

ORDINANCE NO. 98-5

AN ORDINANCE RELATING TO THE HERNANDO COUNTY AVIATION AUTHORITY; PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SELECTION OF MEMBERS OF THE AUTHORITY; DEFINING THEIR TERMS OF OFFICE; STATING THEIR POWERS AND DUTIES; DELINEATING RESPONSIBILITIES FOR AVIATION ACTIVITIES AND NON-AVIATION ACTIVITIES; DESCRIBING ITS POWERS AND AUTHORIZATIONS; REQUIRING AN ANNUAL BUDGET AND AUTHORIZING PAYMENT BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA; PROVIDING FOR THE ISSUANCE OF REVENUE CERTIFICATES OR BONDS; AUTHORIZING ESTABLISHMENT OF FEES AND CHARGES FOR AIRPORT PROPERTY; ESTABLISHING BID REQUIREMENTS; REPEALING ALL ACTS AND CONFLICTS HEREWITH, INCLUDING SPECIAL ACTS OF THE LEGISLATURE OF THE STATE OF FLORIDA, AND ABOLISHING THE AUTHORITY CREATED THEREBY; REPEALING HERNANDO COUNTY ORDINANCE NO. 74-7, 81-3, 95-13; PROVIDING FOR THE TRANSFER OF ASSETS AND THE ASSUMPTION OF DUTIES, RESPONSIBILITIES AND OBLIGATIONS; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION 1. The Hernando County Board of County Commissioners is hereby authorized to create and there is hereby created an Aviation Authority in and for Hernando County to be known as the Hernando County Aviation Authority.

SECTION 2. This Ordinance shall be known and may be cited as the "Hernando County Aviation Authority Ordinance".

SECTION 3. As used in this act:

- (a) "Authority" means the Hernando County Aviation Authority.
- (b) "Public airport facilities" means the airport facilities located in Hernando County and includes all facilities used or to be used in connection with aviation activities.
- (c) "County" means Hernando County.
- (d) "Improvements" shall mean repairs, replacements, extensions and additions of buildings, lands, or any other facilities normally used or needed in the operation of an airport.

SECTION 4. The Board of County Commissioners of Hernando County does hereby create an Authority to be known as the "Hernando County Aviation Authority" which Authority shall be a body corporate, and shall be subject to the hereinafter

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contained provisions with reference to the authority of said County Commissioners over said Authority. Said Authority shall consist of seven (7) members, who shall be residents of Hernando County, selected by the Board of County Commissioners of Hernando County. The terms of office of such members of such Authority shall be for four (4) years or until their successors are appointed and qualified. Terms of office shall commence on the 1st day of January of the year of appointment, and shall expire on the 31st day of December of the year of termination. Those members actually serving on the Aviation Authority at the time of the adoption of this ordinance shall constitute the first members of the Authority hereby created and shall serve until their terms of office then existing shall expire.

The Hernando County Board of County Commissioners shall have the power to remove a member of the Authority for good cause, including, nonfeasance, misfeasance, malfeasance or change of residence from within the County. Vacancies created by the resignation, death or removal from said Authority shall be filled by the Hernando County Board of County Commissioners.

SECTION 5. Each member of the Authority shall qualify by taking an oath to faithfully perform the duties of his/her office and file the same with the Clerk of the Board of County Commissioners. Said Authority shall select one of its members as Chairman, one as Vice-Chairman, one as Secretary-Treasurer, each of whom shall hold office for one (1) year. The Authority may hire an Executive Secretary-Treasurer to perform the duties of the Secretary-Treasurer. The members of the Authority and its officers, other than an Executive Secretary-Treasurer, shall serve without compensation except as to actual expenses, including travel and per diem expenses, at the rates established by Section 112.061, Florida Statutes, as it may be amended from time to time, incurred in the performance of Authority business.

The Executive Secretary-Treasurer, and any other officer or member of the Authority designated by the Board of County Commissioners, may be required to execute an adequate surety bond in an amount as may be determined from time to time by Resolution of the Hernando County Board of County Commissioners, conditioned upon the faithful performance of duties of each.

No action shall be taken by the Authority unless approved by a majority of the members of said Authority. Any action of the Authority shall be subject to the approval or disapproval by the Board of County Commissioners.

SECTION 6. The property upon which the Hernando County Airport is located is owned by Hernando County. It is the intent of this Ordinance to create an Aviation Authority which shall have the power and authority, under the terms of this Ordinance, to administer related activities and facilities at the Hernando County Airport. All other activities and projects, including industrial parks, on the property of the Airport, while subject to consideration and review by the Aviation Authority, shall be under the control of the Board of County Commissioners, as provided in Section 5, of this Ordinance; except that if the Authority shall control any real or personal property owned by it in its own name, even if such property is located in an Industrial Park, the Authority may dispose of such property by conveyance, lease or otherwise, subject to approval of the Authority's actions by the Board of County Commissioners.

SECTION 7. The Authority is hereby authorized and empowered:

- (a) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (b) To adopt an official seal and alter the same at pleasure;
- (c) To maintain an office at such place or places as it may designate;
- (d) To sue and be sued in its own name, plead and be impleaded;
- (e) To acquire, lease as lessee or lessor, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate any facilities or real, personal, or other property in its own name with the approval of the Board of County Commissioners within the jurisdiction of the Authority.
- (f) To fix and revise from time to time and to collect rates, fees and other charges for the use of or for the services and facilities furnished by any airport operation.
- (g) To acquire in the name of the County by gift, purchase, or otherwise real or personal property as may be approved by the Authority and the Board of County Commissioners and to construct, improve, enlarge or add to any phase of the operation

of a modern airport facility including the right to accept grants of money or materials or property from any federal or state agency upon the terms and conditions as may be imposed.

(h) To make and enter into contracts, leases and agreements necessary or incidental to the performance of its duties and the execution of its powers as herein authorized, including the right to employ such employees as may be necessary for the reasonable execution of such powers; provided, however, that before any contract, lease, or agreement becomes effective the Board of County Commissioners must approve such contract, lease, or agreement and that all expenses incurred by said Authority shall be payable solely from the funds made available to the Authority under the provisions of this Ordinance, and no contract or agreement shall encumber the full faith and credit of the County without prior approval of the majority of the Board of County Commissioners.

(i) To operate public airports as differentiated from a "class airport."

(j) To do all other things necessary to accomplish the purposes of this Ordinance.

SECTION 8. The Authority shall prepare an annual budget each year which shall be presented to the County Commissioners of the County in two (2) parts providing a separation between necessary maintenance and operation expenses from improvement and development costs which said budget shall be submitted to said County Commissioners at the same time and the same manner as County department budgets are submitted, and the County Commissioners shall have the same Authority over such budget as budgets of County departments. The fiscal year of the Authority shall commence October 1st, and end September 30th in the next succeeding year. All anticipated revenues to be derived from the operation of the airports shall be included in the budget of the Authority. The affairs of the Authority shall be audited in the same manner and at the same time as County departments are audited. The Board of County Commissioners are hereby authorized to pay to the Authority for use by it such sums as may be included in said budget, and if necessary, such millage on taxable property in said county may be levied to defray the cost of said budget requirements in

addition to general County functions. If the Authority desires and makes recommendations for such expanded facilities that could not be financed in one year's operation, and it should be deemed feasible, practical, and necessary by the Board of County Commissioners, then the Board of County Commissioners is authorized to issue revenue certificates, bonds or use any other financing mechanism allowed or permitted by law for financing such expanded facilities, for a term or terms determined by said Board of County Commissioners and at an interest rate not in excess of the legal rate, and said Board of County Commissioners of said County may pledge the revenue from the Authority, race track funds, special assessments, or the general full faith and credit of the County; subject to Constitutional and Statutory limitations.

SECTION 9. The Authority is hereby authorized to fix and revise from time to time rates, fees and other charges for the use of and the services furnished or to be furnished by the public airport facilities owned or operated by the Authority. Such rates, fees and charges shall not be subject to supervision or regulation by a bureau or other agency of the state or of any political subdivision except the Board of County Commissioners. Such rates, fees and charges shall be fixed and revised so that the revenues of the Authority, together with any other available funds, will be sufficient at all times to pay the cost of maintaining, repairing and operating the public airport facilities owned and operated by the Authority, including reserves for such purposes.

SECTION 10. The County is hereby authorized to make grants of money to the Authority and to permit the Authority, with or without consideration, to use real or personal property of the County, for use by the Authority for any of its corporate purposes.

SECTION 11. All contracts for the construction, repair, alteration or otherwise of the airport or part thereof or the purchase of equipment and supplies shall be in accordance with the Hernando County Procurement Ordinance, latest revision, and that all expenditures requiring an advertisement for sealed bids, as specified therein, be approved by the Board of County Commissioners.

SECTION 12. All special acts of the Legislature and all local laws or parts thereof inconsistent herewith are hereby declared to be inapplicable to the provisions

of this Ordinance, and are hereby repealed and declared to be inapplicable including, but not limited to, Chapters 59-134, 61-2229, 63-1341, 65-1623, and all other Special Acts of the Laws of Florida pertaining to said Aviation Authority.

SECTION 13. Ordinance 95-13 is hereby repealed in its entirety as well as any provisions of other Ordinances that may be in conflict or inconsistent with the provisions with this Ordinance.

SECTION 14. All assets in the hands and possession of the Hernando County Aviation Authority, at the time of the effective date of this Ordinance, shall be turned over to the Authority created by this Ordinance. All agreements, contracts, leases, and obligations of the Authority existing at the time of the effective date of this Ordinance shall be binding and obligatory upon the Authority hereby created.

SECTION 15. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence phrase or provision of the Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

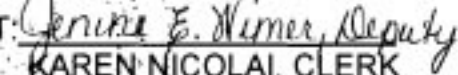
SECTION 16. The provisions of this Ordinance shall be included and incorporated in the Code of Ordinances of Hernando County as an addition or amendment thereto and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 17. This Ordinance shall take effect immediately upon it being filed with the Secretary of State.

ADOPTED this 14th day of April, 1998, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

BY 
HANNAH M. ROBINSON, CHAIRWOMAN

ATTEST: 
KAREN NICOLAI, CLERK