

SUMTER COUNTY ORDINANCE NO. 10-716

**AN ORDINANCE TO RESTRUCTURE AND REORGANIZE
THE SUMTER COUNTY AIRPORT COMMISSION**

WHEREAS, The Sumter Airport Commission was created by the General Assembly by Act #414 of the Regular Session of 1959; and

WHEREAS, the original name of the organization was the Sumter Airport Commission; and

WHEREAS, the original act creating the Sumter Airport Commission authorized the City of Sumter to appropriate and donate to the Commission such sums of money as it may deem expedient and necessary for the purposes of carrying out the provisions of the act and a similar power was delegated to the County of Sumter through the Legislative Delegation, upon the advice of the Sumter COMMISSION of Commissioners.; and

WHEREAS, the original enumerated powers of the Sumter Airport Commission included the powers to receive gifts and donations, to hold and enjoy property (both real and personal) for the purpose of establishing and maintaining airports in Sumter County and to make such rules and regulation as may be necessary in the conduct and operation of such airports; and

WHEREAS, Article VIII, Section 7 of the South Carolina Constitution, ratified on March 7, 1973, prohibits the General Assembly from enacting "special legislation" or laws which affect only one county; and

WHEREAS, the General Assembly enacted Act #283 in 1975, commonly referred to as the Home Rule Act, which is codified in Section 4-9-10 through 4-9-1230, Code of Laws of South Carolina,(1976, as amended); and

WHEREAS, Section 4-9-30, Code of Laws of South Carolina authorizes the different counties in South Carolina:

(6) to establish such agencies, departments, boards, commissions and positions in the county as may be necessary and proper to provide services of local concern for public purposes, to prescribe the functions thereof and to regulate, modify, merge or abolish any such agencies, departments, boards, commissions and positions, except as otherwise provided for in this title...; and

WHEREAS, the County Council for Sumter County finds that it is in the best interest of Sumter County to restructure and reorganize the Sumter Airport Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMTER COUNTY, SOUTH CAROLINA, AT ITS REGULAR MEETINGS DULY ASSEMBLED AND BY THE AUTHORITY THEREOF:

That Act #141 of the Regular Session of the General Assembly of 1959 is hereby revised, and, where in conflict with this ordinance, repealed and the following shall be the ordinance of the County of Sumter establishing the Sumter County Airport Commission.

1. Sumter County Airport Commission created; Members; Terms; Appointments. There is hereby created a commission in and for Sumter County to be known as the Sumter County Airport Commission (hereinafter, "COMMISSION"), which shall be composed of five (5) members to be appointed by the majority vote of the County Council for Sumter County. The terms of office shall be for three (3) years and until their successors are appointed and qualified. The County Council for Sumter County shall initially appoint two members to serve one (1) year, two members to serve two (2) years and one member to serve three (3) years. Any vacancy shall be filled in the manner of the original appointment for the unexpired portion of the term. To the maximum extent possible, all appointees serving on the COMMISSION at the time this ordinance passes third reading shall be allowed to complete their unexpired terms. Appointees serving on the COMMISSION at the time this ordinance passes third reading may have their terms extended to fulfill the requirements of this section. All appointments to membership on the COMMISSION shall be transmitted to the Clerk of Sumter County Council who shall properly record the same on the permanent records of his/her office. COMMISSION members may serve no more than two terms consecutively. After two consecutive terms, COMMISSION

members may not serve as a member of the COMMISSION for a minimum of one year.

Non-voting "Ex Officio" members of the COMMISSION shall be: the County Administrator or his delegate; the Airport Manager or a delegate; and the United States Air Force Twentieth Fighter Wing Commander or his delegate.

2. Purpose and Powers. The COMMISSION is created to promote commercial and general aviation in Sumter County and to oversee the operations of the Sumter Airport. The COMMISSION shall have the power to receive any gifts or donations from any source, to enter into contracts concerning the operation of the airport, to make such rules and regulations as may be necessary in the conduct and operation of the Sumter Airport and shall have such other powers as may be necessary to carry out the purposes of this Ordinance. The COMMISSION shall make recommendations to Sumter County Council regarding funding of the airport operations and zoning of property at and near the airport.

3. Officers, Meetings, Records. The COMMISSION shall elect one (1) of its members as Chairman and one (1) of its members as Vice Chairman. Meetings of the COMMISSION shall be held at the call of the Chairman and at such other times as the COMMISSION may determine. The members of the COMMISSION shall serve without pay but may be reimbursed for actual expenses incurred in attending meetings and other necessary expenses in connection with business of the COMMISSION from available funds, approved in advance. The COMMISSION shall keep minutes of its proceedings and shall make records of all official actions, which minutes and records shall be available for inspection at all times by the County Council for the County of Sumter, or its designee.

4. Appropriations; Expenditures; Gifts; and Grants. The funds necessary to pay for maintenance and capital improvements of the real and personal property located at the airport and other necessary expenses of the COMMISSION shall be appropriated in the annual budget for the County of Sumter. The COMMISSION shall coordinate the receipt of all revenue and expenditure of all expenses through Sumter County Administration which, in turn, shall provide to the Commission a monthly, itemized verified statement of all revenue and expenditures. The COMMISSION may accept gifts and grants of money from either private or public resources to be used in the promotion of commercial and general aviation and all such money shall be accounted for in the same manner as funds appropriated by the County of Sumter.
5. Cooperation with other Agencies. For the purpose of carrying out the other provisions of this Ordinance, the COMMISSION is authorized to cooperate with the United States Department of the Air Force, the South Carolina Aeronautics Commission, the South Carolina Department of Commerce, the Sumter Development Board, the Sumter City-County Planning Commission, all towns, all Chambers of Commerce, all business leagues, all civic clubs and other similar organizations in Sumter County and all other agencies and organizations within and without the county which the COMMISSION may desire to cooperate with in the furtherance of the development and advertisement of commercial and general aviation in Sumter County.
6. Saving Clause. If any provision of this Act shall be held invalid for any reason, such holding should not affect the remainder thereof.
7. Repeal. All acts or parts of acts inconsistent herewith are repealed.
8. Effect. This Ordinance shall take effect upon third reading of the Ordinance.

**THE COUNTY COUNCIL FOR SUMTER COUNTY
SOUTH CAROLINA**

BY: 
Vivian Fleming McGhane
ITS: Chairman

ATTEST:
BY: 
Mary W. Blanding
ITS: Clerk to County Council

First Reading: August 24, 2010

Second Reading: September 14, 2010

Third Reading and Adoption: September 28, 2010