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ORDINANCE NO. _____

AN ORDINANCE CREATING AN AIRPORT COMMISSION;
ESTABLISHING ITS POWERS AND AUTHORITY AND AUTHORIZING THE
EXECUTION OF A CONTRACT WITH BENT COUNTY, COLORADO FOR THE
JOINT OWNERSHIP, CONSTRUCTION, OPERATION AND MAINTENANCE OF
A JOINT CITY-COUNTY AIRPORT.

BE IT ORDAINED by the City Council of the City of Las Animas:

Section 1: There is hereby created a Board to be known as the Las Animas-Bent County Airport Commission. The Airport Commission shall consist of three (3) members who shall own real estate in Bent County, Colorado, and shall be qualified tax-paying electors of Bent County, Colorado. The members shall be appointed by the City Council and these appointments shall become final upon the approval of the Board of County Commissioners of Bent County, Colorado, and shall be for the following terms: The first three (3) members shall be appointed by the Council with the approval of the County Commissioners, as aforesaid, to serve terms as follows: One (1) member for one (1) year; One (1) member for two (2) years, and One (1) member for three (3) years. As the term of each member expires, the vacancy thus created shall be filled by the Council with the approval of the County Commissioners for a term of three (3) years. If a vacancy occurs other than by expiration of term, the Council with the approval of the County Commissioners shall appoint a new member to fill the unexpired term.

Section 2: The Commission shall elect a Chairman from among the appointed members and shall create and fill such other of its offices as it may determine. The Chairman shall serve for a term of one (1) year and be eligible for re-election. All members of the Commission shall serve without pay, but shall be entitled to re-imbusement for expenses incurred in performing the duties of said office.

Section 3: The Commission shall hold at least one (1) regular meeting in each month, and such special meetings as are necessary in the opinion of the Chairman; provided, however, that a special meeting may be called by the Chairman or any other member of the Commission upon due notice to the other members of the Commission. The Commission shall adopt rules for transaction of business and shall keep a record of its meetings, resolutions, transactions, findings and determinations, which records shall be a public record.

Section 4: By and with the approval of the City Council and the County Commissioners, the Commission may appoint such employees as it may deem necessary. Expenditures of the Commission shall be within the amounts appropriated for the purpose by the City of Las Animas and Bent County, which agencies shall provide the funds, equipment, and accommodations necessary for the work of the Commission. This Commission shall submit a budget to the City Council and to the County Commissioners on or before September 1 of each year for the next calendar year.

Section 5: It shall be the function and duties of the Commission
to:

(a) Study airport problems of the City and County, including,

but not by way of limitation, land acquisition by either purchase, gift, or lease; construction, operation and maintenance of runways, service facilities, terminal buildings, public transportation to and from the airport, condition of technical equipment, and such other and further matters concerning the airport as may come within the purview of this Commission and further the public interest.

(b) To supervise and maintain the runways, terminal and technical equipment and generally to be responsible for the operation of the airport.

(c) Study State and Federal legislation in matters pertaining to airports.

(d) Perform advisory functions as may be requested of it by the City Council or the County Commissioners.

(e) Submit reports of studies and surveys, together with recommendations to the City Council and the County Commissioners.

(f) Perform such other and further duties as may be prescribed by the City Council and County Commissioners.

The Commission shall make monthly operating reports in connection with the construction, operation and maintenance of said airport, to the City Council and the County Commissioners; and the report to the County Commissioners so far as expenditures are concerned, supported by appropriate vouchers carrying the recommendation of the commission.

Section 6: Should a member of the Airport Commission be absent for three (3) consecutive regular meetings of said Commission without cause, the office of such member shall be deemed to be vacant and the term of such member ~~shall be deemed to be vacant and the term of such member~~ terminated and the Secretary of the Commission shall immediately inform the City Council and the County Commissioners of such termination. An absence due to illness or absence from the City and County, and notice thereof to the Secretary of the Commission on or before the day of any regular meeting of the said Commission shall be deemed absence for cause. A regular meeting as provided for by law or by rule of the Commission or any regularly advertised public hearing shall be deemed to be a regular meeting.

Section 7: Any member of the Commission may resign at will by giving ten (10) days written notice of resignation to the City Council. Any member of the Commission may be removed by the City Council with the approval of the County Commissioners. Ten (10) days written notice of impending removal shall be given.

Section 8: In voting upon the adoption of any plan or any part thereof or any amendments, or extension or addition by resolution of the Commission, the same must be carried by the affirmative vote of not less than two-thirds (2/3) of the entire membership of the Commission.

Section 9: The Mayor and the City Clerk are hereby authorized and empowered to enter into a contract with Bent County, Colorado, for the joint construction, operation and maintenance of a joint City-County Airport in the following words and forms, to-wit:

AGREEMENT

This agreement, executed in duplicate and entered into this

2nd day of November, 1965, by and between the City of Las Animas, Colorado, party of the first part and County of Bent, party of the second part.

WITNESSETH: Whereas the parties hereto desire, acting jointly and in concert, under authority of CRS 1963, 5-4-3, to undertake the acquisition, construction, maintenance and operation of an airport to be known as the "City-County Airport", to be situated approximately one-half mile Southwest of Las Animas, Colorado, and whereas, it is desired by both parties hereto to create an Airport Board or Commission for the purpose of supervising such construction, operation and maintenance of said airport, each party paying one-half (1/2) of the cost of construction, maintenance, and operation, and each party receiving one-half (1/2) of the income from the operation of said airport,

Now, therefore, in consideration of the mutual covenants of the parties hereto, it is agreed as follows:

1. An Airport Board or Commission shall be established to consist of three (3) members, each of whom shall be qualified taxpaying electors of Bent County, Colorado, and shall serve without pay. The members of said Board or Commission shall be appointed by the City Council of the City of Las Animas, Colorado, subject to the approval and confirmation of the Board of County Commissioners of Bent County, Colorado.

2. The first three (3) members shall be appointed by the City Council of the City of Las Animas with the approval of the County Commissioners, as aforesaid, to serve as follows: One (1) for a term of one (1) year, One (1) member for a term of two (2) years, and One (1) member for a term of three (3) years. As the term of each member expires, the vacancy thus created shall be filled by the ^{City Council} ~~County Commissioners~~ ^{with the approval of the} for the term of three (3) years. If vacancies occurs other than by expiration of term, the Council with the approval of the County Commissioners shall appoint a new member to fill the unexpired term.

(2) Said Airport Commission shall supervise construction, operation and maintenance of said airport and approve all bills and claims subject to the budget allocations and appropriations of the respective contracting parties and subject to the final approval of the County Commissioners and City Council. Said commission shall supervise the use of said airport and collect all rents and charges and deliver the same to the County Treasurer for credit to the County Airport Fund.

(3) Subject to statutory prescribed fiscal procedures, it is anticipated that the City will transmit quarterly to the County for credit to the County Airport fund a share of tax collections for the preceding quarter, which bears the same relationship to anticipated total collections as the City's appropriation for airport bears to the total City budget. Said Commission shall file monthly reports with both the County Commissioners and City Council. The report to the County Commissioners shall include suitable vouchers in support of all claims and the Commission's recommendation for payment or non-payment, subject to final approval by the Board of County Commissioners, who upon approval thereof shall direct that warrant be drawn upon the County Airport Fund for the payment thereof.

3. There shall be an annual adjustment and settlement of the accounts of the respective parties.

4. Said Airport Commission shall, in apt time, prepare and submit to the respective contracting parties an annual report together with a budget request for the forthcoming year. The level of financial contributions of the contracting parties for the ensuing year for construction, and thereafter for any operating deficits shall be a matter of annual negotiation and agreement.

5. Nothing herein contained shall require either party to contribute to the cost of construction or to commit either party to any specified or continuing appropriation or contribution until each of the respective parties shall have approved such appropriation or contribution. The amount of this contribution shall be a matter of annual negotiations and shall be established by the exchange of letters between the respective contracting parties.

6. This agreement shall continue in effect until December 31, 1966, and from year to year thereafter until terminated by written notice by the withdrawing party given on or before October 1.

7. In the event of termination of this agreement by one or the other parties, the withdrawing party herewith agrees to convey all its right title and interest in and to the facility herein provided to be constructed, operated and maintained and to execute all proper and suitable instruments of conveyance to effect this end.

~~THE CITY OF LAS ANIMAS~~

~~By: _____
Mayor~~

Attest:

City Clerk

~~BENT COUNTY, COLORADO~~

~~By: _____

Commissioners~~

Attest:

Clerk of the Board.

Introduced, read and adopted on first reading and ordered published at a regular meeting of the City Council, City of Las Animas, Colorado, this 1st day of December, 1965

CITY OF LAS ANIMAS

By: James H. ...
Mayor

Attest:
Vera ...
City Clerk