors shall take and
42 subscribe to an oath of office before an officer authorized to administer oaths, which oath shall
43 be filed with the Authority.

44 **SECTION 4.(e)** Any member of the Authority may be suspended or removed from
45 office by that member's appointing authority for cause affecting that member's duties and
46 responsibilities as a member; for misfeasance, malfeasance, or nonfeasance in office; or for
47 conduct tending to undermine any decisions of the Authority, or conduct exposing the
48 Authority to liability for damages.

49 **SECTION 4.(f)** Members of the Authority shall not be personally liable, in any
50 manner, for their acts or omissions as members of the Authority, except for malfeasance.

1 **SECTION 4.(g)** Each member may continue to serve until a successor has been
2 duly appointed and qualified, but not for more than 60 days.

3 **SECTION 4.(h)** In order to ensure that the terms of all members of the Authority
4 do not expire at the same time, the initial terms of the members of the Authority appointed by
5 the Counties of Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, Union, and one of the two
6 at-large members shall be for two years.

7 **SECTION 5.(a)** The organization and business of the Authority shall be conducted
8 as provided in this act.

9 **SECTION 5.(b)** Members of the Authority shall constitute the governing board of
10 the Authority and may, among other things and from time to time, adopt suitable bylaws not
11 inconsistent with the provisions of this act.

12 **SECTION 5.(c)** The Authority shall appoint from its members a chair, vice-chair,
13 and such other officers as it may from time to time deem necessary, beneficial, and/or helpful
14 for the orderly conduct of its business. The term of office of the chair and vice-chair is one
15 year.

16 **SECTION 5.(d)** Each member of the Authority, including the chair, shall have one
17 vote. A majority of the members of the Authority shall constitute a quorum, and, unless
18 otherwise provided in this act, all actions of the Authority shall be determined by a majority
19 vote of all the members, that is seven votes in favor.

20 **SECTION 5.(e)** The Authority shall hold meetings at least monthly at such times
21 and places as it from time to time may designate and at such other times on the call of the chair
22 or by seven members of the Authority. Notice of meetings shall be provided as required by
23 Article 33C of Chapter 143 of the General Statutes. A monthly meeting of the Authority may
24 be cancelled if it is determined by the chair or seven members that such meeting is not required.

25 **SECTION 5.(f)** Members may receive payment or reimbursement for travel,
26 lodging, and meal expenses incurred in transacting business on behalf of the Authority.
27 Members may also receive free parking at any airport owned, leased, subleased, or controlled
28 by the Authority, which members may use for official purposes during the respective member's
29 term of office.

30 **SECTION 5.(g)** The fiscal year of the Authority shall begin on July 1 and end on
31 June 30. On or before May 15 of each year, the Authority shall prepare and adopt a proposed
32 budget for the next ensuing fiscal year and deliver copies of such proposed budget to the
33 Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, and Union County Boards of Commissioners
34 and the Charlotte City Council.

35 **SECTION 5.(h)** All meetings and closed sessions of the Authority shall be
36 conducted in accordance with Article 33C of Chapter 143 of the General Statutes, as it may be
37 amended or in accordance with any successor statute.

38 **SECTION 6.(a)** The Authority shall constitute a body, both corporate and politic,
39 and shall have the power and authority to do the following:

- 40 (1) Adopt and from time to time revise an official seal.
- 41 (2) Maintain an office or offices at such place or places as it may designate
42 within Mecklenburg County only.
- 43 (3) Purchase, acquire, develop, establish, construct, own, control, lease, equip,
44 improve, administer, maintain, operate, and/or regulate airports and/or
45 landing fields for the use of airplanes and other aircraft and all facilities
46 incidental thereto, within the limits of Mecklenburg County; and for any of
47 such purposes, purchase, acquire, own, develop, hold, lease, sublease, and
48 operate real and/or personal property.
- 49 (4) Purchase real and personal property.
- 50 (5) Sue and be sued in the name of the Authority, to acquire by purchase or
51 otherwise and to hold lands for the purpose of constructing, maintaining,

- 1 and/or operating any airport within the limits of said counties, and to make
2 such contracts and to hold such personal property as may be necessary,
3 beneficial, and/or helpful for the exercise of the powers of the Authority.
- 4 (6) Charge and collect fees, royalties, rents, and/or other charges, including fuel
5 flowage fees, for the use and/or occupancy of property owned, leased,
6 subleased, or otherwise controlled or operated by the Authority or for
7 services rendered in the operation thereof.
- 8 (7) Make all reasonable rules, regulations, and policies as it may from time to
9 time deem to be necessary, beneficial, or helpful for the proper maintenance,
10 use, occupancy, operation, and/or control of any airport or airport facility
11 owned, leased, subleased, or controlled by the Authority; provide and
12 enforce civil and criminal penalties for the violation of such rules,
13 regulations, and/or policies; provided that such rules, regulations, policies,
14 and penalties are not in conflict with any applicable law, rule, or regulation
15 of the State of North Carolina, the United States, or any agency, department,
16 or subdivision of either of them, including the rules and regulations of the
17 Federal Aviation Administration.
- 18 (8) Sell, exchange, lease, sublease, or otherwise dispose of any property real or
19 personal, belonging to the Authority, or grant easements over, through,
20 under, or across any real property belonging to the Authority, or donate to
21 another governmental entity within this State or to the United States any
22 surplus, obsolete, or unused personal property; provided that Article 12 of
23 Chapter 160A of the General Statutes does not apply and is not applicable to
24 any such sale, exchange, lease, sublease, grant, donation, or other
25 disposition.
- 26 (9) Purchase such insurance and insurance coverages as the Authority may from
27 time to time deem to be necessary, beneficial, or helpful.
- 28 (10) Deposit, invest, and/or reinvest any of its funds as provided by the Local
29 Government Finance Act for the deposit or investment of unit funds.
- 30 (11) Issue revenue bonds and/or refunding bonds pursuant to the Local
31 Government Revenue Bond Act.
- 32 (12) Purchase any of its outstanding bonds or notes.
- 33 (13) Operate, own, lease, sublease, control, regulate, and/or grant to others the
34 right to operate on any airport premises restaurants, snack bars and vending
35 machines, food and beverage dispensing outlets, rental car services, catering
36 services, novelty shops, insurance sales, advertising media, merchandising
37 outlets, motels, hotels, barber shops, automobile parking and storage
38 facilities, automobile service stations, garage service facilities, motion
39 picture shows, personal service establishments, and/or all other types of
40 facilities as may be directly or indirectly related to the maintenance and/or
41 furnishing of the public commercial and/or general aviation airport facilities.
- 42 (14) Accept grants of money and/or materials or property of any kind for any
43 existing or future airport facilities from the State of North Carolina, the
44 United States, or any agency, department, or subdivision of either of them,
45 including the Federal Aviation Administration, or from any private agency,
46 entity, or individual, upon such terms and conditions as may be imposed,
47 and enter into contracts and grants agreements with the Federal Aviation
48 Administration, or any successor or successors thereof, and/or with the State
49 of North Carolina or any of its agencies, departments, or subdivisions in the
50 capacity of sponsor or cosponsor of any airport development project
51 involving the acquisition, construction, development, reconstruction,

1 improvement, extension, enlargement, or equipment of any existing or future
2 airport facilities.

3 (15) Employ and fix the compensation of an airport director, who shall serve at
4 the pleasure of the Authority and who shall manage the affairs of the
5 Authority under the supervision of the Authority.

6 (16) Employ, or provide for the employment of such employees, including law
7 enforcement officers, as the Authority may from time to time deem to be
8 necessary, beneficial, or helpful. All such employees shall be employees at
9 will, and no such employee shall have a defined or definite term of
10 employment, an expectation of continued employment, or an expectation of
11 continued indefinite employment.

12 (17) Employ, hire, retain, or contract with such accountants, auditors, agents,
13 design professionals, attorneys, and other persons and entities whose
14 services may from time to time be deemed by the Authority to be necessary,
15 beneficial, or helpful.

16 (18) Make or cause to be made such surveys, investigations, studies, borings,
17 maps, plans, drawings, and/or estimates of cost and revenues as the
18 Authority may from time to time deem necessary, beneficial, or helpful and
19 prepare and adopt a comprehensive plan or plans for the location,
20 construction, improvement, and development of any project.

21 (19) Undertake and/or enter into leases, subleases, agreements, easements, and
22 contracts, and/or grant concessions, with respect to alternative energy,
23 energy conservation, energy reduction, and/or renewable energy activities,
24 programs, projects, and/or ventures, and the administration, construction,
25 development, enlargement, equipment, improvement, maintenance,
26 management, operation, regulation, and/or repair thereof.

27 (20) Exercise all of the powers conferred by Chapter 63 of the General Statutes or
28 any successor Chapter or law.

29 **SECTION 6.(b)** The Authority has the same exemptions with respect to payment
30 of taxes and license fees as provided for municipal corporations by the laws of the State of
31 North Carolina.

32 **SECTION 7.(a)** The Authority is hereby authorized and empowered to acquire
33 from the County of Mecklenburg and the City of Charlotte, by agreement therewith, and such
34 County and City may grant and convey, either by gift or for such consideration as allowed by
35 federal law and as it may be deemed wise, any real and/or personal property which it now owns
36 or may hereafter acquire and which may be necessary, beneficial, or helpful for the
37 construction, development, operation, and/or maintenance of any airport or facilities of same
38 located in the County of Mecklenburg. If the airport ceases to operate or if the Authority is
39 dissolved, any applicable real property of the County of Mecklenburg or the City of Charlotte
40 conveyed or transferred to the Authority under this act shall revert to the grantor.

41 **SECTION 7.(b)** The City of Charlotte shall transfer to the Authority within 90
42 days after enactment of this act all its right, title, and interest to the Charlotte Douglas
43 International Airport, except if approval of a federal agency or a current bondholder is required,
44 then within 90 days of that approval. This transfer includes all property, real or personal,
45 tangible or intangible, and includes all liabilities, leases, licenses, options to purchase, and other
46 encumbrances on the airport property, whether or not those encumbrances are recorded. Upon
47 transfer of the airport property, the Authority assumes all rights, duties, and obligations of the
48 City of Charlotte in any commercial or development agreements pertaining to or related to the
49 airport property that are in effect at the time of the transfer.

50 **SECTION 7.(c)** Property needed by the Authority for any airport, landing field, or
51 facility may be acquired by the Authority by gift, devise, or purchase. Aviation easements

1 needed by the Authority for any airport, landing field, or facility may likewise be acquired by
2 gift, devise, or purchase.

3 The power of eminent domain may be used by the Authority, pursuant to Article 3
4 of Chapter 40A of the General Statutes, but only for public use for an airport purpose. For
5 purposes of Chapter 40A of the General Statutes, the authority is a public condemnor under
6 G.S. 40A-3(c). In the exercise of its authority of eminent domain for the acquisition of property
7 to be used for airports, the authority is authorized to use the procedure and authority prescribed
8 in Article 9 of Chapter 136 of the General Statutes, as now or hereafter amended. For purposes
9 of this subsection, whenever a reference is made in Article 9 of Chapter 136 of the General
10 Statutes to the State of North Carolina or any agency thereof, the reference includes the
11 Authority, and whenever a reference is made in Article 9 of Chapter 136 of the General
12 Statutes to an official of the State of North Carolina, the reference includes the airport director.
13 The Authority's power of eminent domain is restricted as follows:

- 14 (1) Any eminent domain proceeding must be authorized by a majority of the
15 local government appointee members of the Authority, as provided in
16 Sections 4(a)(1) through (8) of this act.
- 17 (2) The power of eminent domain may not be used for a purpose that is not
18 necessary for the operation of the airport, and more specifically no property
19 may be acquired by eminent domain for such uses as hotels, motels,
20 restaurants, or industrial parks.
- 21 (3) The power of eminent domain may not be used to condemn property already
22 devoted to public use.

23 **SECTION 7.(d)** Any lands acquired, owned, controlled, or occupied by the
24 Authority shall and/or are hereby declared to be acquired, owned, controlled, and occupied for
25 a public purpose.

26 **SECTION 7.(e)** The Authority is not authorized to levy any tax.

27 **SECTION 7.(f)** Any claim by the City of Charlotte on account of acquisition of
28 property by the Authority is extinguished.

29 **SECTION 8.** The Authority shall make annual reports to the Cabarrus, Gaston,
30 Iredell, Lincoln, Mecklenburg, and Union County Boards of Commissioners and the Charlotte
31 City Council setting forth a summary of its general operations and transactions conducted by it
32 pursuant to this act. The Authority shall be regarded as the corporate instrumentality and agent
33 for Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, and Union Counties and the City of
34 Charlotte for the purpose of developing aviation facilities in the Counties of Cabarrus, Gaston,
35 Iredell, Lincoln, Mecklenburg, and Union, but it shall have no power to pledge the credit of the
36 Counties of Cabarrus, Gaston, Iredell, Lincoln, Mecklenburg, and Union or the City of
37 Charlotte, or to impose any obligation upon those counties, or the City of Charlotte, except and
38 when such power is expressly granted by statute.

39 **SECTION 9.** All rights, powers, and authority given to the counties and/or
40 municipalities by the statutes of North Carolina, which may now be in effect or which may be
41 enacted in the future, relating to the development, operation, maintenance, regulation, and/or
42 control of municipal or other governmental airports, and the regulations of aircraft are hereby
43 vested in the Authority.

44 **SECTION 10.** The Authority is hereby expressly authorized to make and enter into
45 contracts, leases, subleases, conveyances, and other agreements with any political subdivision,
46 agency, department, or instrumentality of this State; any agency, department, or subdivision of
47 the United States; or any other legal entity or person for the purpose of carrying out the
48 provisions of this act.

49 **SECTION 11.** The powers of the Authority created by this act shall be construed
50 liberally in favor of the Authority. No listing of powers included in this act is intended to be
51 exclusive or restrictive, and the specific mention of, or failure to mention, particular powers in

1 this act shall not be construed as limiting in any way the general powers of the Authority as
2 stated in Section 6(a) of this act. It is the intent of this act to grant the Authority full power and
3 right to exercise all authority necessary for the effective operation and conduct of the
4 Authority. It is further intended that the Authority should have all implied powers necessary or
5 incidental to carrying out the expressed powers and the expressed purposes for which the
6 Authority is created. The fact that this act specifically states that the Authority possesses a
7 certain power does not mean that the Authority must exercise such power unless this act
8 specifically so requires.

9 **SECTION 12.** G.S. 66-58(a) shall not apply to the Charlotte Regional Airport
10 Authority or a lessee or sublessee of the Charlotte Regional Airport Authority.

11 **SECTION 13.** If any provision of this act or its application is held invalid, the
12 invalidity does not affect other provisions or applications of this act that can be given effect
13 without the invalid provisions or application, and to this end the provisions of this act are
14 severable.

15 **SECTION 14.** This act is effective when it becomes law.