

★ Roll Call Number

Agenda Item Number

66

Date February 14, 2011

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by adding and enacting a new Article XI, Des Moines Airport Authority, to Chapter 22, Aviation, relating to creation of the Des Moines Airport Authority",

which was considered and voted upon for the first time under Roll Call No. 11- 0065 of January 10, 2011, and considered and voted upon for the second time under Roll Call No. 11- 0123 of January 24, 2011, again presented.

Moved by \_\_\_\_\_ that this ordinance do now pass.

ORDINANCE NO. \_\_\_\_\_

(Council Communication No. 11-097)

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, by adding and enacting a new Article XI, Des Moines Airport Authority, to Chapter 22, Aviation, relating to creation of the Des Moines Airport Authority.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, is hereby amended by adding and enacting a new Article XI, Des Moines Airport Authority, to Chapter 22, Aviation, relating to creation of the Des Moines Airport Authority, as follows:

**ARTICLE XI. DES MOINES AIRPORT AUTHORITY**

**Sec. 22-1500. 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. 22-1501. 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. 22-1502. 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. 22-1503. 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 members of the board for 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. The city manager, or his or her designee, is an ex officio, nonvoting member of the board.

(b) *Expiration of Term and Notices.* 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 or before 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. When a vacancy occurs other than by expiration of a term, the board secretary shall provide notice of the vacancy to the city clerk, mayor and council members as soon as the board secretary is made aware of the vacancy.

(c) *Nominations List.*

(1) To complete the appointments to the initial board, each council member, including the mayor, may submit to the city clerk the names of two persons to be placed on a list of proposed nominations for the board. The mayor shall nominate board members from the proposed nominations list. However, if there are not a sufficient number of names on the list to fill the initial board, the mayor may nominate persons not on the list.

(2) When the council receives notice from the board secretary that one or more vacancies by expiration of term are imminent, or that a vacancy has otherwise arisen, each council member, including the mayor, may submit to the city clerk the name of one person to be placed on a list of proposed nominations for the board. The mayor shall nominate board members from the proposed nominations list. However, if there are not a sufficient number of names on the list to fill the current vacancies, the mayor may nominate persons not on the list. Submissions to the proposed nominations list must be received by the city clerk on or before April 15 to fill vacancies by expiration of a term and within 20 days after the notice of vacancy for other vacancies.

(d) *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 from the nomination list for the council's consideration and the council may appoint a member from the nominations.

(e) *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 30 calendar days of the notice of 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 from the nomination list for the council's consideration at the next council meeting and the council may appoint a member from the nominations.

#### **Sec. 22-1504. 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. 22-1505. 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. 22-1506. City ordinances.**

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

**Sec. 22-1507. 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. 22-1508. 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. 22-1509. 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.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:



David Ferree  
Assistant City Attorney