

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: NOVEMBER 1, 2018

AGENDA ITEM NUMBER: 10 A-B

- SUBJECT:**
- A. RESOLUTION ESTABLISHING FORSYTH COUNTY AS THE OWNER AND OPERATOR OF SMITH REYNOLDS AIRPORT AND FORMING THE SMITH REYNOLDS AIRPORT BOARD TO ASSIST IN THE GOVERNANCE AND OPERATION OF SMITH REYNOLDS AIRPORT**
  - B. RESOLUTION APPOINTING MEMBERS OF THE INITIAL SMITH REYNOLDS AIRPORT BOARD**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:**

**SUMMARY OF INFORMATION:**

See Attached

ATTACHMENTS:  YES  NO

SIGNATURE: \_\_\_\_\_  
COUNTY MANAGER

DATE: October 30, 2018

**RESOLUTION ESTABLISHING FORSYTH COUNTY AS THE OWNER AND OPERATOR OF SMITH REYNOLDS AIRPORT AND FORMING THE SMITH REYNOLDS AIRPORT BOARD TO ASSIST IN THE GOVERNANCE AND OPERATION OF SMITH REYNOLDS AIRPORT**

**WHEREAS**, Forsyth County owns Smith Reynolds Airport, which is governed and operated by the Airport Commission of Forsyth County, an entity established in 1949; and

**WHEREAS**, North Carolina Session Law 2018-111 authorizes Forsyth County to replace the Airport Commission of Forsyth County with an alternative governance and operational structure for Smith Reynolds Airport; and

**WHEREAS**, it is necessary for Forsyth County to transition the operation and governance of the Airport to this new structure in a manner that allows for broader community input, thorough planning, study and execution by both County and Airport staff and policy development and approval by the Board of County Commissioners;

**WHEREAS**, the Board of County Commissioners formed the Smith Reynolds Advisory Board on August 16, 2018, consisting of the members of the Airport Commission of Forsyth County, in addition to two other members to augment the Advisory Board's expertise in the governance and operation of the Airport;

**WHEREAS**, the Smith Reynolds Advisory Board has recommended that the County governance of the airport would be most effective, and further recommends that the County form a new Airport Board to assist in the policy development, promotion, and operation of the Airport;

**WHEREAS**, the Board of Commissioners has determined that County governance of the Smith Reynolds Airport, in conjunction with a new Airport Board, will result in the most efficient operation of the Airport and promotion of the Airport as an engine for economic growth in the County;

**NOW, THEREFORE, BE IT RESOLVED** that the Forsyth County Board of Commissioners hereby enacts as follows:

1. Pursuant to Session Law 2018-111, the Board of Commissioners hereby establishes Forsyth County as the owner and operator of the Smith Reynolds Airport, effective January 1, 2019, to replace the Airport Commission of Forsyth County (ACFC) as operator of the Airport. The Board hereby creates the Airport Department as a County department subject to County policies.
2. Effective January 1, 2019, ACFC shall release, quitclaim, and convey in fee simple all the real and personal property held, owned, leased, or managed by ACFC to the County without consideration, including without limitation all funds held in any bank accounts, all investments, and other tangible and intangible property. On or before January 1, 2019, ACFC shall file all deeds and other documents to effect this transfer

of property, rights, and obligations. Upon completion of the transfer as provided for in this section, the County shall assume all of the ACFC's contracts, liabilities, and obligations, including, but not limited to, leases and subleases. The County Manager shall have authority to assume all such contracts, liabilities, and obligations on behalf of the County. The County Chief Financial Officer shall have authority to accept, on behalf of the County, all cash on hand and to record any existing assets, liabilities, and equities.

3. Upon completion of the transfer of all real and personal property of ACFC to the County, ACFC shall be deemed abolished, and Chapter 610 of the Session Laws of 1949, as amended by Chapter 383 of the Session Laws of 1967, shall be deemed repealed as of the date when the last transfer of property to the County has been completed.
4. There is hereby established the Smith Reynolds Airport Board (Airport Board) which will assist the County in the governance and operation of Smith Reynolds Airport, and shall hold such authority as granted to it by the Forsyth County Board of Commissioners or by the County Manager, provided, however, that the County Board of Commissioners may change such authority at any time at its sole discretion.
5. The Airport Board shall consist of 7 members appointed by the Forsyth County Board of Commissioners, each having 3-year terms, with the exception of staggered terms for the initial board which shall have 2 members with a one-year term; 2 members with a 2-year term, 2 members with a 3-year term, and a County Commissioner serving ex-officio. All members of the Airport Board shall be residents of Forsyth County.
6. The Board of Commissioners retains exclusive authority with regard to the Airport to:
  - a. Purchase and sell real property;
  - b. Sell personal property with valuation in excess of \$30,000;
  - c. Grant or accept easements;
  - d. Approve operating and capital budgets;
  - e. Execute lease agreements with terms over 10 years;
  - f. Execute FAA and NCDOT grant agreements;
  - g. Execute interlocal agreements;
  - h. Exercise any additional authority or power, as determined by the Board of Commissioners in its sole discretion.
7. The Board of Commissioners delegates the following authority to the Airport Board, subject to review process by the County Attorney for legality and the County Contract Control system, to:
  - a. Execute leases with terms more than one year and not more than 10 years, including amendments thereto, except for extensions beyond 10 years;
  - b. Adopt Airport policies, rules, and regulations;
  - c. Establish annual rates, charges, and fees;

- d. Submit a recommended budget to the County Board in a manner consistent with the County's annual budget calendar;
  - e. Provide advice regarding the hiring and firing of an Airport Director; and
  - f. Promote the Airport as an economic development asset, including branding, marketing, and reaching out to the community.
8. The Board of Commissioners delegates the following authority to the Airport Director, subject to review process by the County Manager, County Attorney for legality, and the County Contract Control system, to:
    - a. Execute leases with terms up to one year;
    - b. Execute contracts authorized in the annual County budget;
    - c. Execute FAA and NCDOT documents necessary for reimbursement, with the exception of grants; and
    - d. Perform all duties delegated by the Airport Board or by the County Manager.
  9. The County Manager shall be the supervisor of the Airport Director, with authority to evaluate, hire, and fire the Director, while considering the advice of the Airport Board. Any authority delegated to the Manager in the Budget Ordinance, which is not hereby delegated to the Airport Board or to the Airport Director, shall remain with the County Manager.
  10. The County Manager is authorized to create County classifications necessary to incorporate all present employees and positions of ACFC into the County's pay plan. As of January 1, 2019, all employees of ACFC shall become employees of the County and shall be subject to all County policies, benefits, and regulations. All accrued vacation, sick leave, and years of service shall remain, but new accrual of vacation, sick leave, holiday hours, benefits, and time of service shall be subject to County policies in effect as of that date and going forward.
  11. The County Manager and Clerk to the Board are hereby authorized to execute any documents consistent with the terms outlined herein as may be necessary to complete the transfer of the Airport and all of its employees, assets, liabilities, obligations, and responsibilities from ACFC to the County, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.
  12. The County Manager shall prepare a budget amendment to reflect the revenues and appropriations relating to the assumption of the Airport and its operation from January 1, 2019 to June 30, 2019.
  13. For any actions required of ACFC following its abolition, including but not limited to payroll tax filings, grant reports, and other actions relating to its prior operation, the Airport Director is authorized to file such reports. The County Chief Financial Officer is authorized to provide liability insurance for ACFC and the Airport Director, beginning January 1, 2019, until all matters involving ACFC and the transfer of the Airport have been resolved.

14. Although there are no known outstanding legal actions pending against ACFC, the County will assume responsibility, effective January 1, 2019, for any such action or claim against ACFC.

Adopted this 1<sup>st</sup> day of November 2018.

**RESOLUTION ESTABLISHING FORSYTH COUNTY AS THE OWNER AND OPERATOR OF SMITH REYNOLDS AIRPORT AND FORMING THE SMITH REYNOLDS AIRPORT BOARD TO ASSIST IN THE GOVERNANCE AND OPERATION OF SMITH REYNOLDS AIRPORT**

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**WHEREAS**, the Smith Reynolds Advisory Board has recommended that the County governance of the airport would be most effective, and further recommends that the County form a new Airport Board to assist in the policy development, promotion, and operation of the Airport;

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5. The Airport Board shall consist of 7 members appointed by the Forsyth County Board of Commissioners, each having 3-year terms, with the exception of staggered terms for the initial board which shall have 2 members with a one-year term; 2 members with a 2-year term, 2 members with a 3-year term, and a County Commissioner serving ex-officio. All members of the Airport Board shall be residents of Forsyth County.
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  - a. Execute leases with terms more than one year and not more than 10 years, including amendments thereto, except for extensions beyond 10 years;
  - b. Adopt Airport policies, rules, and regulations;
  - c. Establish annual rates, charges, and fees;

- d. Submit a recommended budget to the County Board in a manner consistent with the County's annual budget calendar;
  - e. Provide advice regarding the hiring and firing of an Airport Director; and
  - f. Promote the Airport as an economic development asset, including branding, marketing, and reaching out to the community.
8. The Board of Commissioners delegates the following authority to the Airport Director, subject to review by the County Manager, County Attorney for legality, County Chief Financial Officer pre-audit certificate, if applicable, and the County Contract Control system, to:
  - a. Execute leases with terms up to one year;
  - b. Execute contracts authorized in the annual County budget;
  - c. Execute FAA and NCDOT documents necessary for reimbursement, with the exception of grants; and
  - d. Perform all duties delegated by the Airport Board or by the County Manager.
9. The County Manager shall be the supervisor of the Airport Director, with authority to evaluate, hire, and fire the Director, while considering the advice of the Airport Board. Any authority delegated to the Manager in the Budget Ordinance, which is not hereby delegated to the Airport Board or to the Airport Director, shall remain with the County Manager.
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11. The County Manager and Clerk to the Board are hereby authorized to execute any documents consistent with the terms outlined herein as may be necessary to complete the transfer of the Airport and all of its employees, assets, liabilities, obligations, and responsibilities from ACFC to the County, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.
12. The County Manager shall prepare a budget amendment to reflect the revenues and appropriations relating to the assumption of the Airport and its operation from January 1, 2019 to June 30, 2019.
13. For any actions required of ACFC following its abolition, including but not limited to payroll tax filings, grant reports, and other actions relating to its prior operation, the Airport Director is authorized to file such reports. The County Chief Financial Officer is authorized to provide liability insurance for ACFC and the Airport Director,



beginning January 1, 2019, until all matters involving ACFC and the transfer of the Airport have been resolved.

14. Although there are no known outstanding legal actions pending against ACFC, the County will assume responsibility, effective January 1, 2019, for any such action or claim against ACFC.

Adopted this 1st day of November, 2018.

**RESOLUTION APPOINTING MEMBERS OF  
THE INITIAL SMITH REYNOLDS AIRPORT BOARD**

**WHEREAS**, the Forsyth County Board of Commissioners has established the Smith Reynolds Airport Board (Airport Board) to assist in the policy development, promotion, and operation of the Smith Reynolds Airport (Airport);

**WHEREAS**, once the transfer of the Airport to the County is completed, the Airport Commission of Forsyth County (ACFC) will cease to exist;

**WHEREAS**, on August 16, 2018, the Forsyth County Board of Commissioners established the Smith Reynolds Advisory Board (Advisory Board), which consists of the members of ACFC and two additional members, to provide recommendations regarding the governance and operation of the Airport;

**WHEREAS**, the Airport Board shall consist of seven members: six Forsyth County residents with terms staggered for the initial board and terms of 3 years thereafter; and one County Commissioner serving ex officio;

**NOW, THEREFORE, BE IT RESOLVED** that the Forsyth County Board of Commissioners hereby appoints, effective January 1, 2019, the following members of the Advisory Board to serve as members of the initial Airport Board with initial terms as follows:

Perry G. Hedspeth	December 2019
Scott G. Piper	December 2019
Thomas F. McKim	December 2020
James W. Shaw	December 2020
Gayle Anderson	December 2021
L. David Mounts	December 2021

Commissioner	Ex Officio; To Be Named December 3, 2018.
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Adopted this 1st day of November 2018.