

JOINT ENACTMENT

HARVEY COUNTY RESOLUTION NO. 2024-8

CITY OF NEWTON ORDINANCE NO. 5139-24

A JOINT ENACTMENT OF THE BOARD OF COUNTY COMMISSIONERS OF HARVEY COUNTY, KANSAS, AND OF THE GOVERNING BODY OF THE CITY OF NEWTON, KANSAS, REGARDING THE COMPOSITION AND DUTIES OF THE AVIATION COMMISSION AND THE OPERATION OF THE NEWTON CITY-COUNTY AIRPORT.

WHEREAS on June 18, 1969, the Board of County Commissioners of Harvey County, Kansas, and the governing body of the City of Newton, Kansas, (the Governing Bodies) entered into an agreement for the joint ownership and operation of the Newton City-County Airport (Airport), consistent with the historical policy and practice of such joint ownership and operation; and

WHEREAS subsequently through the joint enactment of Harvey County Resolution No. 38, dated October 25, 1976, and City of Newton Ordinance No. 3225, dated October 6, 1976, the said parties created the Newton City-County Aviation Commission (the Commission) to serve as an advisory body to the said County and City as to the ownership, development and operation of the said Airport, and to perform such other duties and responsibilities as may be delegated thereto, which said joint enactment was subsequently amended and repealed by Harvey County Resolution No. 12, dated February 23, 1987, and City of Newton Ordinance No. 3886, dated February 18, 1987, as to the composition of said Aviation Commission, with said joint enactments also being subsequently amended by Harvey County Resolution No. 1992-12, dated February 18, 1992, and City of Newton Ordinance No. 4038-92, dated March 4, 1992, as to certain delegated duties of the Aviation Commission, and amended by Harvey County Resolution No. 2009-22, dated November 23, 2009, and by City of Newton Ordinance No. 4720-09, dated November 23, 2009, as to the composition of the Aviation Commission, and repealed by Harvey County Resolution No. 2015-19, dated September 21, 2015 and City of Newton Ordinance No. 4893-15 dated September 22, 2015 defining the scope of the Aviation Commission; and

WHEREAS through the subsequent changes at the Airport, the City and County thought it best to clarify the scope and terms of the Aviation Commission; and

WHEREAS the City and County desire to make certain additional amendments to their agreement relating to the Airport for their mutual convenience and toward the advancement of their mutual interests; and

WHEREAS the City and County acknowledge that the County adopted Resolution 1997-18 which imposes certain term limits on County appointments.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Harvey County, Kansas; and

NOW, THEREFORE, BE IT ORDAINED by the governing body of the City of Newton, Kansas:

SECTION 1. In accordance with the historical needs as well as the anticipated future development at the Airport, the Governing Bodies set forth the following provisions relating to the Aviation Commission:

1. Purpose. The Aviation Commission acts in an advisory capacity to the Governing Bodies in all matters pertaining to the Airport and to aviation matters to the extent that they affect the Governing Bodies. The Commission shall consider, study, investigate, review, make recommendations, and serve in an advisory capacity to the Governing Bodies upon all airport matters, aviation matters and long-range planning in matters relating to the Airport or which it shall deem in the best interests of the development and improvement of the Airport.

2. Membership. The Aviation Commission shall be composed of nine members selected as follows:

- (a) One member shall be the Chair or a member of the Board of County Commissioners of Harvey County, as appointed by the Board of County Commissioners. There is no term limit for this member;
- (b) One member shall be the Mayor or a member of the Newton City Commission, as appointed by the Newton City Commission. There is no term limit for this member;
- (c) One member shall be the Harvey County Administrator or their designee. There is no term limit for this member;
- (d) One member shall be the Newton City Manager or their designee. There is no term limit for this member;
- (e) One member shall be appointed from the public at large by the Board of County Commissioners. This member shall serve for a term of three years. This member shall be limited to three consecutive three-year terms.
- (f) One member shall be appointed from the public at large by the Newton City Commission. This member shall serve for a term of three years. There is no term limit for this member.
- (g) Three members shall be selected from the public at large by the six members of the Aviation Commission listed above. These members shall serve for a term of three years. There are no term limits for these members.

- (h) The Newton City-County Airport Manager shall serve as a non-voting *ex-officio* member to the Commission and shall act as the advisory staff to the Commission. The Airport Manager shall serve as recording secretary to the Commission. The Commission may add and remove additional *ex-officio* members as needed.
- (i) The Commission shall have the authority to appoint members to one-year or two-year terms which shall not count against any term limitations listed herein. Further, the term of any Commission member serving the unexpired term of another member shall not be counted against any term limitations.

3. Duties & Powers of the Aviation Commission.

- (a) Keep a record of the minutes of each meeting and any official actions;
- (b) Submit annual reports to the Governing Bodies;
- (c) With the assistance of the staff of the Governing Bodies, the Aviation Commission shall advise the Governing Bodies as necessary on:
 - (i) The Airport Master Plan and Capital improvement Plan;
 - (ii) Rules, regulations, and minimum operating standards;
 - (iii) Environmental policies affecting Airport operations and Airport projects;
 - (iv) Aviation-related development proposals at and surrounding the Airport or other development proposals. In addition to advising the Governing Bodies, the Airport Advisory Commission may take action to advise the Newton Planning Commission.
 - (v) Fees imposed by the City in connection with the Airport;
 - (vi) Lease policies regarding property at the Airport;
 - (vii) Land use policies at and surrounding the Airport, or other aviation-related laws, ordinances, rules, regulations or planning documents. In addition to advising the Governing Bodies, the Commission may take action to advise the Newton Planning Commission;
 - (viii) The future role of the Airport as part of the nationwide air transportation system;
 - (ix) Safety matters under the jurisdiction of the Airport.
 - (x) Such other matters as the Governing Bodies may direct.

4. Meetings. The Commission shall schedule quarterly meetings to conduct the business of the Commission. The Commission may amend meeting dates and times, and/or may schedule additional meetings when necessary.

- (a) The Commission will give public notice of the time and place of meetings in compliance with the requirements of the Kansas Open Meetings Act (KOMA). All meetings of the Commission shall be open to the public and all persons shall be permitted to attend any meetings of the Commission except for executive sessions.
- (b) Each member is required to attend meetings. If a member misses three of the four regularly scheduled meetings in a calendar year, that member will forfeit their membership. Terminated members are eligible for re-appointment after one year.
- (c) Members are permitted to attend meetings remotely by telephone or through video conferencing.

5. Executive Sessions. The Commission may hold executive sessions during a regular or special meeting to consider any matter which it is authorized by the Kansas Open Meetings Act (KOMA) to consider in executive session. The Commission by State law may exclude from any such executive session any person or persons which it is authorized by State law to exclude from such executive sessions.

6. Time of Regular Meetings. The Commission shall hold four (4) regular meetings each year on a quarterly basis at 4:00 p.m. on the third Monday of the first calendar month of each quarter, or at another date and time as agreed upon. If the time scheduled for a regular meeting falls on a City or County holiday, the regular meeting shall be held on the next succeeding Monday. The Commission may specify some other time for holding any such meeting. Subject to the requirements of law, any meeting before the Commission may be continued from time to time, to times and locations convenient to the consideration of matters pending before the Commission. Special meetings may be called pursuant to a call of the Chairperson, City Manager or County Administrator.

7. Posting of Agendas. All reasonable efforts should be made so that the agenda shall be posted in a location that is freely accessible to members of the public at least forty-eight (48) hours before the regular meeting. This posting may include publication on the website of the City, the County, or the Airport. The Airport Manager shall cause the agenda to be posted.

8. Chairperson, Powers, and Duties. At the first meeting of the calendar year, the Commission shall elect a Commission member to serve as Chairperson for that calendar year. The Chairperson shall serve in this capacity for a one-year term, with no limit on consecutive terms so long as the Chairperson remains a member of the Commission. The Chairperson shall have the following powers and duties:

- (a) The Chairperson shall preside at all meetings conducted by the Commission;

- (b) The Chairperson shall sign all reports of the Commission and all minutes of all meetings of the Commission which are approved by the Commission; and
- (c) The Chairperson shall perform all other duties which may be required by ordinance or by resolution of the Governing Bodies or those within the by-laws of the Aviation Commission.

9. Vice-Chairperson, Powers, and Duties. At the first meeting of the calendar year, the Commission shall elect a Commission member to serve as Vice-Chairperson. The Vice-Chairperson shall serve in this capacity for a one-year term, with no limit on consecutive terms so long as the Chairperson remains a member of the Commission. The Vice-Chairperson shall have the following powers and duties:

- (a) In the event of and during the absence or disability of the Chairperson, the Vice-Chairperson shall preside as Chairperson at all meetings of the Commission and shall have and perform all other powers and duties of the Chairperson; and
- (b) The Vice-Chairperson shall perform all duties which may be required by ordinance or by resolution of the Governing Bodies or those within the by-laws of the Aviation Commission.

10. Reservation to Amend. The foregoing notwithstanding, the Governing Bodies hereby reserve the right to establish from time-to-time restrictions, limitations, and guidelines within which such authority delegated to the Aviation Commission shall be exercised.

11. Duty of the City. Without further authorization by the Governing Bodies, the administration of the City, within the City's established authority for the management of the Airport, shall have the authority to:

- (a) Engage in any and all hiring, firing, purchasing and procurement activities in relation to the operations of the Airport as are within the established budget for the operations of the Airport.
- (b) Enter into lease agreements involving Airport property for terms not exceeding one year;
- (c) Negotiate lease agreements involving Airport property for terms exceeding one year, subject to approval by both the City and County;
- (d) Establish proprietary fees associated with the Airport;
- (e) Actively manage the Airport subject to the joint policies as may be established by the Parties; provided, however, that the City Manager shall consult with the County Administrator prior to:
 - (i) Selecting or terminating an Airport Manager, which shall include the County Administrator being given the right and opportunity to participate in

any and all interviews of Airport Manager candidates during the City's selection process;

- (ii) Preparing the annual budget for the Airport;
 - (iii) Preparing any capital improvements programs or proposals for the Airport; and
 - (iv) Making application for any federal funding for Airport projects.
- (f) Airport Fund. The City shall establish a special Airport fund, placing therein the tax revenues received from each of the Governing Bodies, together with any and all revenue from the operation of the Airport, and shall pay therefrom the expense of maintenance and operation of the Airport.

SECTION 2. Appointments. Through the adoption of this Joint Enactment, it is the intent of the Governing Bodies to make new appointments and restart the terms of the members of the Aviation Commission. For any Aviation Commission member that is reappointed to the Aviation Commission, their term should start over, and the that term shall be considered their first term as it pertains to any term limits. Upon the adoption of this Joint Enactment, the Governing Bodies will make their respective appointments. At the first meeting of the Aviation Commission following the adoption of this Joint Enactment, the Aviation Commission shall make their respective appointments.

SECTION 3. Repealer. The following enactments of Harvey County and of the City of Newton are each repealed by action of the respective governing bodies: Harvey County Resolution No. 2015-19, dated September 21, 2015 and City of Newton Ordinance No. 4893-15, dated September 22, 2015.

SECTION 4. Publication. This Ordinance and Resolution shall take effect and be in force from and after its publication for the County and summary publication in THE NEWTON KANSAN, the official newspaper of the County and the City.

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PASSED AND ADOPTED by the Board of County Commissioners of Harvey County, Kansas, this 13th day of February, 2024.

BOARD OF COUNTY COMMISSIONERS OF
HARVEY COUNTY, KANSAS



Becky Reimer, Chair



Don Schroeder, Commissioner



Randy Hague, Commissioner

ATTEST:



Rick Piepho, County Clerk

*[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK. CITY SIGNATURES
TO FOLLOW]*

PASSED AND ADOPTED by the governing body of the City of Newton, Kansas, this 13th day of February, 2024.

CITY OF NEWTON, KANSAS



Rod Kreie, Mayor

ATTEST



Denise R. Duerksen, City Clerk