

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 104
Feb 13, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30048-MLf-34A* (01/10)

Short Title: Charlotte Regional Airport Authority. (Local)

Sponsors: Representatives W. Brawley, Moffitt, Torbett, and Samuelson (Primary Sponsors).

Referred to:

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) CAAC member. – A member of the Charlotte Airport Advisory Committee in existence when this act becomes law.
- (3) 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.
- (4) Member. – An individual who is appointed to the Authority as provided by this act.

SECTION 4. The Authority shall consist of eleven 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. The eleven members shall be appointed as follows:



* D R H 3 0 0 4 8 - M L F - 3 4 A *

- 1 (1) One shall be a registered voter of the City of Charlotte appointed by the
2 Charlotte City Council.
- 3 (2) One shall be a registered voter of the City of Charlotte appointed by the
4 Mayor of the City of Charlotte.
- 5 (3) One shall be a registered voter of the County of Mecklenburg appointed by
6 the Board of Commissioners of Mecklenburg County.
- 7 (4) One shall be a registered voter of the County of Cabarrus appointed by the
8 Board of Commissioners of Cabarrus County.
- 9 (5) One shall be a registered voter of the County of Gaston appointed by the
10 Board of Commissioners of Gaston County.
- 11 (6) One shall be (i) a registered voter in the State of North Carolina, (ii) a
12 resident of one of the counties in the Authority, and (iii) appointed by the
13 Speaker of the House of Representatives.
- 14 (7) One shall be (i) a registered voter in the State of North Carolina, (ii) a
15 resident of one of the counties in the Authority, and (iii) appointed by the
16 President Pro Tempore of the Senate.
- 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 a registered voter in the State of North Carolina appointed by
20 the Governor of the State of North Carolina.
- 21 (10) Two At-Large members shall (i) be registered voters from either the State of
22 North Carolina or the State of South Carolina, (ii) have experience in
23 aviation, and (iii) be appointed by a majority vote of the other nine members.

24 **SECTION 4.(a)** No person holding any elected public office may be a member of
25 the Authority.

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

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

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

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

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

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

47 **SECTION 4.(h)** In order to ensure that the terms of all members of the Authority
48 do not expire at the same time, the initial terms of the members of the Authority appointed by
49 the Counties of Cabarrus, Gaston, Mecklenburg, Union and one of the two At-Large members
50 shall be for two years.

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

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

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

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

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

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

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

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

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

- 33 (1) Adopt and from time to time revise an official seal.
- 34 (2) Maintain an office or offices at such place or places as it may designate
35 within Mecklenburg County only.
- 36 (3) Purchase, acquire, develop, establish, construct, own, control, lease, equip,
37 improve, administer, maintain, operate, and/or regulate airports and/or
38 landing fields for the use of airplanes and other aircraft and all facilities
39 incidental thereto, within the limits of Mecklenburg County; and for any of
40 such purposes, purchase, acquire, own, develop, hold, lease, sublease, and
41 operate real and/or personal property.
- 42 (4) Purchase real and personal property.
- 43 (5) Sue and be sued in the name of the Authority, to acquire by purchase or
44 otherwise and to hold lands for the purpose of constructing, maintaining,
45 and/or operating any airport within the limits of said counties, and to make
46 such contracts and to hold such personal property as may be necessary,
47 beneficial, and/or helpful for the exercise of the powers of the Authority.
- 48 (6) Charge and collect fees, royalties, rents, and/or other charges, including fuel
49 flowage fees, for the use and/or occupancy of property owned, leased,
50 subleased, or otherwise controlled or operated by the Authority or for
51 services rendered in the operation thereof.

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

1 necessary, beneficial, or helpful. All such employees shall be employees at
2 will, and no such employee shall have a defined or definite term of
3 employment or an expectation of continued employment or an expectation of
4 continued indefinite employment.

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

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

14 (19) Undertake and/or enter into leases, subleases, agreements, easements, and
15 contracts, and/or grant concessions, with respect to alternative energy,
16 energy conservation, energy reduction, and/or renewable energy activities,
17 programs, projects, and/or ventures, and the administration, construction,
18 development, enlargement, equipment, improvement, maintenance,
19 management, operation, regulation, and/or repair thereof.

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

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

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

34 **SECTION 7.(b)** The City of Charlotte shall transfer to the Authority within 90
35 days after enactment of this act all its right, title, and interest to the Charlotte Douglas
36 International Airport, except if approval of a federal agency or a current bondholder is required,
37 then within 90 days of that approval. This transfer includes all property, real or personal,
38 tangible or intangible, and includes all liabilities.

39 **SECTION 7.(c)** Private property needed by the Authority for any airport, landing
40 field, or facility may be acquired by the Authority by gift, devise, or private purchase. Aviation
41 easements needed by the Authority for any airport, landing field, or facility may likewise be
42 acquired by gift, devise, or private purchase. Unless the power of eminent domain is required
43 by federal law or federal regulation, Chapter 40A of the General Statutes does not apply to the
44 Authority, and it may not exercise the power of eminent domain. If a federal law or federal
45 regulation does require the Authority to have the power to exercise eminent domain, it may
46 only do so for public use for an airport purpose or purposes, and any eminent domain
47 proceeding must be authorized jointly by all of the nine appointing authorities. In no case,
48 however, may the power of eminent domain be used for purposes not necessary for the
49 operation of the airport, and more specifically no property may be acquired by eminent domain
50 for such uses as hotels, motels, restaurants, or industrial parks.

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

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

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

7 **SECTION 8.** The Authority shall make annual reports to the Cabarrus, Gaston,
8 Mecklenburg, and Union County Boards of Commissioners and the Charlotte City Council
9 setting forth a summary of its general operations and transactions conducted by it pursuant to
10 this act. The Authority shall be regarded as the corporate instrumentality and agent for
11 Cabarrus, Gaston, Mecklenburg, and Union Counties and the City of Charlotte for the purpose
12 of developing aviation facilities in the Counties of Cabarrus, Gaston, Mecklenburg, and Union,
13 but it shall have no power to pledge the credit of the Counties of Cabarrus, Gaston,
14 Mecklenburg, and Union or the City of Charlotte, or to impose any obligation upon those
15 counties, or the City of Charlotte, except and when such power is expressly granted by statute.

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

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

26 **SECTION 11.** The powers of the Authority created by this act shall be construed
27 liberally in favor of the Authority. No listing of powers included in this act is intended to be
28 exclusive or restrictive, and the specific mention of, or failure to mention, particular powers in
29 this act shall not be construed as limiting in any way the general powers of the Authority as
30 stated in Section 6(a) of this act. It is the intent of this act to grant the Authority full power and
31 right to exercise all authority necessary for the effective operation and conduct of the
32 Authority. It is further intended that the Authority should have all implied powers necessary or
33 incidental to carrying out the expressed powers and the expressed purposes for which the
34 Authority is created. The fact that this act specifically states that the Authority possesses a
35 certain power does not mean that the Authority must exercise such power unless this act
36 specifically so requires.

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

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

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