

## AIRPORT AUTHORITIES Act 73 of 1970

AN ACT to provide for the creation of airport authorities; to provide for certain counties and cities within certain limitations of state-owned airports to create an airport authority; to provide for the membership of authorities; to provide for the powers and duties of the authorities; to provide for the transfer of employees of state airports to the employment of an authority; to provide for the transferring of state-owned lands to the authority; to provide for the retention of certain rights, powers and privileges by the state in state-owned airport facilities; to provide for a referendum; and to repeal acts and parts of acts.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

*The People of the State of Michigan enact:*

### **259.801 Airport authority; formation, charter; population specifications.**

Sec. 1. Within 90 days of the effective date of this act, counties, any portion of whose boundaries are within 10 miles of any state-owned airport and any city located within the boundaries of any such counties and having a population of over 100,000, by a resolution passed by each of their legislative bodies by a majority of the entire membership of each board or council voting separately shall join to form an airport authority, hereafter referred to as the "authority". The authority shall be deemed to be a charter authority within the meaning of section 6 of article 9 of the state constitution.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.802 Airport authority board; number, appointment, and qualifications of members.**

Sec. 2. The authority shall be directed and governed by an airport authority board. The airport authority board shall consist of 3 members from each city designated in section 1, appointed by the mayor with the advice and consent of the city council; 3 members from the balance of each county having a city with a population over 100,000 located primarily within its boundaries, appointed by a majority of the county board of commissioners; and 2 members from each other county comprising the authority, appointed by their respective legislative bodies by a majority of the full membership of the appointing legislative body. A board member shall be an elector of his or her respective appointing city or county and may be a member of the appointing legislative body.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970;—Am. 1982, Act 271, Imd. Eff. Oct. 5, 1982;—Am. 1998, Act 214, Imd. Eff. July 1, 1998.

### **259.803 Airport authority board; members, term, vacancy.**

Sec. 3. Of the county members first appointed, 1 member shall be appointed for 4 years and 1 member for 3 years. Of the city members, 1 shall be appointed for 2 years, 1 for 3 years and 1 for 4 years. After the initial appointments expire all members shall be appointed for 4 years. All members appointed shall serve until they are reappointed or a successor named at the end of their term. If a member is unable to complete his term of office, a successor shall be appointed in the same manner as the original appointment to complete the term. In the case of the appointment of a successor, he shall serve until another is appointed or he is reappointed.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.804 Airport authority board; removal of member.**

Sec. 4. The legislative body of a county or the city council appointing members to the board may remove any member appointed by it by a 3/4 vote of its full membership.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.805 Additional counties joining authority.**

Sec. 5. Any additional county contiguous to the original counties forming the authority may subsequently become a member of the authority upon resolution adopted by the governing body of the county and acceptance thereof by resolution adopted by majority vote of the board. The number of members to be added to the board when an additional county becomes a member of the authority shall be determined by the board.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.806 Airport authority board; first meeting; election of officers; conducting business at public meeting; notice; corporate seal; executive committee; expenses; quorum; legal majority.**

Sec. 6. By October 14, 1970, the board shall hold its first meeting and organize by electing a chairperson

and vice-chairperson who are members of the board, and a secretary and treasurer who need not be board members and additional officers who need or need not be members of the board as the board considers necessary. The business which the board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The board may also adopt a corporate seal and appoint an executive committee, consisting of the chairperson and 1 member from each of the governmental units comprising the authority other than that represented by the chairperson to perform those duties as the board assigns. The members of the executive committee shall hold office during the pleasure of the board. Members of the board and executive committee shall serve without compensation from the authority, but shall be reimbursed by the authority for actual expenses incurred in the discharge of official duties. A simple majority of the board members shall constitute a quorum for the conduct of the business of the board. A simple majority of the full membership of the board shall constitute a legal majority on all voting issues before the board.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970;—Am. 1978, Act 409, Imd. Eff. Sept. 28, 1978.

### **259.807 Airport authority as body corporate; other airports; powers.**

Sec. 7. The authority shall be a public body corporate with powers to sue or be sued in any court of this state and have the power and duty of planning, promoting, extending, owning, maintaining, acquiring, purchasing, constructing, improving, enlarging and operating all publicly-owned airports and airport facilities hereinafter established to be operated within the territorial jurisdiction of the authority. Any existing publicly-owned airport or airport facility now or hereafter within the jurisdictional confines of the authority may elect to come within the operational jurisdiction of the authority unless prohibited by legal restrictions or limitations, upon acceptance by the authority under mutually agreeable terms and conditions.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.808 Airport authority board; meetings; records; availability of certain writings to public; system of accounts; audit; treasurer's bond; executive director; rules and policies; interest in contract prohibited; personal liability.**

Sec. 8. (1) After organization, the board shall hold meetings at the call of the chairperson. The board shall adopt a schedule of regular monthly meetings and adopt a regular meeting date, place, and time. The chairperson shall call a special meeting upon request of 3 members of the board in the manner required by Act No. 267 of the Public Acts of 1976. The board shall keep a written or printed record of each meeting, which record and any other writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws. The board shall provide for a system of accounts to conform to a uniform system required by law and for the auditing at least once a year of the accounts of the treasurer by a competent certified public accountant. The board shall require of the treasurer a suitable bond by a responsible bonding company, the cost of the premium of bond to be paid for by the board. The board may appoint an executive director and shall adopt rules and policies governing professional work and services offered by airports and airport facilities under the board's jurisdiction.

(2) A board member or a person holding appointment by the board shall not be interested directly or indirectly in a contract entered into under the law. A board member shall not be subject to personal liability on account of liability of the authority.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970;—Am. 1978, Act 409, Imd. Eff. Sept. 28, 1978.

### **259.809 Airport authority; powers, duties and limitations; elections.**

Sec. 9. In exercising its powers and duties, the authority and the cities and counties comprising the authority shall be vested with and be subject to the same powers, duties and limitations as provided by Act No. 206 of the Public Acts of 1957, as amended, being sections 259.621 to 259.631 of the Compiled Laws of 1948 and Act No. 327 of the Public Acts of 1945, as amended, being sections 259.1 to 259.208 of the Compiled Laws of 1948 unless the provisions of this act are applicable. When the provisions of this act or any act which the authority or the counties comprising the authority are subject to calls for an election or the submission of an issue or proposition to the election process, the provisions of Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Compiled Laws of 1948, shall apply unless provisions of this act are applicable.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

#### **259.810 Budget; contents; adoption; annual report.**

Sec. 10. On or before June 1 of each year the board shall prepare a budget containing an itemized statement of the estimated current operational expenses and the expenses for capital outlay including funds for the operation and development of all airports under the jurisdiction of the board, including the amount necessary to pay the principal and interest of any outstanding bonds or other obligations of the authority maturing during the ensuing fiscal year or which have previously matured and are unpaid, and an estimate of the estimated revenue of the authority from all sources for the ensuing fiscal year. The fiscal year of the authority shall be from July 1 to June 30. The board shall adopt such budget as shall be deemed necessary and shall ascertain what appropriations are required from the several counties comprising the authority to meet their respective shares of the amount of the budget in excess of the estimated revenues. The authority shall file a copy of their annual report with the state aeronautics commission.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

#### **259.811 Local units contributions; certification, payment; tax, rate, limitation.**

Sec. 11. The board shall certify to each participating county the amount to be raised by them, and the counties comprising the authority shall include the certified amount to be raised in their next ensuing budget and shall pay the amounts so certified from any funds they have available including the proceeds of a tax the county is authorized to levy on the taxable property within their respective jurisdiction. The tax shall not exceed 3/4 mill on each dollar of assessed valuation as last equalized by the state. In computing the total tax to be levied, the assessed valuation of any unit of government within the county shall not be used more than once. The limitation of section 6 of article 9 of the state constitution shall not apply to taxes imposed by the board and levied by the counties comprising the authority.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

#### **259.812 Revenue bonds; purpose.**

Sec. 12. For the purpose of acquiring, purchasing, constructing, improving, enlarging or repairing airports and airport facilities created within or hereafter acquired by the authority, the board may issue self-liquidating bonds of the authority in accordance with the provisions of Act No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Compiled Laws of 1948.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

#### **259.813 State employees; transfer provisions, rights.**

Sec. 13. Employees of the airport division of the state aeronautics commission employed at the state-owned airport on the date the authority is established may transfer to the employment of the authority. The authority shall accept the transfers without a break in employment. Employees transferring shall be retained in positions at least comparable to positions held by employees on the date of transfer and without a reduction in compensation or loss in fringe benefits or accumulation thereof. The authority shall by a 3/5 vote of the board elect to come under the provisions of Act No. 135 of the Public Acts of 1945, as amended, being sections 38.601 to 38.668b of the Compiled Laws of 1948 and shall adopt the provision of Act No. 88 of the Public Acts of 1961, as amended, being sections 38.1101 to 38.1105 of the Compiled Laws of 1948. Employees of the airport division of the state aeronautics commission, who transfer to the employment of the authority on the effective date the authority is established pursuant to this section, and become members of the municipal employees retirement system, shall be entitled to all accrued credits and benefits provided by Act No. 88 of the Public Acts of 1961, as amended.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

#### **259.814 Operative sections.**

Sec. 14. In the event that an authority is formed as prescribed in section 1, sections 15, 16, 17, 18, 19, 20 and 22 shall become operative.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

#### **259.815 Capital city airport; transfer.**

Sec. 15. The state administrative board shall transfer to the authority subject to conditions and restrictions herein approximately 1,135 acres of land in fee simple, 238 acres in easements and land now under lease, including all options, easements, rights of way, and all improvements thereto, except as noted herein and equipment necessary to the operation of the airport as listed in the final agreement now owned by the state to the authority.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.816 Terminal building; transfer.**

Sec. 16. The state administrative board shall, subject to restrictions of this act, transfer and convey the terminal building and all buildings and other properties and interests and liabilities of the control and management of the board of control to the authority.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.817 Repealed. 1990, Act 192, Imd. Eff. July 24, 1990.**

**Compiler's note:** The repealed section pertained to reservation by state of space in terminal building, and provided parking for state employees.

### **259.818 Property rights reserved by state; descriptions.**

Sec. 18. (1) The state shall have the use of the fueling rights, ramps, aircraft parking, and motor vehicle parking rights, and the use of a plot of land without charge located in the southeast aviation development area with assured ingress and egress to the area for aircraft and motor vehicles, described more fully as follows:

A portion of DeWitt township, Clinton county, T5N, R2W described as:

That part of the southeast 1/4 of section 31, T5N-R2W, DeWitt township, Clinton county, Michigan, described as: Beginning at a point which is south 89 degrees 58'32" east 788.10 feet, north 00 degrees 29'35" east 465.39 feet along the centerline of Capital City Boulevard and south 89 degrees 30'25" east 90.0 feet from the south 1/4 corner of said section 31; thence south 83 degrees 37'55" east 200.00 feet; thence north 16 degrees 58'32" east 205.20 feet to a point on a curve to the left, radius of 82.50 feet a distance of 88.53 feet (chord bearing north 76 degrees 14'08" east 84.34 feet) to a point of tangent; thence north 45 degrees 29'43" east 249.79 feet; thence south 44 degrees 30'17" east 340.00 feet; thence south 45 degrees 29'43" west 451.10 feet; thence north 83 degrees 37'55" west 439.27 feet; thence north 00 degrees 29'35" east parallel to the centerline of Capital City Boulevard 140.72 feet to the point of beginning and a point of ending. Contains 4.75 acres more or less.

Also a part of the southeast 1/4 of said section 31, T5N-R3W, described as: Beginning at a point which is south 89°58'32", east 788.10 feet, north 00°29'35", east 333.95 feet and south 83°37'55", east 658.66 feet from south 1/4 corner of said section 31; thence north 45°29'43", east along the southeasterly road right of way line of the east airfield access road a distance of 369.75 feet; thence south 44°30'17", east 200 feet; thence south 0°, west (due south) 161.62 feet; thence north 83°37'55", east 406.40 feet to the point of beginning and a point of ending. Contains 1.60 acres more or less.

Also, a parcel of land in the southeast 1/4 of section 31, T5N-R2W, DeWitt township, Michigan described as: Beginning at a point which is south 89 58'32" east 788.10 feet, north 00 29'35" east 465.39 feet, and south 89 30'25" east 90.0 feet from the south 1/4 corner of said section 31; thence south 83 37'55" east 200.00 feet; thence north 16 58'32" east 151.70 feet; thence north 89 30'25" west 241.99 feet; thence south 00 29'35" west 125.00 feet to the point of beginning; containing 0.69 Acres more or less. Parcel description to be in accordance with survey for transfer agreement.

(2) The state reserves for the state health department the use of all properties or a part thereof in the southwest 1/4 of section 32, T5N, R2W, DeWitt township, Clinton county, Michigan, except the north 500 feet thereof, containing 130 acres more or less, and also the north 620 feet more or less of the west 3,000 feet of section 5, T4N, R2W, Lansing township, Ingham county, Michigan, lying north of the Chesapeake and Ohio railroad (formerly Pere Marquette) containing 31 acres more or less; so long as not used for airport purposes, which shall be reserved for use by the Michigan department of health for the purposes of grazing, cropping, or other agricultural purposes.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970;—Am. 1990, Act 192, Imd. Eff. July 24, 1990.

### **259.819 State's free use of facilities.**

Sec. 19. The state shall have the free use of runways, taxiways, ramp facilities and public areas, under the jurisdiction of the authority, necessary to the operation of its aircraft. The authority is prohibited from charging the state landing fees, tie-down fees or other similar fees.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

### **259.820 Transfer of existing contracts and agreements.**

Sec. 20. All contracts and rental agreements between the state aeronautics commission, the terminal building board of control and contracting parties relevant of space, services, facilities or business enterprises in existence at the time of the formation of the authority shall be transferred to the authority and all terms and conditions of the contracts and agreements shall be continued until terminated or renegotiated by the terms of the contracts and agreements.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

**259.821 Act contingent as to federal funding.**

Sec. 21. The provisions of this act shall be contingent upon the federal aviation agency finding that the authority created by this act is a public agency or public body corporate capable of assuming the obligations of the covenants which may have been entered into between the aeronautics commission and the federal aviation agency relative to sponsored project applications and contracts entered into between the agencies.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

**259.822 Repeal.**

Sec. 22. Act No. 143 of the Public Acts of 1956, being sections 259.611 to 259.617 of the Compiled Laws of 1948, is repealed.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

**259.823 Referendum.**

Sec. 23. Within 60 days of the effective date of this act, petitions may be filed with the secretary of state, signed by a number of registered electors from a county within the authority equal to at least 5% of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected within the petitioning county, requesting that the county's participation in the authority be submitted for approval by a majority of the electors of the county voting at the next general election in the manner provided by law.

**History:** 1970, Act 73, Imd. Eff. July 16, 1970.

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