

December 20, 2010
Date

**RESOLUTION SIGNIFYING INTENT TO CREATE AN AVIATION AUTHORITY
AND SETTING DATE OF PUBLIC HEARING**

WHEREAS, there is before the Des Moines City Council a proposal to create an airport authority and transfer the operation of the Des Moines International Airport to the authority; and

WHEREAS, the council intends to create an authority pursuant to Iowa Code chapter 330A; and

WHEREAS, the city will hold a public hearing on January 10, 2011, to receive public input on the proposal; and

WHEREAS, after the hearing, if the council finds it to be in the best interests of the City, the council will enact an ordinance authorizing the creation of the authority.

NOW THEREFORE, BE IT RESOLVED BY THE DES MOINES CITY COUNCIL THAT:

1. The council intends to create an authority pursuant to Iowa Code chapter 330A with the following terms:
 - A. The authority will be known as the Des Moines Airport Authority;
 - B. The City of Des Moines will be the only member of the authority;
 - C. The board will consist of five members, all appointed by the city;
2. This council will hold a public hearing on the proposal to create an airport authority at 5:00 p.m. on January 10, 2011, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa.
3. At the hearing the council will hear statements from interested citizens regarding the proposal.
4. The City Clerk shall cause this resolution to be published at least 14 days prior to the date of the hearing.

APPROVED AS TO FORM:

Moved by _____ to adopt.


David A. Ferree, Assistant City Attorney

(Council Communication No. 10.741)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

Mayor

City Clerk

DISCUSSION DRAFT
PROPOSED ORDINANCE

Sec. XX-1. Creation.

Pursuant to the provisions of the Iowa Aviation Authority Act, Iowa Code chapter 330A, there is created the “Des Moines Airport Authority” which is granted all the rights and powers authorized by that statute. The authority shall perform its duties in accordance with all applicable federal, state and local laws and Federal Aviation Administration grant assurances.

Sec. XX-2 Transfer of Aviation Facilities.

The city shall transfer to the authority all aviation facilities, as that term is defined in Iowa Code section 330A.2 (2009) and all other airport assets held by or in the name of the city. The city shall transfer airport land to the authority by long term lease.

Sec. XX-3 Land Acquisition and Disposition.

When acquiring land or interests in land in the exercise of its powers granted by chapter 330A, the authority has the right to acquire the land or interests in land in the name of the city. The authority may, with the consent of the council, permanently dispose of airport land no longer needed for airport purposes and apply the proceeds consistent with federal requirements for the use of airport revenue.

Sec. XX-4 Board.

(a) *Appointment and Term.* The authority is governed by a 5 member board made up of residents of the city. The mayor shall nominate the members of the board subject to appointment by the council. Appointments will be for terms of four years; except that, of the initial board, two members chosen by lot will be appointed for two year terms. Board members serve at the pleasure of the council and may be reappointed without limit. Board members should have expertise in aviation, business, accounting, finance, marketing, engineering, law, real estate development, management or other fields of value to the operation of the airport.

(b) *Expiration of Term.* The terms of board members conclude on June 30 of the year in which their terms expire and the council shall appoint or reappoint board members at its last meeting immediately prior to June 30. On or before March 1 of each year, the board secretary shall submit to the city clerk, the mayor and the members of the council a list of board members whose terms will expire on June 30 of that year.

(c) *Vacancies by Expiration of Term.* If the mayor fails to present the council a nomination to fill an expiring term at least 4 weeks prior to its expiration, members of the council may, at or before the meeting immediately prior to June 30, present nominations for the council's consideration and the council may appoint a member from the nominations.

(d) *Other Vacancies.* When a vacancy occurs other than by expiration of a member's term, the vacant position must be filled within 45 days of the vacancy and the mayor shall within 20 calendar days of the vacancy nominate a replacement to serve out the remaining term of the

member whose departure caused the vacancy. If the mayor fails to put forward a timely nomination to fill the vacancy, members of the council may present nominations for the council's consideration at the next council meeting and the council may appoint a member from the nominations.

Sec. XX-5 Meeting and minutes.

The board shall hold at least one public meeting each month, at such time as the board may establish in its bylaws. The board secretary shall keep minutes of each meeting and keep the minutes and all resolutions open to public inspection. The board secretary shall provide copies of the minutes to the city council. The board shall conduct all meetings in compliance with all applicable state and federal laws, including Iowa Code chapter 21 pertaining to open meetings.

Sec. XX-6 Legal effect of regulations adopted.

Regulations adopted by the board have the effect of law. In addition to any remedy provided by a regulation, any person who fails to perform an act required by such regulation or who commits an act prohibited by such regulation will be guilty of a misdemeanor punishable as provided by section 1-15 of this Code or guilty of a municipal infraction punishable by a civil penalty of \$100.00 for each initial offense and \$200.00 for each repeat offense.

Sec. XX-7 City ordinances.

Ordinances adopted by the council are to the extent applicable on airport property enforceable as provided in this Code.

Sec. XX-8 Reports.

The authority shall within 120 days after the end of each fiscal year prepare and deliver to the city council an annual report addressing its capital improvement program, its financial status and a statistical summary of its operations and activity.

Sec. XX-9 Dissolution.

The council reserves the right to dissolve the authority by repealing or amending this chapter of the City Code in compliance with Iowa Code chapter 330A. Upon dissolution, all rights and property of the authority will become the rights and property of the city and the city shall assume all debts and obligations of every nature of the authority.

Sec. XX-10 Effective Date.

The authority board will assume its duties upon the approval by both the city and the authority of a document transferring control of the Des Moines International Airport to the authority.