

ORDINANCE NO. 2015-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING SECTIONS 2.331 THROUGH 2.336 OF THE SAN MARCOS CITY CODE TO CHANGE THE NAME OF THE AIRPORT COMMISSION TO THE AIRPORT ADVISORY **BOARD**, TO INCREASE THE NUMBER OF MEMBERS ON BOARD FROM FIVE TO SEVEN, TO MODIFY THE QUALIFICATIONS FOR MEMBERSHIP ON THE **BOARD** AND TO ELIMINATE THE REQUIREMENT FOR THE **BOARD** TO CONDUCT AN ANNUAL REVIEW OF LESSEES; PROVIDING FOR THE REPEAL OF ANY CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:

SECTION 1. Sections 2.331 through 2.336 of the San Marcos City Code are hereby amended to read as follows (Added text is indicated by underlining. Deleted text is indicated by ~~strikethroughs~~.):

Sec. 2.331. Created.

There is created an airport ~~commission~~ advisory board.

Sec. 2.332. Composition; qualifications and appointment of members.

The airport ~~commission~~ advisory board consists of ~~five~~ seven members. ~~Three~~ Five members of the ~~commission~~ board must be residents of the city. Two members may be either residents or nonresidents of the city. A nonresident board member must be an aircraft owner with an aircraft based on the field. Three members will be owners or representatives of commercial businesses or organizations operating on the field. ~~All other members of the commission will be residents of the city.~~ Members will serve staggered terms of two years.

Sec. 2.333. General powers and duties.

(a) The airport ~~commission~~ advisory board is an advisory body to the city council, the city manager and the airport management. It may establish its own rules and regulations for its meetings and proceedings. Its recommendations may be presented to the city council from time to time by filing these recommendations with the city secretary.

(b) The airport ~~commission~~ advisory board will advise the city council, the city manager and the airport management and make recommendations on the following:

~~(1) — The selection of all fixed-base operators and other lessees located at the municipal airport.~~

~~(2) — The terms, conditions, duties, responsibilities, consideration and other lease provisions to be contained in all lease arrangements concerning airport property.~~

~~(3) — All matters affecting airport management.~~

~~(41) Methods and matters in recruiting and creating interest in the municipal airport.~~

~~(52) Planning and developing airport services and expansion.~~

~~(c) — The airport commission will review the budget proposal prepared by the airport manager for each fiscal year of the city, and make recommendations on the proposal to the city manager and the city council.~~

~~Sec. 2.334. Appeal hearing board.~~

~~The airport commission advisory board will sit as an appeal hearing board in an effort to assist in settling disputes and controversies concerning all fixed-base operations and other lease arrangements held by individuals or business entities at the municipal airport. The commission board has the power to hear the production of evidence from the parties involved and to solicit evidence from the city staff before making a recommendation to the city council for the resolution of all disputes and controversies. Upon conducting a hearing in which all interested parties have had an opportunity to be heard, the airport commission advisory board will submit to the city manager, in writing, its findings and determinations, accompanied by a recommendation for the final resolution of the matter.~~

~~Sec. 2.335. Review of lessees.~~

~~The airport commission will review all lessees at the municipal airport and the applicable contracts for operations. The review will result in an annual report being submitted by the airport commission to the city manager and city council. The annual report will be submitted in February of each year and will contain an appraisal of each lessee's conformance to the lease.~~

~~Sec. 2.3356. Limitations.~~

~~The airport commission advisory board is not and will not be authorized to incur or create any debt in connection with municipal airport operations. The~~

~~commission~~ **board** is not empowered to enter into any contracts, leases or other legal obligations binding upon the city, and this division will not be interpreted to authorize the ~~commission~~ **board** or its members to hire airport personnel or to direct airport personnel in the execution of their duties.

SECTION 2. In codifying the changes authorized by this ordinance, paragraphs, sections and subsections may be renumbered and reformatted as appropriate consistent with the numbering and formatting of the San Marcos City Code.

SECTION 3. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 4. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 5. This ordinance will take effect after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on October 5, 2015.

PASSED, APPROVED AND ADOPTED on second reading on October 20, 2015.

Daniel Guerrero
Mayor

Attest:

Approved:

Jamie Lee Pettijohn
City Clerk

Michael J. Cosentino
City Attorney