

## Chapter 4

# AIRPORT BOARD

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### **2-4-1: AIRPORT BOARD ESTABLISHED:**

- A. There is hereby established in and for the city the Waterloo airport board of directors (hereinafter referred to in this chapter as the board) created under Iowa Code chapter 392 for the purpose of governing the operation of the Waterloo airport and managing the development of land and infrastructure in the area adjacent to the airport, pursuant to the terms and provisions of this chapter.
- B. Subject to this chapter, the board shall succeed to the current responsibilities of the airport commission and the airport area development authority, both of which are hereby abolished.
- C. The board shall consist of seven (7) members each having the right to vote. The members shall be appointed by the mayor, which appointment shall be approved by the city council. Three (3) board members shall initially be appointed for two (2) years, two (2) board members for three (3) years and two (2) board members appointed for four (4) years. The terms of the board members initially appointed shall be determined by their appointment. Absent member lots shall be drawn by a proxy. Thereafter, the term of each member shall be for four (4) years and any vacancies occurring in the membership shall be filled in accordance with this chapter. Any member may be removed by a majority vote of the city council. The terms of board members shall expire on and as of June 30 of the year in which their terms expire. All appointments after the original appointments shall be in accordance with this chapter. (Ord. 4400, 12-13-1999)

### **2-4-2: QUALIFICATIONS OF BOARD MEMBERS:**

To be eligible to be appointed a member of the Waterloo airport board, the appointee must be a resident of the city, except two (2) members may be residents of Black Hawk County or any county within the state, and one member may be a resident of the city of Cedar Falls, Iowa. 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 and the management of development of adjacent areas. (Ord. 4400, 12-13-1999; amd. Ord. 4411, 4-10-2000)

### **2-4-3: ORGANIZATION OF BOARD:**

At its first meeting, the board shall elect a chair from its own membership. The board shall, in a timely manner, adopt bylaws and regulations to govern the proceedings of the board. The presence of four (4) members of the board shall constitute a quorum for the transaction of business. All actions of the board shall be by resolution or motion and the affirmative vote of at least four (4) members shall be required for the passage of either action. (Ord. 4400, 12-13-1999)

### **2-4-4: MEETINGS AND MINUTES:**

The board shall hold at least one public meeting each month, at such times as the board shall establish in its bylaws. Minutes of each meeting shall be kept and all resolutions and minutes shall be open to public inspection. Board meetings shall be conducted in compliance with all applicable state or federal laws, including, but not limited to, Iowa Code chapter 21, open meetings. (Ord. 4400, 12-13-1999)

### **2-4-5: POWERS AND RESPONSIBILITIES OF BOARD:**

Except as otherwise herein provided, the board shall have the authority to govern the operation of the Waterloo municipal airport and the management and development of adjacent areas, including, but not limited to, the following powers and responsibilities:

- A. Establish and enforce regulations for the control, operation, supervision and maintenance and security of the airport, provided such regulations do not conflict with existing city ordinances or with state or federal laws, rules or regulations.
- B. Establish by regulation rates and charges for use of the airport, airport facilities or airport services, to support the operations and development of the airport, including passenger facility charges, except that admission charges and temporary parking charges for special events may be set by board resolution. The level of rates and charges shall be consistent with the operating and capital improvement budgets.
- C. Negotiate and execute leases, concession agreements, and operating agreements of not to exceed three (3) years induration for the use of real property and facilities under the jurisdiction of the Waterloo airport. Any leases, concession agreements or operating agreements for the use of real property and facilities under the jurisdiction of the Waterloo airport which exceed three (3) years in duration shall require approval by the city council. All agreements, concession agreements and operating agreements under the jurisdiction of Waterloo airport, which do not involve the lease or real property, may be negotiated and executed by the board.
- D. Enter into contracts for public improvements contained in the city's capital improvements program (CIP) for the year of initiation when the funding from the general fund, general obligation bonds or state or federal grants is available or has been secured for the project. In awarding contracts for public improvements, the estimated cost of which exceeds twenty five thousand dollars (\$25,000.00), the board shall follow the requirements of Iowa Code chapter 384, division VI and applicable provisions of this code. All references to the city council in those provisions shall be deemed to mean the airport board in their application as herein provided.
- E. Buy, lease, sell or exchange supplies, equipment and materials and to procure services or work to the extent unencumbered funds are available for payment pursuant to the provisions of this code.
- F. Develop for approval by the city council, maintain and follow yearly operating and capital improvement budgets included as part of the total city budget. The board shall submit its operating and capital budgets to the mayor for recommendation and transmittal to the city council in accordance with time tables established by the mayor. The board and the mayor shall jointly agree on the staffing levels which would be included in the operating budget. The board has discretion to transfer expenditures between operating budget account codes as necessary subject to approval of the finance committee of the city council. All expenditures and all transfers between account codes shall be reported to the finance department and shall be reflected in quarterly and annual reports prepared by the finance department. In the process of developing and administering the yearly budget, the board shall assure as a first priority the payment of principal and interest on general obligation bonds issued in the name of the city for airport purposes.

- G. Develop and implement a marketing plan aimed at establishing the Waterloo airport as an economic generator and attraction for Waterloo and the state. The board shall engage in appropriate activities which will promote improvements and growth in scheduled passenger airline service, cargo service, general aviation use of the airport, as well air transportation related services for the community.
  
- H. Create advisory committees and appoint members thereto, including both residents and nonresidents of the city. Individuals excluded from board membership because of their direct financial interest may be eligible for appointment to such advisory committees, subject to the limitations imposed by law.
  
- I. Prepare and deliver to the city council an annual report covering program activities and financial status within one hundred twenty (120) days after the end of the fiscal year.
  
- J. Organize, supervise, manage and direct the development of a trade and commerce center located adjacent to the Waterloo municipal airport.
  
- K. Review and either approve or disapprove all plans associated with development or redevelopment of the airport.
  
- L. Ensure that all airport revenues collected by or under board authority are credited to the general fund, and that all expenditures from said fund for airport purposes are done in accordance with applicable state and federal laws and regulations.
  
- M. Maintain a positive cash balance at all times in airport operations.
  
- N. Acquire by voluntary sale or gift property interests as necessary to implement an airport land use plan or other plan approved by the board. All such acquisitions shall be accepted and approved by the city council.
  
- O. File with the city clerk for public inspection copies of minutes summarizing all board meetings, including resolutions and motions passed by the board within seven (7) days of the meeting at which the minutes were approved. The minutes at each preceding meeting shall be presented at the next meeting for approval by the airport board.
  
- P. The board may prepare and present to the city council recommendations for the issuance of bonds, the amount to be financed, method of repayment and the expected revenues and necessary charges to be created in order to meet the debt repayments.



- Q. Create subcommittees of the board, including, at least, an airport operations committee and an airport area development committee.

The delegation of power and responsibility to the board is strictly subject to the limitations imposed by any revenue bonds or obligations issued or outstanding which are payable from the revenues of the airport. (Ord. 4400, 12-13-1999)

## 2-4-6: BOARD REGULATIONS:

- A. Adoption Of Regulations: Regulations proposed by adoption by the board shall be in writing. In adopting a regulation, the board shall take the following actions in the listed order:

1. File said proposed regulations with the city clerk.
2. Publish notice of intent to adopt the regulation of the time and place of a public hearing thereon, including then a description of the regulation and its proposed effective date, and stating that it is on file with the city clerk.
3. Notify the city council of the proposed effective date of the regulation and provide a copy thereof to the city council for its review.
4. Hold a public hearing on the proposed regulation; and
5. Adopt the regulation by board resolution and cause the city clerk to publish it prior to its effective date as provided by Iowa Code section 362.5.

- B. Time Of Adoption: Except in case of an emergency requiring prompt action by the board, the adoption of a regulation shall occur at a regular board meeting following the regular meeting at which the public hearing on the regulation is held. If, upon its review of a proposed regulation, the city council determines that such regulation is inconsistent with the provisions of this code, or is inconsistent with any applicable state or federal law or regulation, or is otherwise objectionable, the city council may so declare by resolution, and in that event the proposed regulation shall not be published and shall not take effect. Regulations adopted by the board shall be effective upon their publication.

- C. Legal Effect Of Board Regulations: Regulations adopted by the board shall have the effect of law. Any person who fails to perform an action required by such regulations, or commits an act prohibited by such regulations, shall be guilty of a misdemeanor punishable as provided by section [1-3-1](#) of this code, or shall be guilty of a municipal infraction punishable as provided by subsection [1-3-2C](#) of this code. (Ord. 4400, 12-13-1999; amd. 2001 Code)

## 2-4-7: POWERS RESERVED BY CITY COUNCIL:

In addition to those powers previously reserved to the mayor or city council, the following powers are specifically reserved to the city council:

- A. All property interests acquired by the board, whether real or personal, shall be acquired in the name of the city and at all times remain an asset of the city.
- B. The exercise of the power of eminent domain.
- C. The levying of real property taxes.
- D. The undertaking of debt, including the issuance of bonds or the execution of any form of loan or promissory note.
- E. The mortgage, sale or conveyance of airport assets or real property or its encumbrance for a period in excess of three (3) years.
- F. Approval and acceptance of state or federal grants or subsidies.
- G. The establishment of insurance limits and procurement of insurance for the airport.
- H. The representation and defense of the airport in all disputes, claims, actions or lawsuits, including the settlement of all such matters.
- I. Approval of the airport land use development plans and any amendments thereto. The city council shall provide directives to the board for carrying out such plan which the board shall be required to follow.
- J. The right to have any person aggrieved by the board in matters of health, safety or property appear before the city council. (Ord. 4400, 12-13-1999)

## **2-4-8: AVIATION DIRECTOR AND AVIATION DEPARTMENT:**

- A. Appointment Of Director: The director of aviation shall be appointed by the mayor, which appointment shall be approved by the city council. The mayor shall consult with the board before such appointment.

The mayor and the chair of the airport board shall jointly review and evaluate the performance of the aviation director at appropriate times, but not less than annually.

B. Duties Of Aviation Director: The director of aviation shall be responsible for:

1. The implementation of the policies, programs and plans of the Waterloo airport board, and for representing the position of the board with regard thereto.
2. Assisting the board in communications with state and federal agencies.
3. Assisting the board in the preparation of a yearly operating and capital improvement budget for the airport.
4. Assisting the board in the formulation of rules, regulations, operating agreements, contracts, grant applications and other such matters as the board shall from time to time determine.
5. The supervision of the department of aviation and its employees.
6. All airport operations and activities.
7. The maintenance and protection of airport property.

C. Director's Authority To Adopt Rules: The director is authorized to adopt such written rules as he deems necessary for the operation and protection of the airport, and for the implementation of the policies, programs and plans of the Waterloo municipal airport board; provided, however, that such rules shall be consistent with the provisions of this code, the regulations adopted by the board and all applicable state and federal laws and regulations.

D. Board's Review Authority: If, upon its review of a rule proposed or adopted by the director, the board determines that it is in conflict with regulations adopted by the board, the rule shall not take effect or shall be withdrawn. (Ord. 4400, 12-13-1999)

#### **2-4-9: AVIATION PERSONNEL:**

All personnel of the aviation department shall be employees of the city. All personnel and labor relations matters relating to employees of the aviation department, or relating to administrative or support services provided by the city, shall remain the responsibility of and under the control of the mayor in accordance with Iowa Code chapter 20. The aviation director shall report to the mayor with respect to these specific areas. (Ord. 4400, 12-13-1999)

#### **2-4-10: ADMINISTRATIVE AND SUPPORT SERVICES:**

The city shall provide and the board shall utilize services of the city, including, but not limited to, aviation services (including airfield, building, ground, operation and maintenance services), engineering services,



personnel services, legal services, accounting services, payroll services, property acquisition services, public improvement design services, contract procurement and administration services, purchasing services, financial services, fire services (excluding priority aircraft rescue and fire fighting services), police services, planning and development services and staffing, marketing services and general administrative services to administer, operate and maintain the Waterloo airport; provided, however, that if the board and mayor jointly agree that the city cannot provide the expertise, extraordinary effort, or special resources required for a particular project, the board may acquire and utilize outside services to accomplish such project. A record of such agreement shall be preserved in the minutes of the board. The reasonable cost of providing such city services shall be charged to airport operations. (Ord. 4400, 12-13-1999)