

ORDINANCE NO. 2005-40

AN ORDINANCE REPEALING SECTION 2.72 OF THE BENTONVILLE MUNICIPAL CODE PERTAINING TO THE AIRPORT COMMISSION AND CREATING AN AIRPORT ADVISORY BOARD.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That Section 2.72 of the Bentonville Municipal Code should be and the same is hereby repealed, and the Bentonville Airport Commission should be and is hereby eliminated.

Section 2: AIRPORT ADVISORY BOARD CREATED. The Bentonville Municipal Airport Advisory Board is created. The purpose of the board shall be to provide for the growth of quality aviation services in the city, through planning and promotion, in order to enhance the economic and cultural development of the community. The Board shall function in accordance with the policies and procedures established herein.

Section 3: COMPOSITION. The Board shall be composed of five members. All members shall be qualified electors of the City.

- (a) A City Council member shall be an ex officio member of the board.
- (b) At least one of the five members shall be fully experienced in aviation, holding some type of pilot aeronautical rating; provided, however, that if there is not any citizen experienced in aviation holding some type of pilot's aeronautical rating who is available or willing to serve on such board, then the Mayor may waive this requirement.
- (c) Other than the ex officio position, no member of the board shall hold any elective or other appointive office under the municipal, county, state or federal government, while a member of the board, neither shall any such member be a candidate for any elective office while a member of the board. No member of the board shall have a financial interest in any aeronautical enterprise located at the airport while a member of the board. No member shall have a personal interest in any business of the Board or any contract with the Board or the City pertaining to the Airport. However, in no instance shall a member be prohibited from using airport facilities or services as a customer of an aeronautical enterprise at the airport.

Section 4: TERMS OF OFFICE. Board members shall be appointed by the City Council in accordance with the following:

- (a) The Board first appointed and confirmed, shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years each, to be designated by the Mayor
- (b) Upon the expiration of their respective terms, their successors shall be appointed by the City Council for a term of five years. No Board member shall be eligible to serve more than two terms (full or partial) in succession.

Section 5: REMOVAL. Any Board member appointed by the City Council may be removed at any time by a majority of the elected members of the City Council. The Mayor may also remove from office any Board member upon approval by the City Council.

Section 6: OFFICERS. At the first meeting following the appointment of members, the Board shall elect from among its membership a chair, vice-chair, and secretary. The officers shall serve two-year terms. No member shall serve more than two consecutive two-year terms as chairperson without interruption of at least a two year period.

- (a) The chairperson is the principal officer and will preside at all meetings and shall rule on all matters of procedure regarding the order of business, motion, voting, etc. He or she shall appoint the necessary committees to establish the goals and meet the objectives of the Board. The chairperson shall have a vote in all matters of business.
- (b) The vice-chairperson will serve in the same capacity as the chairman in the event the chairman is absent or in the event of his or her inability or refusal to act.
- (c) The secretary shall keep the official minutes of the Board meetings in one or more books provided for that purpose. He or she shall insure that all notices are given as required by law, and shall be the official custodian of the records of the Board. The secretary shall perform the duties ordinarily performed by the secretary of a corporation and such other duties as may be delegated by the Board. The secretary shall deliver or mail the Board's regular meeting agendas to the Board members and the Mayor at least seven days prior to the meeting.

Section 7: DUTIES. The airport advisory board shall:

- (a) Annually submit a five-year capital improvements plan to the Mayor by May 1st;

- (b) Prepare an annual budget for submission to the Mayor by October 1st;
- (c) Annually submit a customer service report to the Mayor by December 31, for distribution to the City Council;
- (d) Submit quarterly reports to the Mayor concerning Airport performance and revenues and expenditures.
- (e) Prepare and render such other reports as may be determined by the Mayor or City Council.

Section 8: MEETINGS

- (a) The Board shall meet once each month, at a location in the City of Bentonville designated by the Board.
- (b) Special meetings may be called by the chairman or any three of the Board members at any time after 24 hours' prior written notice designating the time and place of such meeting
- (c) All requirements of the laws of the State of Arkansas concerning open meetings and notice shall be met.
- (d) A quorum shall consist of any three Board members. All actions of the Board shall be upon a vote of not less than a majority of the members present. All Board members except the ex officio member shall be entitled to vote upon all matters.

Section 9: AUTHORITY OF THE BOARD. All decisions of such Board are subject to final consideration by the City Council or Mayor as appropriate or required by resolution, ordinance or statute. Provided, however, it is the intention of the City Council that all items within the scope of authority of the Board be submitted to the Board for consideration and recommendation prior to submission to the City Council for those matters which require Council action. The Mayor is authorized to provide available staff to administer the airport and to assist the Board, as approved through City budget and expenditure processes.

Section 10: LIMITATIONS OF AUTHORITY. The authority of the Board is expressly limited to the specific responsibilities and duties contained herein and nothing herein shall be construed or interpreted to:

- (a) Grant the Board authority over the operation of any department, division, office, officer, or employee of the City except as may be requested by the Mayor or City Council in special circumstances.

- (b) Diminish the responsibility of the Mayor in resolving conflicts which may arise over what specific items may be within the scope of authority of the Board.
- (c) Diminish the authority of the City Council over funding, operations, fixed assets, indebtedness, budget, and other areas as applicable under Arkansas law.
- (d) Create a commission under any state law regarding the creation of autonomous committees or commissions.

PASSED and APPROVED this 22nd day of February, 2005.

APPROVED:

Terry Black Cobble
MAYOR

ATTEST:

Suzanne Guder
CITY CLERK