



COUNTY OF WASHINGTON, VIRGINIA
COUNTY ADMINISTRATION BUILDING
205 ACADEMY DRIVE
ABINGDON, VIRGINIA 24210

BOARD OF SUPERVISORS
KENNETH O. REYNOLDS
CHAIRMAN
C-01 "MASON" ELECTION DISTRICT
JACK R. MCCRADY, JR.
VICE-CHAIRMAN
E-01 "TAYLOR" ELECTION DISTRICT
PHILLIP B. MCCALL
A-01 "HARRISON" ELECTION DISTRICT
PAUL O. PRICE
B-01 "JENNIFER" ELECTION DISTRICT
ANTHONY S. RECTOR
D-01 "MORROW" ELECTION DISTRICT
ODELL OWENS
F-01 "TOLLE" ELECTION DISTRICT
DULCIE M. MUMPOWER
G-01 "WILSON" ELECTION DISTRICT

BOARD OF SUPERVISORS

RECEIVED

FEB 16 2007

VIRGINIA HIGHLANDS
AIRPORT COMMISSION

VIRGINIA:

At a meeting of the Washington County, Virginia Board of Supervisors held Tuesday, February 13, 2007, at 7:00 PM, at the County Administration Building in Abingdon, Virginia, the following were present:

PRESENT

Kenneth O. Reynolds, Chairman [C-01 Election District]
Jack R. McCrady, Jr., Vice-Chairman [E-01 Election District]
Phillip B. McCall [A-01 Election District]
Dulcie M. Mumpower [G-01 Election District]
Odell Owens [F-01 Election District]
Paul O. Price [B-01 Election District]

Mark K. Reeter, County Administrator
Lucy E. Phillips, County Attorney
Mark W. Seamon, Accounting Manager
Naoma Mullins, Recording Clerk

ABSENT:

Anthony S. Rector [D-01 Election District]

On motion of Mr. McCall, second by Mr. Price, it was resolved to adopt the following Ordinance:

[Space intentionally left blank. Ordinance 2007-02 printed on following page.]

ORDINANCE NO. 2007-02

**AN ORDINANCE TO AMEND CHAPTER 2, SECTIONS 2-155, 2-156, 2-157, AND 2-158
OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA,
TO RENAME THE VIRGINIA HIGHLANDS AIRPORT COMMISSION
TO BE THE VIRGINIA HIGHLANDS AIRPORT AUTHORITY
AND TO DEFINE ITS POWERS AND DUTIES**

WHEREAS, the Board of Supervisors of the County of Washington, Virginia, (Board) restructured the Virginia Highlands Airport Commission (Commission) in 1984 due to the withdrawal of the Town of Abingdon from the Airport Commission Agreement that was formed in 1964; and

WHEREAS, in the resolution to restructure the Commission, the Board stated that it intended the organization of the Commission to conform with the organization of all other independent County boards, commissions, and authorities appointed exclusively by the Board and that the Commission shall have all of the powers, duties, responsibilities, and authority of an independent board, commission or agency established in accordance with Title 5.1 of the 1950 Code of Virginia, as amended, together with all proper powers and authority granted by the general law of the Commonwealth of Virginia applicable to independent commissions; and

WHEREAS, over the years, various changes in state law have resulted in different naming practices for an independent agency of local government such as the Commission and amendment of Title 5.1 of the 1950 Code of Virginia has created potential for confusion regarding the powers and duties of the Commission; and

WHEREAS, for purposes of clarification of its intention that the Commission is and has been vested with all power and authority to have and exercise the powers and duties set out in Title 5.1 of the 1950 Code of Virginia, as amended, the Board wishes to rename the Commission and to restate its powers and duties.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Supervisors of Washington County, Virginia, after notice and public hearing, as required by law:

1. That Chapter 2, Subsections 2-155 and 2-157, of the Code of the County of Washington, Virginia (2002, as amended), are amended, as set forth below; underline and italic indicates language to be added; strikethrough indicates language to be deleted:

Chapter 2. Administration

Article 3. Boards, Committees, Commission, and Authorities

Division 6. Airport ~~Commission~~ Authority

Sec. 2-155. Airport ~~commission~~ authority established.

~~The Virginia Highlands Airport Commission was established as a commission solely under the jurisdiction of the Washington County Board of Supervisors on or about October 15, 1984. In 1984, the Washington County Board of Supervisors vested the Virginia Highlands Airport Commission with all of the powers, duties, responsibilities and authority of an independent board, commission, or agency established in accordance with Title 5.1 of the 1950 Code of Virginia, as amended, together with all proper powers and authority granted by the general law of the Commonwealth of Virginia applicable to independent commissions. The Virginia Highlands Airport Commission shall as of February 13, 2007 be officially titled the Virginia Highlands Airport Authority. All actions taken by the Virginia Highlands Airport Commission prior to this date are hereby ratified and adopted as actions of the Virginia Highlands Airport Authority, and this division of the County Code of ordinances, as amended, shall be retroactive to the date of the establishment of the Commission.~~

Sec. 2-156. Board of ~~commissioners~~ directors.

- (a) The governing body of the Virginia Highlands Airport shall be a board of ~~commissioners~~ directors consisting of seven members appointed by the board of supervisors, one from each election district of the county. The board of supervisors may remove members from the airport ~~commission~~ Authority at any time.
- (b) The following qualifications shall be given paramount consideration in selecting members for appointment to the airport ~~commission~~ Authority: an interest in aviation and related areas; some background or training in business endeavors; a commitment to increased economic, commercial and industrial development in Washington County; and the ability to work well with members of the public, officials of state and federal agencies, and the local business community of the county.

(c) The term of each commissioner *director* shall be for four years, except in the case of an appointment to fill out an unexpired term, in which case the appointment shall be only for the duration of the unexpired term. Individuals shall not be appointed to more than two successive full four-year terms.

(d) The airport commission *Authority* shall adopt by-laws for the conduct of its business and meetings.

Sec. 2-157. Powers and duties.

~~The Virginia Highlands Airport Commission is responsible to construct, improve, equip, maintain and operate the Virginia Highlands Airport located in the Harrison Magisterial District of the county and is empowered, as allowed by state law, to fulfill such function.~~ *The Virginia Highlands Airport Authority is responsible to acquire, establish, construct, enlarge, improve, equip, maintain, operate, and regulate the use of the Virginia Highlands Airport, its structures, air navigation facilities, and other property incident thereto and is empowered, as fully and completely as provided by Title 5.1 of the 1950 Code of Virginia, as amended from time to time, together with all applicable powers and authority granted by the general law of the Commonwealth of Virginia, to fulfill such functions.*

Sec. 2-158. Compensation of commissioners *directors*.

~~The members of the airport commission~~ *directors of the Authority* shall receive compensation of up to \$75.00 per meeting attended, not to exceed one meeting per month, plus reimbursement of expenses in the performance of their duties. Compensation per meeting and reimbursement of expenses shall be determined by the airport commission *Authority* in accordance with the limitations stated herein and shall derive wholly from revenues generated by operation of the Virginia Highlands Airport.

2. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.
3. That this ordinance shall become effective immediately upon its enactment.

COUNTY OF WASHINGTON, VIRGINIA

BOARD OF SUPERVISORS

ORDINANCE 2007-02

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The vote on the motion to adopt the foregoing ordinance was as follows: (6-0)

Mr. Reynolds	Aye	Mrs. Mumpower	Aye	Mr. Price	Aye
Mr. McCrady	Aye	Mr. McCall	Aye	Mr. Owens	Aye
Mr. Rector	Absent				

I hereby certify that the foregoing is a true and exact copy of Ordinance Number 2007-02 and the record of motion and vote to adopt said ordinance as recorded in the Minutes of the Meeting of the Washington County Board of Supervisors held Tuesday, February 13, 2007.

WASHINGTON COUNTY
BOARD OF SUPERVISORS


Mark K. Reeter, County Administrator

ATTEST:


Naoma Mullins, Recording Clerk



TOWN OF ABINGDON

ABINGDON, VIRGINIA 24210

OFFICE OF
TOWN MANAGER

January 10, 1983

TELEPHONE
628-3167

Virginia Highlands Airport Commission
c/o Mr. A. C. Bradley
Business Manager
Abingdon, Virginia 24210

Washington County Board of Supervisors
c/o Mr. Dennis Sparks
County Administrator
Abingdon, Virginia 24210

Gentlemen:

At the January 3, 1983 regular stated meeting of the Abingdon Town Council, it was unanimously resolved that in accordance with Article 10 of the inter-governmental agreement of December 31, 1964 creating the Virginia Highlands Airport Commission, the Town of Abingdon shall, effective this date, serve notice of intention to withdraw all participation in this function as of January 15, 1984.

As per the agreement, it is understood that as of this date the Town will not incur any further liability nor shall we share in any future surplus, but, shall retain all rights of ownership as stipulated in the aforementioned instrument.

It is further requested that on the date of contract termination an audit of all assets be made whereby the assets of the Town may be fixed based on our participation.

Sincerely,

G. M. Newman
Town Manager

GMN/vw

CC: Penn, Stuart, Eskridge & Jones
Attorneys-at-Law
Town Council

VIRGINIA HIGHLANDS AIRPORT COMMISSION

ORGANIZATIONAL STRUCTURE

Pursuant to the authority contained in Section 5.1-41 of the 1950 Code of Virginia, as amended, the Board of Supervisors of Washington County, Virginia hereby vests full jurisdiction in the Virginia Highlands Airport Commission for the operation, improvement, equipment, maintenance and construction of the Virginia Highlands Airport, located in Washington County, Virginia.

On and after October 15, 1984, the Virginia Highlands Airport Commission shall consist of seven members, with one member being appointed from each election district of Washington County. In order to qualify for appointment as a member of the Virginia Highlands Airport Commission, an individual must be a resident of Washington County, Virginia, and must reside in the election district of the County from which appointed.

This structural reorganization of the Airport Commission is necessitated by the withdrawal of the Town of Abingdon in January, 1984, from the Airport Commission Agreement entered into by and between the Town of Abingdon and Washington County on December 31, 1964. In order to provide for the continued orderly transaction of Airport Commission business, the Board of Supervisors herewith organizes the Airport Commission to conform with the organization of all other independent County boards, commissions and authorities appointed exclusively by the Board of Supervisors. It is the intention of the Board of Supervisors that this transition be as smooth as possible, therefore all existing members of the Airport Commission are continued in office for designated periods of time as hereafter specified.

The existing members of the Virginia Highlands Airport Commission shall be continued in office for the following designated terms in order to provide

necessary continuity of service and expertise to the Commission:

<u>CURRENT COMMISSION MEMBER</u>	<u>ELECTION DISTRICT REPRESENTED</u>	<u>TERM WILL EXPIRE</u>
W. L. Nininger	F-81	June 30, 1985
Robert Singleton	C-81	June 30, 1986
Emmitt Yeary	A-81	June 30, 1986

Four additional members shall be appointed to the Virginia Highlands Airport Commission by the Board of Supervisors by October 15, 1984, from the election districts of the County which are not currently represented on the Commission. The initial term for two of the members appointed from these districts shall be set to expire on June 30, 1987, and the initial term for the remaining two members appointed from these districts shall be set to expire on June 30, 1988. This will permit the term of office to be staggered to the maximum extent possible, and will allow all terms to expire at the end of the County fiscal year. Selection of the length of term of office for initial appointment for these four new members shall be decided by drawing lots.

All appointments subsequent to these initial appointments shall be for a term of four years, except in the case of an appointment to fill out an unexpired term, in which case the appointment shall be only for the duration of the unexpired term. Individuals shall not be appointed to more than two successive full four-year terms on the Airport Commission. Members of the Airport Commission may be removed by the Board of Supervisors at any time. Absence from four successive regular meetings or six meetings within a 12 month period shall automatically be reason for removal of a member of the Airport Commission.

The Airport Commission shall maintain minutes of all meetings. The Airport Commission shall meet at least once each month for a regular meeting,

to be held on the same day and time each month, as agreed upon by the Airport Commission members. The minutes and records of the Airport Commission shall be available for public inspection in accordance with the Virginia Freedom of Information Act. The Airport Commission shall submit to the Board of Supervisors a brief report detailing the revenues and expenditures of the Airport Commission for the previous quarter, within thirty (30) days after the close of each quarter during the fiscal year.

The Airport Commission shall prepare written bylaws for the conduct of its business and meetings, which bylaws shall be submitted to the Board of Supervisors for review prior to adoption.

The Board of Supervisors of Washington County, Virginia intends that the Virginia Highlands Airport Commission shall have all of the powers, duties, responsibilities and authority of an independent board, commission or agency established in accordance with Title 5.1 of the 1950 Code of Virginia, as amended, together with all proper powers and authority granted by the general law of the Commonwealth of Virginia applicable to independent commissions.

It is hereby specifically provided by the Board of Supervisors that the Airport Commission shall have all the powers necessary, convenient or desirable to carry out its purposes in accordance with Title 5.1 of the Code of Virginia, including, but not limited to, the power to establish, construct, manage and operate an airport; the power to acquire and hold property on behalf of Washington County; the power to acquire by purchase, lease, gift or otherwise whatever land may be necessary for the purpose of establishing, constructing, enlarging, maintaining and operating an airport; the power to acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate the use of such airport, structures, air navigation facilities and other property incidental thereto; the power to construct, install, maintain and operate facilities for the servicing or storing of

aircraft, for the handling of cargo, freight, mail or express, and for the accommodation and comfort of air passengers; the power to purchase and sell equipment and supplies as an incident to the operation of an airport; the power to use for airport purposes any available property owned or controlled by it; the power to accept, receive and receipt for federal and state monies, and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance and operation of an airport and other air navigation facilities; the power to adopt regulations not in conflict with the rules and regulations adopted and promulgated by the State Corporation Commission, Department of Aviation, or Federal Aviation Administration, and to establish fees or charges for the use of such airport; the power to engage directly or through its agents or employees in the operation for profit of concessions in connection with an airport or other facilities, including, but not limited to, the sale of airplanes and aircraft fuel, the teaching of flying, and the operation of air transportation facilities or to grant such privileges and concessions to others; the power to contract for mail, cargo and passenger service with the United States Government or any commercial airline; the power to enter into any lease which it deems reasonable for the operation and maintenance of an airport or air navigation facilities or any of the activities related thereto as herein set forth; the power to purchase and use or lease any land in the vicinity of an airport which in the discretion of the Commission is desirable and thereon to construct or permit the construction of industrial, commercial or recreational facilities and approaches thereto and appurtenances thereof, provided that any such industrial, commercial or recreational facility shall be so constructed as not to constitute an airport hazard.

The restructuring of the organizational make-up of the Virginia Highlands Airport Commission herein shall not in any manner serve to affect existing

contractual relationships, funding grants, employment relationships, or other commitments of the Virginia Highlands Airport Commission, which are all hereby continued in full force and effect.

In reorganizing the structure of the Virginia Highlands Airport Commission, it is the intent of the Board of Supervisors of Washington County that the Airport Commission shall continue to be a viable public entity in order to carry out the public purpose for which it was created. It is further the intention of the Board of Supervisors that the Virginia Highlands Airport Commission represent Washington County in a professional, responsible and businesslike manner, in order to serve the best interests of all of the citizens of Washington County, and to promote commercial, economic and industrial development in Washington County. Therefore, the Board of Supervisors expresses that the following qualifications will be given

paramount consideration in selecting members for appointment to the Airport Commission: an interest in aviation and related areas; some background or training in business endeavors; a commitment to increased economic, commercial and industrial development in Washington County; and the ability to work well with members of the public, officials of state and federal agencies, and the local business community of Washington County.

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aircraft, for the handling of cargo, freight, mail or express, and for the accommodation and comfort of air passengers; the power to purchase and sell equipment and supplies as an incident to the operation of an airport; the power to use for airport purposes any available property owned or controlled by it; the power to accept, receive and receipt for federal and state monies, and other monies, either public or private, for the acquisition, construction, enlargement, improvement, maintenance and operation of an airport and other air navigation facilities; the power to adopt regulations not in conflict with the rules and regulations adopted and promulgated by the State Corporation Commission, Department of Aviation, or Federal Aviation Administration, and to establish fees or charges for the use of such airport; the power to engage directly or through its agents or employees in the operation for profit of concessions in connection with an airport or other facilities, including, but not limited to, the sale of airplanes and aircraft fuel, the teaching of flying, and the operation of air transportation facilities or to grant such privileges and concessions to others; the power to contract for mail, cargo and passenger service with the United States Government or any commercial airline; the power to enter into any lease which it deems reasonable for the operation and maintenance of an airport or air navigation facilities or any of the activities related thereto as herein set forth; the power to purchase and use or lease any land in the vicinity of an airport which in the discretion of the Commission is desirable and thereon to construct or permit the construction of industrial, commercial or recreational facilities and approaches thereto and appurtenances thereof, provided that any such industrial, commercial or recreational facility shall be so constructed as not to constitute an airport hazard.

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