

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 269
Redistricting and Elections Committee Substitute Adopted 3/31/21
House Committee Substitute Favorable 6/30/21
House Committee Substitute #2 Favorable 6/30/22

Short Title: Washington-Warren Airport Authority.

(Local)

Sponsors:

Referred to:

March 15, 2021

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE WASHINGTON-WARREN AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. There is hereby created the "Washington-Warren Airport Authority" (Airport Authority), which shall be a body both corporate and politic, having the powers and duties hereinafter enumerated and additional powers as shall be conferred upon it by general law and future acts of the General Assembly.

SECTION 2. The Airport Authority shall consist of seven members appointed by the Washington City Council to serve staggered three-year terms. Each member shall take and subscribe an oath of office before the Clerk of Superior Court of Beaufort County and file the same with the Washington City Council. Members of the Airport Authority may be appointed to one or more successive terms by the Washington City Council. The Washington City Council shall fill any vacancies arising on the Airport Authority. In appointing members or filling vacancies to the Airport Authority, the Washington City Council shall appoint members as follows:

- (1) Two members shall be registered voters of the City of Washington with experience in aviation.
- (2) One member shall be a registered voter of the City of Washington.
- (3) Two members shall be registered voters of the County of Beaufort with experience in aviation and shall not be registered voters of the City of Washington.
- (4) One member shall be a registered voter of the County of Beaufort and shall not be a registered voter of the City of Washington.
- (5) One member shall be a registered voter of the County of Beaufort and may be a registered voter of the City of Washington.

SECTION 3. The members of the Airport Authority shall receive compensation, per diem, or otherwise as the Airport Authority from time to time determines and be paid actual traveling expenses incurred in transacting the business of the Airport Authority.

SECTION 4. The Airport Authority shall have the following powers and duties:

- (1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports and landing fields for the use of airplanes and other aircraft inside or outside of the corporate limits of the City of Washington and for this purpose to purchase, improve, own, hold, lease, or operate real or personal property.



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- 1 (2) To sue and be sued in the name of the Airport Authority, to make contracts
2 and hold any personal property necessary for the exercise of the powers of the
3 Airport Authority, and to acquire by purchase, lease, or otherwise any existing
4 lease, leasehold right, or other interest in any existing airport located in
5 Beaufort County.
- 6 (3) To charge and collect reasonable and adequate fees and rents for the use of
7 airport property or for services rendered in the operation of the airport.
- 8 (4) To make all reasonable rules and regulations it deems necessary for the proper
9 maintenance, use, operation, and control of the airport and provide penalties
10 for the violation of these rules and regulations; provided, the rules and
11 regulations and schedules of fees and rents not be in conflict with the laws of
12 North Carolina and the regulations of the Federal Aviation Administration.
13 The Airport Authority may administer and enforce any airport zoning
14 regulations adopted by the City of Washington.
- 15 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General Statutes.
- 16 (6) Except as provided in subdivisions (10), (11), and (12) of this section, to sell,
17 lease, or otherwise dispose of any property, real or personal, belonging to the
18 Airport Authority, according to the procedures described in Article 12 of
19 Chapter 160A of the General Statutes.
- 20 (7) To purchase any insurance that the Federal Aviation Administration or the
21 Airport Authority shall deem necessary. The Airport Authority shall be
22 responsible for any and all insurance claims or liabilities.
- 23 (8) To deposit or invest and reinvest any of its funds as provided by Chapter 159
24 of the General Statutes, the Local Government Finance Act, as it may be
25 amended from time to time, for the deposit or investment of unit funds.
- 26 (9) To purchase any of its outstanding bonds or notes.
- 27 (10) Notwithstanding G.S. 160A-272, to operate, own, lease, control, regulate, or
28 to contract with persons, firms, or corporations, for a period not to exceed 40
29 years, the right to operate on any airport premises restaurants, snack bars,
30 vending machines, food and beverage dispensing outlets, rental car services,
31 catering services, novelty shops, insurance sales, advertising media,
32 merchandising outlets, motels, hotels, barber shops, automobile parking and
33 storage facilities, automobile service establishments, and all other types of
34 facilities as may be directly or indirectly related to the maintenance and
35 furnishing to the general public of a complete air terminal installation.
- 36 (11) Notwithstanding G.S. 160A-272, to contract with persons, firms, or
37 corporations for terms not to exceed 40 years, to operate, manage, maintain,
38 and improve the airport for the operation of airline-scheduled passenger and
39 freight flights, nonscheduled flights, and any other airplane activities not
40 inconsistent with any grant agreements under which the airport property is or
41 may be held.
- 42 (12) Notwithstanding G.S. 160A-272, to erect and construct buildings, hangars,
43 shops, and other improvements and facilities, not inconsistent with or in
44 violation of the agreements applicable to and the grants under which the real
45 property of the airport is held; to lease these improvements and facilities for a
46 term or terms not to exceed 40 years; to borrow money for use in making and
47 paying for these improvements and facilities, secured by and on the credit only
48 of the lease agreements in respect to these improvements and facilities; and to
49 pledge and assign the leases and lease agreements as security for the
50 authorized loans.

1 (13) Subject to the limitations set out in this act, to have all the power and authority
2 granted to cities and counties pursuant to Chapter 63 of the General Statutes.

3 (14) To have a corporate seal.

4 **SECTION 5.** The Airport Authority shall possess the same exemptions in respect to
5 payment of taxes and license fees and be eligible for sales and use tax refunds to the same extent
6 as provided for municipal corporations by the laws of the State of North Carolina.

7 **SECTION 6.** The Airport Authority may acquire from the City of Washington by
8 agreement with the City of Washington, and the City of Washington may grant and convey, either
9 by gift or for such consideration as the City may deem wise, any real or personal property which
10 the City of Washington now owns or may hereafter acquire, including nontax monies, and which
11 may be necessary for the construction, operation, and maintenance of any airport located in
12 Beaufort County. Any project that the Washington-Warren Airport Advisory Board is engaged
13 with, including that designated in Section 40.15 of S.L. 2021-180, shall be transferred to the
14 Airport Authority upon the effective date of this act. Notwithstanding any other provision of this
15 act, the City of Washington may, at such time as the Airport Authority is deemed financially
16 solvent to the satisfaction of the Federal Aviation Administration, convey all of its right, title,
17 and interests in the real property upon which the Washington-Warren Airport is situated.

18 **SECTION 7.** Any lands acquired, owned, controlled, or occupied by the Airport
19 Authority shall be and are declared to be acquired, owned, controlled, and occupied for a public
20 purpose.

21 **SECTION 8.** Private property needed by the Airport Authority for any airport,
22 landing field, or as facilities of an airport or landing field may be acquired by gift or devise, or
23 may be acquired by private purchase or by the exercise of eminent domain as a public condemnor
24 under G.S. 40A-3(c).

25 **SECTION 9.** The Airport Authority shall make an annual report to the Washington
26 City Council setting forth in detail the operations and transactions conducted by it pursuant to
27 this act. The Airport Authority shall not have the power to pledge the credit of the City of
28 Washington or to impose any obligation on the City of Washington.

29 **SECTION 10.** All rights and powers granted to counties or municipalities by general
30 law, now and in the future, relating to the development, regulation, and control of municipal
31 airports and the regulation of aircraft are vested in the Airport Authority except as specifically
32 modified in this act. The Washington City Council may delegate any or all of its rights and
33 powers under general law to the Airport Authority.

34 **SECTION 11.** The Airport Authority may contract with and accept grants from the
35 Federal Aviation Administration, the State of North Carolina, or any of the agencies or
36 representatives of either of said governmental bodies relating to the purchase of land and air
37 easements and to the grading, constructing, equipping, improving, maintaining, or operating of
38 an airport or its facilities or both.

39 **SECTION 12.** The Airport Authority may employ any agents, engineers, attorneys,
40 and other persons whose services may be deemed by the Airport Authority to be necessary and
41 useful in carrying out the provisions of this act.

42 **SECTION 13.** The Washington City Council may appropriate funds derived from
43 any source including ad valorem taxes to carry out the provisions of this act in any proportion or
44 upon any basis as may be determined by the Washington City Council.

45 **SECTION 14.** The Airport Authority may expend the funds that are appropriated by
46 the City of Washington for airport purposes.

47 **SECTION 15.** The Airport Authority shall elect from among its members a chair
48 and other officers at its initial meeting and then annually thereafter. A majority of the Airport
49 Authority shall constitute a quorum. Each member of the Airport Authority, including the chair,
50 shall have one vote. The Airport Authority shall meet at the places and times designated by the

1 chair. The Airport Authority is subject to the provisions of Chapter 132 and Article 33C of
2 Chapter 143 of the General Statutes.

3 **SECTION 16.** In making initial appointments to the Airport Authority, the
4 Washington City Council shall appoint each of the six individuals serving on the
5 Washington-Warren Airport Advisory Board on July 1, 2022, who shall serve until their
6 respective terms on the Washington-Warren Airport Advisory Board expire. As those initial
7 terms expire, the Washington City Council may make appointments such that terms of office are
8 for less than three years in order to establish staggered terms for appointments with three seats
9 expiring in one year and two seats expiring in each of the next two years. After establishing the
10 staggered terms, all terms of office shall be for three years.

11 **SECTION 17.** If any section or provision of this act is declared unconstitutional or
12 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
13 the part so declared to be unconstitutional or invalid.

14 **SECTION 18.** This act is effective when it becomes law.