

LEGISLATIVE BILL 975

Approved by the Governor March 1, 1988

Introduced by Morehead, 30

AN ACT relating to airport authorities; to amend sections 3-502 and 3-616, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the filling of vacancies on city airport authorities; to change a provision relating to the payment of income and other money of a county airport authority; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 3-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-502. Any city is hereby authorized to may create an airport authority to be managed and controlled by a board, which board, when and if appointed, shall have full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by such city for the purpose of aviation operation, air navigation, and air safety operation. The Cities Airport Authorities Act; ~~PROVIDED, that this act shall not~~ become operative as to any city unless the mayor and city council in their discretion shall activate the airport authority by the mayor appointing and the council approving the board members as ~~hereinafter~~ provided in this section. Each such board shall be a body corporate and politic, constituting a public corporation and an agency of the city for which such board is established. Each board in cities of the primary, first, and second classes and in villages shall consist of five members to be selected as follows: (1)(a) The mayor, with the approval of the city council, shall appoint one member who shall serve until his or her successor, elected at the first general city election following such appointment, shall qualify and take office, (b) the mayor, with the approval of the city council, shall appoint two members who shall serve until their successors, elected at the second general city election following such appointment, shall qualify and take office, and (c) the mayor, with the approval of the city council, shall appoint two members who shall

serve until their successors, elected at the third general city election following such appointment, shall qualify and take office; and (2) upon the expiration of the terms of such appointed officers, members of the board shall be nominated and elected in the manner provided by law for the election of officers of the city concerned and shall take office at the same time as the officers of such city. Members of such board shall be residents of the city for which such authority is created; and, except for members initially appointed, shall serve for a term terms of six years. Any vacancy on such board, ~~resulting other than from expiration of a term of office,~~ shall be filled by temporary appointment by the mayor, with the approval of the city council, until a successor can be elected, at the next general city election, to serve the unexpired portion, if any, of the term. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the city council, in the district court of the county in which such city is located.

Each board in cities of the metropolitan class shall consist of five members ~~to be selected as follows.~~

~~The mayor, with the approval of the city council, shall appoint one member in 1966, for a term of five years, and one member for a term of four years, in 1968, the mayor shall with the approval of the city council, appoint one member for a term of four years, and in 1969, the mayor shall with the approval of the city council, appoint one member for a term of five years and one member for a term of four years, and upon the expiration of the terms of such appointed officers, members of the board who shall be nominated by the mayor and approved by the city council, and shall serve for a term terms of five years. Any vacancy on such board, ~~resulting other than from expiration of a term of office,~~ shall be filled by appointment by the mayor, with the approval of the city council, and such appointee shall serve the unexpired portion, if any, of the term of the member whose office was vacated. Any member of such board may be removed from office by the mayor, for incompetence, neglect of duty, or malfeasance in office, with the consent and approval of the city council.~~

The members of the board hereby created shall not be entitled to compensation for their services, but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon

them by the provisions of this act the Cities Airport Authorities Act, to be paid as provided in section 23-1112 for county officers and employees. A majority of the members of the board then in office shall constitute a quorum. The board may delegate to one or more of the members, or to its officers, agents, and employees, such powers and duties as it may deem proper. The board and its corporate existence shall continue only for a period of twenty years from the date of appointment of the members thereof and thereafter until all its liabilities have been met and its bonds have been paid in full or such liabilities and bonds have otherwise been discharged. When all liabilities incurred by the authority of every kind and character have been met and all its bonds have been paid in full, or such liabilities and bonds have otherwise been discharged, all rights and properties of the authority shall pass to and be vested in the city. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction, with the right and duty to charge and collect revenue therefrom, for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist, all its remaining rights and properties shall pass to and vest in the city.

Sec. 2. That section 3-616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

3-616. All income, revenue, receipts, profits, and money of an authority from whatever source derived shall be paid to the ~~county treasurer~~ as ~~ex officio~~ treasurer of the authority who shall not commingle such money with any other money under his or her control. Such money shall be deposited in a separate bank account or accounts and shall be withdrawn only by check or draft signed by such treasurer on requisition of the ~~chairman~~ chairperson of the authority or of such other person or persons as the authority may authorize to make such requisitions, approved by the board. The chief auditing officer of the county and his or her legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of such authority, including its receipts, disbursements, contracts, leases, sinking funds, investments, and any other matters relating to its financial standing. Notwithstanding the provisions of this section, such authority may contract with the holders of any of its bonds as to collection, custody, securing, investment, and payment of any money of the

authority, or any money held in trust or otherwise for the payment of bonds, or in any way to secure bonds, and to carry out any such contract notwithstanding that such contract may be inconsistent with the previous provisions of this section. All banks and trust companies are hereby authorized to give security for such deposits of money of authorities as shall be required by law to secure the deposit of funds of counties.

Sec. 3. That original sections 3-502 and 3-616, Reissue Revised Statutes of Nebraska, 1943, are repealed.