

ORDINANCE NO. 2410

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA, ADDING
CHAPTER 2.31, "REGIONAL AIRPORT
AUTHORITY," TO THE MERCED MUNICIPAL
CODE; AMENDING SECTION 2.32.011,
"DEFINITIONS," AND REPEALING CHAPTER
2.36, "REGIONAL AIRPORT AUTHORITY," OF
THE MERCED MUNICIPAL CODE**

**THE CITY COUNCIL OF THE CITY OF MERCED DOES ORDAIN
AS FOLLOWS:**

SECTION 1. AMENDMENT TO CODE. Chapter 2.31, "Regional
Airport Authority," is hereby added to the Merced Municipal Code to read as
follows:

"CHAPTER 2.31 REGIONAL AIRPORT AUTHORITY

Section:

- 2.31.010 Created.**
- 2.31.020 Purpose.**
- 2.31.030 Composition.**
- 2.31.040 Appointment.**
- 2.31.050 Term of Office – Initially.**
- 2.31.060 Term of Office – Limitation.**
- 2.31.070 Removal of Members.**
- 2.31.080 Filling Vacancies.**
- 2.31.090 Compensation.**
- 2.31.100 Chair, Vice-Chair, and Secretary – Rules
and Regulations.**
- 2.31.110 Action by Vote at Public Meeting.**
- 2.31.120 Powers and Duties.**
- 2.31.130 Budget.**
- 2.31.140 Administrative Offices.**
- 2.31.150 Property Held in Trust by City.**
- 2.31.160 Deposit and Use of Revenue.**

- 2.31.180 Contribution by City Council.**
- 2.31.190 Debts, Liabilities or Obligations.**
- 2.31.200 Civil Service and Retirement.**

2.31.010 Created.

There is created the City Regional Airport Authority, referred to in this Chapter as 'Airport Authority.'

2.31.020 Purpose.

The Airport Authority is created for the purpose of the provision and maintenance of public airports and landing places for aerial traffic for the use of the public.

2.31.030 Composition.

The Airport Authority shall consist of seven members.

2.31.040 Appointment.

The Members of the Airport Authority shall be appointed by motion of the City Council adopted by at least four affirmative votes.

2.31.050 Term of Office – Initially.

The Members of the Airport Authority shall meet as soon as practicable after their appointment and classify themselves by lot into two classes, as nearly equal in number as possible, and the terms of office of the class having the greater number shall be four years and the terms of office of the class having the lesser number shall be two years. On the expiration of such respective terms, all Members of the Airport Authority shall serve a term of four years, and until their successors are appointed and qualified.

2.31.060 Term of Office – Limitations.

The Members of the Airport Authority shall not be eligible to serve more than two consecutive terms. At any time after the expiration of two years following such two consecutive terms, a former Member of the Airport Authority may again be appointed to serve thereon, subject to the limitations of this Chapter.

2.31.070 Removal of Members.

The Members of the Airport Authority shall be subject to removal by motion of the City Council adopted by at least five affirmative votes.

2.31.080 Filling Vacancies.

Any vacancy in the membership of the Airport Authority shall be filled by an appointment by the City Council. Upon a vacancy occurring which leaves an unexpired portion of a term, any appointment to fill such vacancy shall be for the unexpired portion of such term.

2.31.090 Compensation.

The Members of the Airport Authority shall serve without compensation for their services as such, but may receive reimbursement for budgeted necessary travel and other expenses incurred on official duty.

2.31.100 Chair, Vice-Chair, and Secretary – Rules and Regulations.

As soon as is practicable following the first day of July of each year, the Airport Authority shall organize by electing one of its Members to serve as Chair and another Member to serve as Vice-Chair of the Authority both at the pleasure of the Airport Authority. The Airport Manager or designee thereof shall serve as the Secretary of the Authority for the purpose of recording of minutes,

and keeping a record of its proceedings and transactions. The Airport Authority shall prescribe its own administrative rules and regulations, and copies thereof shall be maintained on file in the Office of the City Clerk for public inspection.

2.31.110 Action by Vote at Public Meeting.

The Airport Authority shall meet not less than monthly in such place as shall be provided by its own administrative rules and regulations. The affirmative or negative vote of a majority of the entire membership of the Airport Authority shall be necessary for it to take action. All proceedings of the Airport Authority shall be open to the public.

2.31.120 Powers and Duties.

The Airport Authority shall have, subject to the review and approval of the City Council, the power and duty to:

- A. Acquire by purchase, lease, donation, or otherwise, and hold, in the name of the City of Merced, in the trust for the Airport Authority, real or personal property necessary or convenient for such purpose;
- B. Maintain, manage, control, operate, use, extend, construct, improve, and furnish works and property necessary or convenient for such purpose;
- C. Dispose of by sale, lease, or otherwise, real and personal property provided, however, that real property shall not be disposed of without the prior consent of the City Council;
- D. Prescribe, revise, and collect charges for the services and facilities provided pursuant hereto;
- E. Make and enter into contracts;

- F. Sue and be sued in its own name;
- G. Adopt and use a seal, alterable at its pleasure;
- H. Have access to all services and facilities of the City; and,
- I. Exercise any powers incidental to the foregoing.

2.31.130 Budget.

The Airport Authority shall annually prepare and submit for approval by the City Council a proposed budget of its revenues and expenses which may be prepared in the same manner and by the same persons as the budget expenses and revenue estimates for the City.

2.31.140 Administrative Offices.

The City Manager shall be the chief administrative officer of the Airport Authority, and shall be responsible for the administration of its affairs. The Finance Officer of the City shall be ex officio the Finance Officer of the Airport Authority, and the City Attorney shall be ex officio the Attorney for the Airport Authority.

2.31.150 Property Held in Trust by City.

Real and personal property heretofore held by the City for the purpose of the provision and maintenance of public airports and landing places for aerial traffic for the use of the public shall hereafter be held for such purpose by the City in trust for the Airport Authority.

2.31.160 Deposit and Use of Revenue.

The Airport Authority shall have control of all charges received for, and all other income and receipts derived from the services and facilities provided pursuant hereto. Such money shall be deposited in the City treasury to the

credit of a special fund, to be known as the airport fund and money so deposited shall be kept separate and apart from other money of the City, and shall be drawn from such fund to meet the expenses of the Airport Authority in substantially the same manner as money is drawn by other agencies, commissions and departments of the City. The money in such airport fund shall be expended solely for the carrying out of the powers and duties provided in this Chapter to the Airport Authority.

2.31.170 Annual Audit.

The Airport Authority shall cause to be prepared an annual audit of its transactions by a certified public accountant. In lieu thereof, the annual audit may be prepared in the same manner and by the same persons as the annual audit of transactions of the City.

2.31.180 Contributions by City Council.

The City Council may from time to time contribute money to defray the expenses and obligations of the Airport Authority, and such money shall be deposited in the airport fund.

2.31.190 Debts, Liabilities, or Obligations.

Debts, liabilities, or obligations incurred by the Airport Authority, or otherwise imposed on the Airport Authority or its properties, shall constitute debts, liabilities, or obligations of the Airport Authority, its properties and the special fund created in this Chapter, and shall not constitute a debt, liability, or obligations of the City.

2.31.200 Civil Service and Retirement.

Nothing contained in this Chapter shall be in derogation of the provisions of the Charter pertaining to civil service and retirement, and rules and regulations adopted pursuant thereto.”

SECTION 2. SECTION AMENDED. Section 2.32.011, “Definitions,” of the Merced Municipal Code is hereby amended to read as follows:

“2.32.011 Definitions.

‘Aircraft’ means a device to be used, or intended to be used, for flight in the air.

‘Airport’ means the Merced Regional Airport.

‘Airport Authority’ means the citizens appointed by the City Council of the City of Merced pursuant to Section 2.31.030 of this Code.

‘Airport operational area’ means the area used for landing, takeoff, or taxiing of aircraft.

‘Airport Manager’ shall also include the phrase ‘Airport Superintendant’ and means the person employed by the City of Merced to manage the airport, acting at the direction of the City Manager.

‘City’ means the City of Merced, California.

‘City Council’ means the City Council of the City of Merced.

‘City Manager’ means the City Manager of the City of Merced as provided in Charter Section 500.

‘Commercial operator’ means every business conducted on the airport whose operation in the judgment of the airport superintendent reasonably requires that the runways, taxiways, and ramps exist and remain in good condition and are operational.

‘Control tower’ means the air traffic control facility located at the airport.

‘Cross wind component’ is the existing wind direction and velocity compared to the magnetic runway heading as expressed in an equivalent wind at right angles to the runway; i.e., a fourteen (14) knot wind from a direction forty-five (45) degrees to the runway magnetic bearing would be a ten (10) knot cross wind component.

‘FAA’ means the Federal Aviation Administration of the United States of America.

‘Fixed base operator’ means any aviation business duly licensed and authorized by written agreement with the City of Merced as a fixed base operator to provide aeronautical activities at the airport under strict compliance with such agreement and pursuant to these regulations and airport minimum standards.

‘F.S.S.’ means a flight service station operated by the Federal Aviation Administration.

‘Fuel tenders’ means any vehicle designed and used for the transportation, handling, or dispensing of petroleum, fuel, and oil.

‘Gross weight’ means the maximum allowable gross take-off weight of an aircraft under standard conditions as determined by the Federal Aviation Administration and incorporated in the certificate of airworthiness of the particular aircraft.

‘Local based aircraft’ means those aircraft registered with the City as stored at the airport.

‘Minimum standards’ means those minimum standards and requirements for commercial aeronautical services for the airport as are adopted by Resolution by the City Council pursuant to these regulations.

‘Mobile equipment’ means any non-self-propelled vehicle or device in which a person or property may be transported.

‘Motor vehicle’ means any self-propelled vehicle.

‘NOTAM’ means notice to airmen published by FAA.

‘Public area’ means any area that is normally accessed by and for public use.

‘Ramps’ mean areas used for the parking, storage, and incidental surface circulation to taxiways of aircraft.

‘Runways’ mean the paved portion of the airport used for the takeoff and landing of aircraft.

‘Safety areas’ mean areas around taxiways and runways designed to provide additional clearance from obstructions and to protect aircraft in the event of an unintended departure from the paved portion of runways and taxiways.

‘Taxiways’ mean those areas used by aircraft to taxi to and from the runway. “

SECTION 3. REPEAL OF CHAPTER. Upon the effective date of this Ordinance, Chapter 2.36, “Regional Airport Authority,” of the Merced Municipal Code is hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 5. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause,

phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. PUBLICATION. The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the 17th day of June, 2013, and was passed and adopted at a regular meeting of said City Council held on the 1st day of July, 2013, by the following called vote:

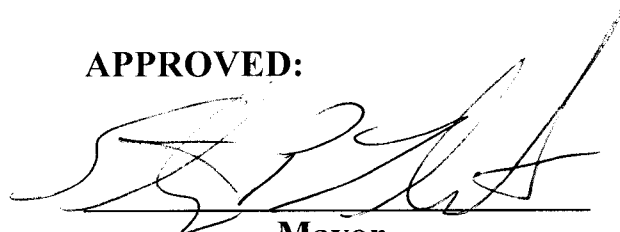
AYES: **Council Members:** BLAKE, DOSSETTI, MURPHY, RAWLING, LOR, PEDROZO, THURSTON

NOES: **Council Members:** NONE

ABSTAIN: **Council Members:** NONE

ABSENT: **Council Members:** NONE

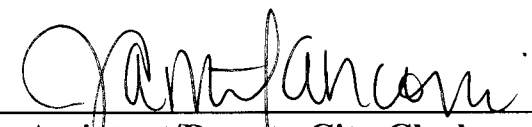
APPROVED:



Mayor

ATTEST:

JOHN M. BRAMBLE, CITY CLERK

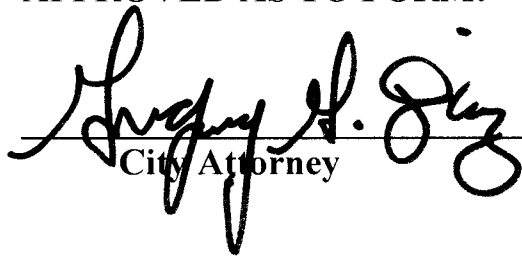
BY: 

Assistant/Deputy City Clerk

(SEAL)



APPROVED AS TO FORM:

 5/22/2013
City Attorney Date

Hemminger, Mary

From: Kovalcheck, Lynda
Sent: Thursday, May 23, 2013 2:03 PM
To: Hemminger, Mary
Subject: Ordinance Notice
Attachments: NOTICE - Airport Authority Update - 2.1.2013 v5.docx

Hi Mary ~

Attached are the notices for the Airport Authority Ordinance. This ordinance originates out of the City Attorney's office so your contact person regarding this ordinance would be Greg Diaz. This Ordinance is scheduled to go to the City Council on June 17th. Please let me know if you have any questions.

Thank you,
Lynda Kovalcheck, CCLS
Legal Secretary
City Attorney's Office
kovalcheckl@cityofmerced.org

City of Merced | 678 West 18th Street | Merced, California 95340 | Tel 209-385-6868
| Fax 209-388-7907 | www.cityofmerced.org

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IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE TO THE ABOVE NAMED SENDER AT (209) 385-6868. Thank you.

PROOF OF PUBLICATION
(2015.5 C.C.P)
Proof of Publication of

STATE OF CALIFORNIA)

)ss.

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COUNTY OF MERCED

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer foreman or principal clerk of The Merced County Times, a newspaper of general circulation, printed and published in the City of Merced, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of December 14, 1999, Case Number 143600; that the notice, of which the annexed is a printed copy has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

May 30, 2013

NOTICE OF POTENTIAL INTRODUCTION OF ORDINANCE

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Nickie Frago

Date: May 30, 2013

This space is for the County Clerk's
Filing Stamp

Copy of notice here

Legal # 7699
NOTICE OF POTENTIAL
INTRODUCTION OF OR-
DINANCE
CITY OF MERCED
NOTICE IS HEREBY
GIVEN that on June 17,
2013, the City Council of
the City of Merced is
scheduled to consider the
introduction of an Ordinance entitled:
"AN ORDINANCE OF
THE CITY COUNCIL OF
THE CITY OF MERCED,
CALIFORNIA, ADDING
CHAPTER 2.31, "RE-
GIONAL AIRPORT AU-
THORITY," TO THE
MERCED MUNICIPAL
CODE; AMENDING SEC-
TION 2.32.011, "DEFINI-
TIONS," AND
REPEALING CHAPTER
2.36, "REGIONAL AIR-
PORT AUTHORITY," OF
THE MERCED MUNICI-
PAL CODE"
at its regular meeting to be
held at 7:00 pm in the City
Council Chambers at 678
West 18th Street, Merced,
California. The public is in-
vited to provide any oral or
written comments regard-

PROOF OF PUBLICATION
(2015.5 C.C.P)
Proof of Publication of

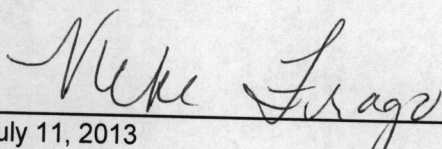
STATE OF CALIFORNIA)
)ss.
)
COUNTY OF MERCED

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the printer foreman or principal clerk of The Merced County Times, a newspaper of general circulation, printed and published in the City of Merced, County of Merced, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Merced, State of California, under the date of December 14, 1999, Case Number 143600; that the notice, of which the annexed is a printed copy has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 11, 2013

PUBLIC NOTICE

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Date: July 11, 2013

This space is for the County Clerk's
Filing Stamp

2419

Copy of notice here

Legal # 7805
PUBLIC NOTICE OF
ADOPTION OF ORDINANCE
CITY OF MERCED
ORDINANCE NO. 2410
NOTICE IS HEREBY
GIVEN that on July 1,
2013, the City Council of
the City of Merced adopted
Ordinance No. 2410, entitled:
"AN ORDINANCE OF
THE CITY COUNCIL OF
THE CITY OF MERCED,
CALIFORNIA, ADDING
CHAPTER 2.31, "REGIONAL AIRPORT AUTHORITY," TO THE
MERCED MUNICIPAL
CODE; AMENDING SECTION 2.32.011, "DEFINITIONS," AND
REPEALING CHAPTER 2.36, "REGIONAL AIRPORT AUTHORITY," OF THE MERCED MUNICIPAL CODE"
Ordinance No. 2410 corrects a codification error which left out the appointment process and operations of the Regional Airport Authority. This Ordinance would renumber and realign duties and authority of the Regional Airport Authority.