

BDR request Modified on May 15, 2018 with committee **recomndations** and corrections
Carson City Airport Authority
Assemblyman Al Kramer
Approved CCAA 4-18-2018

AIRPORT AUTHORITY ACT FOR CARSON CITY

CHAPTER 844, STATUTES OF NEVADA 1989

AN ACT relating to airports; creating the Airport Authority of Carson City; making legislative findings; defining certain words and terms; providing for the appointment, number, terms, compensation, duties and powers of a board of trustees; specifying the powers of the authority, including the power, subject to the approval of the board of supervisors, to set the rate for a tax ad valorem, borrow money and issue securities to evidence such borrowing; requiring the transfer of airport properties, functions and outstanding obligations of Carson City to the Authority; and providing other matters properly relating thereto.

[Approved: July 5, 1989]

(Leadlines for sections have been supplied by the Legislative Counsel of the State of Nevada)

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Definitions. As used in this act, unless the context otherwise requires:

1. "Airport" means any airport or heliport and related facilities and equipment.
2. "Authority" means the Airport Authority of Carson City.
3. "Board" means the Board of Trustees of the Authority.
4. "Board of Supervisors" means the Board of Supervisors of Carson City.

(Ch. 844, [Stats. 1989 p. 2025](#))

Sec. 2. Authority: Creation; exemption from taxation.

1. The Airport Authority of Carson City is hereby created.
2. The property and revenues of the Authority, any interest therein, and any possessory interest in or right to use that property which the Authority may grant, are exempt from all state and local taxation.

(Ch. 844, [Stats. 1989 p. 2025](#); A — Ch. 439, [Stats. 1995 p. 1144](#))

Sec. 3. Legislative findings. The Legislature finds that:

1. The Airport Authority of Carson City is a body corporate and politic, the geographical boundaries of which are the boundaries of Carson City.
2. The provisions of this act must be broadly construed to accomplish its purposes.

(Ch. 844, [Stats. 1989 p. 2025](#))

Sec. 4. Board: Number, appointment, qualifications and terms of members.

1. The Authority is governed by the Board, which is composed of **[seven] five** members appointed by the Board of Supervisors.

2. The Board of Supervisors shall appoint:

(a) **[Three] Two** members who represent the general public, but, except as otherwise provided in paragraph (b), not including any person described in paragraph (b) or (c). At least one of these members must be a city official selected by the Board of Supervisors and one must be a pilot who, at the time of appointment, owns and operates an aircraft based at the airport.

(b) **[Two] One** member **[s]** who **[are] is a** manufacturer[s] and **[are] is** within a 3-mile radius of the Carson City airport, but not including any person described in paragraph (c). If, after providing notice of a vacancy for the position of a member of the Board described in this paragraph, the Board of Supervisors is unable to find a qualified manufacturer to fill a position, the Board of Supervisors may appoint a member pursuant to this paragraph who represents the general public.

(c) Two members who are fixed base operators at the airport.

3. After the initial terms, the term of office of each member of the Board is 4 years. The city official who is appointed as a member of the Board is eligible for reappointment to the Board upon the expiration of his or her term. Each other member of the Board is eligible ~~[for appointment for a successive second term]~~ **to serve two successive terms, and then is ineligible** for reappointment to the Board until 4 years after the expiration of ~~[his or her prior]~~ **said** term.

(Ch. 844, [Stats. 1989 p. 2025](#); A — Ch. 439, [Stats. 1995 p. 1144](#); Ch. 16, [Stats. 2011 p. 30](#))

Sec. 5. Board: Oath and compensation of members.

1. Each member of the Board shall file with the Clerk of Carson City his or her oath of office.
2. The members of the Board serve without compensation, but any member may be reimbursed for expenses actually incurred by the member for travel authorized by the Board.

(Ch. 844, [Stats. 1989 p. 2025](#))

Sec. 6. Board: Election of officers; duties of Secretary and Treasurer.

1. The Board shall elect a Chair, Vice Chair, Secretary and Treasurer from its members. The Secretary and the Treasurer may be one person. The terms of the officers expire on July 1 of each odd-numbered year.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. Except as otherwise provided in [NRS 241.035](#), the records must be open to the inspection of all interested persons, at a reasonable time and place. A copy of the minutes or audio recordings must be made available to a member of the public upon request at no charge pursuant to [NRS 241.035](#).

3. The Treasurer shall keep an accurate account of all money received by and disbursed on behalf of the Board and the Authority. The Treasurer shall file with the Clerk of Carson City, at the expense of the Authority, a fidelity bond in an amount not less than \$10,000, conditioned for the faithful performance of his or her duties.

(Ch. 844, [Stats. 1989 p. 2026](#); A — Ch. 373, [Stats. 2005 p. 1417](#); Ch. 98, [Stats. 2013 p. 334](#))

Sec. 7. Board: Meetings; quorum; seal.

1. The Board shall meet regularly at a time and in a place designated by the Board. Special meetings in an emergency may be held after notice to each member.

2. A majority of the members constitute a quorum at any meeting.

3. The Board shall adopt a seal.

(Ch. 844, [Stats. 1989 p. 2026](#))

Sec. 8. Board: Compliance with certain laws. The Board shall comply with the provisions of the Nevada Ethics in Government Law ([NRS 281A](#)), **Nevada Open Meeting Law** ([NRS 241.020](#)), the Local Government Purchasing Act ([NRS 332](#)) and the Local Government Budget and Finance Act ([NRS 354.470](#)).

(Ch. 844, [Stats. 1989 p. 2026](#); A — Ch. 374, [Stats. 2001 p. 1829](#))

Sec. 9. Board: General powers. The Board may:

1. Acquire real and personal property by **purchase**, gift or devise for the purposes provided in this act.

2. With the approval of the Board of Supervisors ~~;~~

~~— (a) Acquire real [and personal property] by purchase or lease for the purposes provided in this act.~~

~~— (b) Except as otherwise provided in this paragraph, lease, sell or otherwise dispose of [any] real property. If the Board sells or otherwise disposes of real property, the sale or other disposal must be made by public auction.~~

3. ~~[Recommend]~~ **Specify** to the Board of Supervisors any changes in the laws governing zoning necessary to comply with the regulations of the Federal Aviation Administration or to limit the uses of the area near the airport to those least affected by noise.

4. Use, in the performance of its functions, the officers, employees, facilities and equipment of Carson City, with the consent of Carson City and subject to such terms and conditions as may be agreed upon by the Board and the Board of Supervisors.

~~5. Provide emergency services for the Authority.~~ **{Note: we are checking to see if there is a federal reqmt}**

6. Contract with any person ~~;~~ **including any person who transports passengers or cargo by air,** to provide goods and services as necessary or desirable to the operation of the airport. ~~[Any contract between the Board and a fixed base operator must be submitted for approval by the Board of Supervisors.]~~

7. Employ a manager of the airport, fiscal advisers, engineers, attorneys and other personnel necessary to the discharge of its duties.

8. Apply to any public or private source for loans, grants, guarantees or other financial assistance.

9. Establish fees, rates and other charges for the use of the airport.
10. Regulate vehicular traffic at the airport.
11. Adopt, enforce, amend and repeal any rules and regulations necessary for the administration and use of the airport.
12. Take such other action as is necessary to comply with any statute or regulation of this State or of the Federal Government.
(Ch. 844, [Stats. 1989 p. 2026](#); A — Ch. 381, [Stats. 2005 p. 1417](#); Ch. 496, [Stats. 2005 p. 2680](#))

Sec. 9.5. Board: Limitation on power to change boundaries of airport or location of runway. The Board shall not, without the approval of the Board of Supervisors, change the boundaries of the airport or the location of any runway or taxiway.
(Ch. 844, [Stats. 1989 p. 2027](#))

Sec. 10. Levy of tax ad valorem. In addition to the other means for providing revenue for the authority, all taxable property in Carson City is subject to the levy of a tax ad valorem.
(Ch. 844, [Stats. 1989 p. 2027](#))

Sec. 11. Rate of levy to be fixed and certified by Board; approval by Board of Supervisors; additional levies.

1. The Board shall determine annually the amount of money necessary to be raised by taxation, after considering other sources of revenue, and shall, subject to the approval of the Board of Supervisors, fix a rate that, when levied upon every dollar of assessed valuation of taxable property in Carson City, and together with other revenues, will raise the amount necessary to operate the Authority, and to pay, when due, all interest on and principal of the general obligation bonds and other general obligations, including deficiencies and defaults of prior years. In the event of accruing deficiencies or defaults, an additional tax may be levied as provided in subsection 3.

2. The Board shall certify to the Board of Supervisors, at the same time as fixed by law for certifying other tax levies, the rate it fixes. If the Board of Supervisors approves the rate, it shall levy and collect the tax upon the assessed valuation of all taxable property in Carson City, in the same manner, at the same time and in addition to other taxes levied by the Board of Supervisors.

3. If the money produced from these levies, together with other revenues of the Authority, are not sufficient to pay punctually the annual installments of the general obligations of the Authority, the Board shall fix, with the approval of the Board of Supervisors, another rate that will provide the necessary amount. Notwithstanding any limitations, the Board of Supervisors shall levy a tax at that rate until the general obligation indebtedness of the Authority is fully paid.

(Ch. 844, [Stats. 1989 p. 2027](#))

Sec. 12. Manner of collection of taxes; lien.

1. Any officer charged with the duty of collecting taxes shall collect the taxes levied pursuant to this act at the same time and in the same manner, and with like interest and penalties, as other taxes are collected. When the tax is collected, the officer shall pay it to the same body, which shall pay it to the Treasurer of the Board each month for deposit.

2. The tax levies pursuant to this act, with any interest or penalties, and the cost of collecting the unpaid tax, penalty or interest, are a lien on the property until they are paid. The lien must be executed, and has the same priority, as a lien for general taxes.

(Ch. 844, [Stats. 1989 p. 2027](#))

Sec. 13. Power of authority to borrow money and issue securities. The Authority may, pursuant to the Local Government Securities Law and with the approval of the Board of Supervisors, borrow money and issue the following securities:

1. Short-term notes, warrants and interim debentures.
2. General obligation bonds.
3. Revenue bonds.

(Ch. 844, [Stats. 1989 p. 2028](#))

Sec. 15. Election concerning issuance of general obligation bonds; contents of resolution of Board.

1. Subject to the approval of the Board of Supervisors and the provisions of [NRS 350.011](#) to [350.0165](#), inclusive, whenever the Board determines, by resolution, that the public interest or necessity requires the issuance of

general obligation bonds to purchase, construct, acquire, maintain, improve or equip an airport, the Board shall submit the proposition to the voters at a special election or the next primary or general election held pursuant to [NRS 350.020](#) to [350.070](#), inclusive.

2. A special election may be held only if the Board of Supervisors determines, by a unanimous vote, that an emergency exists. The determination made by the Board of Supervisors is conclusive unless it is shown that the Board of Supervisors acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the Board of Supervisors must be commenced within 15 days after the Board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the Board of Supervisors to prevent or mitigate a substantial financial loss to the Authority or Carson City or to enable the Board of Supervisors to provide an essential service to the residents of Carson City.

3. The declaration of public interest or necessity required by this section and the provision for holding the election may be included in one resolution which, in addition to the declaration of public interest or necessity, must:

(a) Recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, the maximum amount of principal of the indebtedness and the maximum rate of interest to be paid.

(b) Include the date upon which the election will be held and describe the method of voting for or against the proposed indebtedness.

(c) Fix the compensation to be paid the officers of the election, designate the polling place and appoint, for each polling place from the registered voters of Carson City, three officers of the election, one of whom shall act as clerk.

(Ch. 844, [Stats. 1989 p. 2028](#); A — Ch. 345, [Stats. 1993 p. 1094](#))

Sec. 16. Election: Conduct; canvass of returns; declaration of results.

1. The Election Board shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make its returns to the Secretary of the Board.

2. The Board of Supervisors shall, within 6 working days after the election, canvass the returns and declare the results of the election.

(Ch. 844, [Stats. 1989 p. 2028](#); A — Ch. 185, [Stats. 2007 p. 629](#))

Sec. 17. Election: Authorization for issuance of bonds.

1. If the proposition is approved, the Board may issue and sell bonds of the Authority for the purpose recited in the proposition and in the resolution in the amount so provided and at a rate of interest not exceeding the rate of interest recited in the resolution.

2. Submission of the proposition to incur bonded indebtedness at a special, primary or general election does not prohibit submission of the proposition at any such subsequent election.

(Ch. 844, [Stats. 1989 p. 2028](#); A — Ch. 345, [Stats. 1993 p. 1095](#))

Sec. 18. Borrowing of money and issuance of bonds without election.

1. The Board may, with the affirmative vote of at least five trustees and the approval of the Board of Supervisors, borrow money without an election, if it is in anticipation of the collection of revenue, and may issue warrants and interim debentures to evidence the loan.

2. The Authority may, with the approval of the Board of Supervisors, issue bonds without the necessity of holding an election to acquire or improve an airport. The bonds must be made payable solely out of the net revenues derived from the operation of the airport or the furnishing of services at the airport. A single bond issue may be had for more than one airport or service, and the revenues from any airport or service provided by the Authority may be pledged to pay for any other airport or service. A single utility fund for any number of airports and services may be established and maintained.

(Ch. 844, [Stats. 1989 p. 2028](#))

Sec. 19. Issuance and sale of securities: General requirements and limitations.

1. The Board may, with the approval of the Board of Supervisors, issue the following types of securities pursuant to the Local Government Securities Law, subject to the limitations in subsections 3, 4 and 5:

(a) General obligation bonds and other general obligation securities payable from general ad valorem property taxes;

(b) General obligation bonds and other general obligation securities payable from general ad valorem property taxes, the payment of which is additionally secured by a lien on net revenues;

(c) Revenue bonds and other securities constituting special obligations payable from net revenues, excluding the proceeds of any general ad valorem property taxes, which are secured by a pledge of and lien on such net revenues; or

(d) Any combination of such securities.

2. Nothing in this act prevents the Authority from funding, refunding or reissuing any outstanding securities of the Authority of a type designated in subsection 1 as provided in the Local Government Securities Law.

3. General obligation or revenue bonds may be sold for not less than 90 percent of their face amount and for an effective rate which must not exceed by more than 3 percent:

(a) For general obligations, the Index of Twenty Bonds; and

(b) For special obligations, the Index of Revenue Bonds,

↳ most recently published before the bids are received or a negotiated offer is accepted.

4. General obligation bonds, regardless of whether their payment is additionally secured by a pledge of and lien on net revenues, must be sold as provided in the Local Government Securities Law.

5. Revenue bonds may be sold at public sale as provided in the Local Government Securities Law or sold at private sale.

(Ch. 844, [Stats. 1989 p. 2029](#))

Sec. 20. Bonds: Appointment of bank as agent to act in fiduciary capacity. The Board may appoint a bank possessing trust powers to act in a fiduciary capacity, not as a depository, as its agent in relation to general obligation or revenue bonds, and may:

1. Provide for the powers, duties and compensation of the agent.

2. Limit the liabilities of the agent.

3. Prescribe a method for the resignation and removal of the agent, and the merger or consolidation of agents.

4. Prescribe a method for the appointment of a successor to the agent.

(Ch. 844, [Stats. 1989 p. 2029](#))

Sec. 21. Bonds: Exemption from taxation; exceptions; authorized investment for public bodies and others.

1. Except as otherwise provided in subsection 2, bonds issued pursuant to this act, and the income therefrom, are exempt from all state and local taxation.

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of [chapter 375A](#) of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of [chapter 375B](#) of NRS.

3. All public officers and bodies of the State, municipal corporations, political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees and all other fiduciaries in the State may invest money within their control in bonds of the Authority.

(Ch. 844, [Stats. 1989 p. 2029](#); A — Ch. 544, [Stats. 1991 p. 1713](#))

Sec. 23. Authority: Public employer for purposes of retirement. The Authority is a public employer for the purposes of [chapter 286](#) of NRS, but may utilize alternative retirement plan options elected by the employee.

(Ch. 844, [Stats. 1989 p. 2030](#))

Sec. 24. Board: Adoption of procedures for hiring, promoting and discharging employees. The Board may adopt procedures, to be administered by the Board, for hiring, promoting and discharging its employees. An employee may request a review by the Board of any disciplinary action. The Board after notice and public hearing, may affirm, modify or reverse any disciplinary action, including suspension or discharge of any employee. [, which must include but are not limited to the following:

~~1. Employment on the basis of open, publicly announced, competition.~~

~~2. Promotions and remuneration on the basis of merit, efficiency, competitive examinations and seniority.~~

~~3. Classifications of the positions.~~

~~4. The maintenance of lists of eligible candidates for a position.~~

~~5. Employment of candidates from the lists in the highest qualified rating.~~

~~6. Probationary periods not to exceed 6 months.~~

~~7. Disciplinary action, suspension or discharge of employees for cause, and discharge shall only occur with the right of notice and review.~~

8. Schedules of compensation and increases in pay prepared by the Board.
9. Maintenance of personnel records on all employees.
10. Regulations for hours of work, attendance, holidays, leaves of absence and transfers.
11. Procedures for layoffs, discharge, suspension, discipline and reinstatement.
12. The exemption from the procedures of persons employed for scientific, technical or expert service of a temporary or exceptional character, persons employed on projects paid from the proceeds of bonds issued by the Authority and persons employed for a period of less than 3 months in any 12 month period.
13. Review by the Board, at the request of the employee in question and after notice and public hearing, of any disciplinary action, suspension or discharge of any employee, which may be affirmed, modified or reversed by the Board. Findings of fact by the Board are not subject to review by any court except for illegality or want of jurisdiction.

(Ch. 844, [Stats. 1989 p. 2030](#))

Sec. 25. Power of City to regulate hazards by zoning not affected. Nothing contained in this act limits any power of Carson City to regulate by zoning hazards of the airport.

(Ch. 844, [Stats. 1989 p. 2030](#))

~~Sec. 26. Transfer of property, money, obligations and employees of airport from City to Authority.~~

1. The Board and the Board of Supervisors shall, on or before January 1, 1990, enter into an agreement for the orderly transfer to the Authority of the airport properties, functions and outstanding obligations of Carson City, consistent with the rights of existing bondholders, effective January 1, 1990. The agreement may include provisions for the transfer of employees of the airport to the Authority and the retention by the employees of any status of employment.

2. On January 1, 1990:

(a) Any money on hand or to become available to Carson City for the airport must be paid directly to the Authority.

(b) Carson City shall deliver to the Authority all property ordinarily and appropriately used in the operation and maintenance of the airport.

(c) The Authority shall assume the obligations issued and accounts payable by Carson City for the airport.

(d) The Authority shall assume any duty previously imposed upon Carson City by the Federal Aviation Agency.

3. The Board first appointed pursuant to the provisions of this act shall:

(a) Meet promptly after its appointment and organize.

(b) Execute the mandatory agreement specified in subsection 1.

(c) Prepare the necessary budgets for the Authority for the fiscal year ending June 30, 1990.

(d) Assume full control, operation and maintenance of the airport in Carson City on January 1, 1990, and exercise fully thereafter all of the powers and assume all the duties granted to and imposed upon it by this act.

(Ch. 844, [Stats. 1989 p. 2030](#))

Sec. 27. Severability. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(Ch. 844, [Stats. 1989 p. 2031](#))

~~Sec. 28. Defense of action contesting validity of act or legal status of Authority.~~ If any action is brought to have this act or any of its provisions declared invalid or to contest the legal status of the Authority, before the Authority has received money sufficient to employ an attorney, the District Attorney of Carson City shall defend the action on behalf of the Authority.

(Ch. 844, [Stats. 1989 p. 2031](#))

Sec. 29. Appointment and terms of initial members of Board. [As soon as practicable after October 1, 1989, ~~the~~ Board of Supervisors shall appoint to the Board:

1. Two persons to terms that expire on 4 year anniversaries of October 1, 1991.

2. Two persons to terms that expire on 4 year anniversaries of October 1, 1992.

3. Three One person[s] to a term[s] that expires on 4 year anniversaries of October 1, 1993.

(Ch. 844, [Stats. 1989 p. 2031](#))

