

ENROLLED

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND
LEGISLATIVE SESSION, 2015
BILL 2015-05

Introduced: May 5, 2015

BY: The Council President at the request of the County Executive.

AN ACT to amend Chapter 5 of the Wicomico County Code, titled "Airport Commission" in its entirety to clarify the roles of the Airport Commission and Airport Manager within the County and to include regulatory provisions related to Airport property, aircraft accidents and disabled aircraft on the premises.

Preamble

Pursuant to the provisions of the Transportation Article of the Annotated Code of Maryland, Title 5, "Aviation", Subtitle 4, "Establishment and Operation of State and Local Airports", Part III, "Local Airports" Section 5-418, the County may establish and operate an airport. Any costs and expenses incurred in connection with the operation of an airport shall be the responsibility of the County.

The County having operated an airport jointly with the City of Salisbury since the 1940's and as sole owner since 1971 wishes to clarify the duties and responsibilities of the Airport Commission and Airport Manager. The County believes this is essential to further the Airport's role in the County's economic development strategy.

Historically, the operation and control of the Airport has been the responsibility of the Airport Manager and staff, who were and are employees of the County, and the Airport Commission. However, the Airport Manager is appointed by the County Executive subject to confirmation of the County Council and the Airport enterprise budget is approved by the County Executive and submitted to the County Council as part of the annual budget process. Airport capital projects are subject to the County capital improvement and budget process. This legislation is intended to clarify the position of the Airport, Airport staff and the Airport Commission within the current County governmental structure.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, that Chapter 5, titled "Airport Commission" be and the same is hereby amended, in its entirety, to read as follows:

CHAPTER 5
~~Airport Commission~~ AVIATION

ARTICLE I
DEPARTMENT OF AVIATION

§5-1. CREATION AND DUTIES OF DEPARTMENT

A. PURSUANT TO THE AUTHORITY OF ANNOTATED CODE OF MARYLAND (FORMERLY Article 1A, §7-701(e)), THERE SHALL BE A DEPARTMENT OF AVIATION UNDER THE IMMEDIATE DIRECTION OF AN AIRPORT MANAGER WHO SHALL PERFORM SUCH DUTIES AND CONDUCT SUCH WORK AS THE COUNTY EXECUTIVE MAY REQUIRE.

B. IT SHALL BE THE RESPONSIBILITY OF THE DEPARTMENT TO OPERATE THE SALISBURY-OCEAN CITY WICOMICO REGIONAL AIRPORT IN ACCORDANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAW.

§5-2. AIRPORT MANAGER

THE AIRPORT MANAGER SHALL BE APPOINTED BY THE COUNTY EXECUTIVE, WITH THE APPROVAL OF THE COUNTY COUNCIL. THE AIRPORT MANAGER WILL FUNCTION AS A DEPARTMENT HEAD WITHIN THE COUNTY ORGANIZATIONAL STRUCTURE AND REPORT TO THE DIRECTOR OF ADMINISTRATION. THE AIRPORT MANAGER IS RESPONSIBLE FOR THE OVERALL MANAGEMENT AND OPERATION OF THE AIRPORT.

**ARTICLE II
WICOMICO COUNTY Airport Commission**

§5-13. Creation OF THE WICOMICO COUNTY AIRPORT COMMISSION

Pursuant to the authority contained in ~~Article 1A, § 7-701(e)~~ SECTION 5-418 OF THE TRANSPORTATION ARTICLE of the Annotated Code of Maryland, there is hereby created and established the Wicomico County Airport Commission, ~~hereinafter referred to as the "Commission,"~~ TO SERVE IN AN ADVISORY CAPACITY TO THE AIRPORT MANAGER AND THE WICOMICO COUNTY EXECUTIVE.

§5-24. Membership.

The WICOMICO COUNTY AIRPORT Commission shall consist of eight members, one of whom shall be a member of the City Council of the City of Salisbury and appointed by said Council; one of whom shall be a member of the County Council of Wicomico County and appointed by said Council; one of whom shall be the President of the Worcester County Commissioners or his designee; and a Chairman and Vice Chairman to be appointed, as are the remaining members of the WICOMICO COUNTY AIRPORT Commission, by the County Executive and confirmed by the County Council of Wicomico County. The members of the WICOMICO COUNTY AIRPORT Commission shall serve without compensation.

§5-35. Terms; vacancies; removal.

- A. Three members of the WICOMICO COUNTY AIRPORT Commission shall serve for initial terms of one year, two members shall serve for initial terms of two years, and thereafter the members of the WICOMICO COUNTY AIRPORT Commission shall be appointed for terms of two years, or until their successors are duly appointed and qualified. Members of the WICOMICO COUNTY AIRPORT Commission shall be eligible for reappointment.
- B. Vacancies occurring in the WICOMICO COUNTY AIRPORT Commission shall be filled for the unexpired terms by the County Executive and confirmed by the County Council.
- C. The County Executive shall have the authority to remove any member when, in his discretion, the best interest of the community shall be served thereby.

~~§5-4. Duties of Director of Administration.~~

~~The Director of Administration, or his designee, shall serve as Secretary and chief administrative officer to the Commission and maintain a journal of all its proceedings and perform such other functions for said Commission as it may direct from time to time.~~

§5-56. Chairman AND VICE CHAIRMAN.

The Chairman ~~of the Commission~~ shall preside over all meetings OF THE WICOMICO COUNTY AIRPORT COMMISSION. ~~and shall be the chief executive officer thereof, subject to policy direction of the Commission.~~ THE VICE CHAIRMAN SHALL PERFORM THE DUTIES OF THE CHAIRMAN IN THE CHAIRMAN'S ABSENCE OR INCAPACITY.

§5-67. Meetings.

The WICOMICO COUNTY AIRPORT Commission shall convene at regular meetings at least once each month ~~in the County Council office or some other public building~~ and shall have such special meetings as the Chairman shall convene or upon the request of at least three members of the Commission, directed to the Secretary thereof.

~~§5-7. Funds.~~

- ~~A. The Director of Finance of Wicomico County shall have custody of all revenues of the Airport Commission. He shall establish three separate funds to be known as:~~
- ~~(1) The Airport Operating Fund.~~
 - ~~(2) The Airport Capital Improvement Fund.~~
 - ~~(3) The FAA Improvement Fund.~~

~~B. Expenditures from said funds shall be authorized upon the written approval of the Secretary of the Commission, if previously authorized by the Commission or the Commission's budget and shall be made from said Director of Finance. The Director of Finance's bond shall be responsible for the safekeeping of said funds. Said Director of Finance shall furnish the Commission a statement of receipts and expenditures together with a balance sheet as against the budget once a month.~~

§5-8. Availability of county resources and services.

~~It is the desire of the County Council that the~~ THE WICOMICO COUNTY AIRPORT Commission WILL have available to it the resources and services of the County whenever possible.

§5-9. ~~Powers and duties~~ RESPONSIBILITIES.

THE WICOMICO COUNTY AIRPORT COMMISSION SHALL ACT IN AN ADVISORY CAPACITY AND SHALL REVIEW AND MAKE RECOMMENDATIONS TO THE AIRPORT MANAGER AND THE COUNTY EXECUTIVE WITH RESPECT TO THE FOLLOWING:

- (1) ALL MATTERS CONCERNING COMPREHENSIVE PLANNING, AS WELL AS THE FORMULATION OF PLANS FOR AVIATION AND RELATED SERVICES.
- (2) THE CREATION OF A COMPREHENSIVE PLAN IDENTIFYING ACQUISITION, DEVELOPMENT AND REHABILITATION PROJECTS TO SUPPORT THE FUNCTION AND OPERATION OF THE AIRPORT.
- (3) THE UTILIZATION OF ALL AVAILABLE FACILITIES TO PROVIDE AVIATION SERVICES.
- (4) ALL MATTERS RELATING TO PLANNING, DEVELOPMENT, OPERATION, MANAGEMENT, FEES, BUDGETING, STAFFING, AND MAINTENANCE OF THE AIRPORT WITH THE GOAL OF HAVING THE AIRPORT OPERATE AS A SELF-SUPPORTING ENTERPRISE.

~~The Commission shall have the following powers, duties and responsibilities:~~

~~A. The County Council expressly grants unto the Commission all those powers and authority available to said Commission under the authority of Article 1A, The Transportation Article, Title 5, Aviation, of the Annotated Code of Maryland. It is the Council's intention to exercise all those powers allowed to the county under said Article 1A, Transportation Article, Title 5, Aviation.~~

~~B. The Commission shall operate, maintain and improve the Salisbury Wicomico County Airport within its discretion, except as same may be limited by law, regulation or other valid authority. .~~

~~C. Said Commission shall prepare and recommend a capital budget in conformity with the Charter of Wicomico County and shall prepare and recommend an operating budget in conformity with said Charter annually.~~

~~D. The Commission shall seek advice from and, whenever possible or practical, with the facilities of the Department of Public Works of Wicomico County. The Commission shall comply with all purchase and budget requirements of Wicomico County.~~

~~E. The Commission shall have full power and authority to:~~

~~(1) Enter into, execute and enforce any leases, contracts or concessions pertaining to any building, facility and/or land of said airport property, provided that no lease or contract shall extend for a period of more than one year, unless the Commission reserves the option to cancel said lease or contract at the end of said initial one year term or unless the County Council shall consent in writing thereto prior to the execution thereof by said Commission. All leases, contracts or concessions must be prepared and approved by the County Attorney.~~

~~(2) Submit applications for grants from the Federal Aviation Administration and/or the Maryland Aviation Administration, accept a grant award and execute the appropriate grant agreements.~~

ARTICLE III REGULATIONS

§5-10. AIRPORT PROPERTY.

NO PERSON SHALL DESTROY, DEFACE, INJURE, OR DISTURB AIRPORT PROPERTY, OR ENGAGE IN CONDUCT THAT IS INJURIOUS, DETRIMENTAL OR DAMAGING TO ACTIVITIES AND BUSINESS AT THE AIRPORT. ANY PERSON VIOLATING ARTICLE III SHALL BE REQUIRED TO PAY THE FULL COST OF REPAIRS, REPLACEMENT, OR DAMAGES UPON DEMAND. ANY PERSON VIOLATING ARTICLE III MAY BE REFUSED FURTHER ACCESS TO OR USE OF ANY AIRPORT FACILITY UNTIL THE AIRPORT HAS BEEN FULLY REIMBURSED FOR ALL DAMAGES.

§5-11. AIRCRAFT ACCIDENTS.

A. AIRCRAFT OPERATORS INVOLVED IN AN ACCIDENT AT THE AIRPORT RESULTING IN INJURY (OR DEATH) TO PERSONS OR DAMAGE TO AIRPORT PROPERTY SHALL MAKE A FULL AND PROMPT REPORT OF THE ACCIDENT TO THE AIRPORT MANAGER, COMPLETE ANY NECESSARY REPORTS AND COMPLY WITH THE LATEST REVISION OF THE NATIONAL TRANSPORTATION SAFETY BOARD REGULATIONS PART 830. DAMAGE TO AIRPORT PROPERTY INCLUDES DAMAGE TO A RUNWAY, TAXIWAY, APRON, NAVIGATIONAL AIDE, LIGHT, FIXTURE, HANGAR OR ANY OTHER BUILDING OR EQUIPMENT. THE AIRCRAFT OPERATOR AND THE AIRCRAFT OWNER SHALL BE FULLY RESPONSIBLE FOR THE DAMAGE.

B. AN AIRCRAFT INVOLVED IN AN ACCIDENT AT THE AIRPORT MAY NOT BE REMOVED FROM THE SCENE OF THE ACCIDENT UNTIL AUTHORIZED BY THE AIRPORT MANAGER. ONCE SUCH AUTHORIZATION HAS BEEN ISSUED, THE AIRCRAFT OPERATOR SHALL MAKE IMMEDIATE ARRANGEMENTS TO HAVE THE AIRCRAFT REMOVED. IF REMOVAL IS NOT INITIATED WITHIN A REASONABLE AMOUNT OF TIME, AS DETERMINED BY THE AIRPORT MANAGER, THE AIRPORT MANAGER MAY HAVE THE AIRCRAFT REMOVED AT THE AIRCRAFT OPERATOR'S EXPENSE WITHOUT LIABILITY FOR ANY DAMAGE THAT MAY ARISE OUT OF SUCH REMOVAL.

§5-12. DISABLED AIRCRAFT.

AIRCRAFT OPERATORS AND AIRCRAFT OWNERS SHALL BE RESPONSIBLE FOR THE PROMPT REMOVAL OF DISABLED AIRCRAFT AND PARTS THEREOF, UNLESS REQUIRED OR DIRECTED BY THE AIRPORT MANAGER, THE FAA OR THE NATIONAL TRANSPORTATION SAFETY BOARD TO DELAY SUCH ACTION PENDING AN INVESTIGATION. A PERSON MAY NOT ALLOW A DISABLED AIRCRAFT TO BLOCK A RUNWAY UNNECESSARILY. IN THE EVENT OF AN AIRCRAFT OPERATOR'S FAILURE TO PROMPTLY REMOVE SUCH DISABLED AIRCRAFT, THE AIRPORT MANAGER MAY CAUSE THE REMOVAL, STORAGE OR DISPOSAL OF THE AIRCRAFT AT THE AIRCRAFT OPERATOR'S RISK AND EXPENSE WITHOUT THE LIABILITY FOR DAMAGE THAT MAY ARISE OUT OF SUCH REMOVAL.

SECTION II. BE IT FURTHER ENACTED THAT this Bill shall be known as Bill No. 2015-05 of Wicomico County, Maryland and shall take effect sixty (60) days after its final passage, unless a proper Petition for Referendum thereof shall be filed prior to said date; in which event, the Bill shall not take effect until the expiration of thirty (30) days following the approval of this Bill by a majority of the qualified voters of the County voting in any such referendum.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland this 16th day of June, 2015.

WICOMICO COUNTY, MARYLAND


BY: John T. Cannon, President


BY: Edgar A. Baker, Jr., Secretary

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.


Edgar A. Baker, Jr., Secretary

Explanation:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

~~Strike out indicates material deleted from law.~~

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments

SALISBURY-OCEAN CITY: WICOMICO REGIONAL AIRPORT

MANAGEMENT'S DISCUSSION AND ANALYSIS

JUNE 30, 2014

SUMMARY OF OPERATIONS AND CHANGES IN NET ASSETS

	<u>2014</u>	<u>2013</u>	<u>2012</u>
Operating Revenues	\$1,174,191	\$1,195,026	\$1,284,265
Passenger Facility Charges, net of related expenses	\$88,971	\$285,861	\$322,165
Operating Expenses	(\$1,091,331)	(\$1,048,496)	(\$959,939)
Excess before Depreciation and other non-operating income and expenses	\$171,831	\$432,391	\$646,491
Depreciation	\$3,653,169	\$3,265,814	\$2,826,674
Loss before other non-operating income	(\$3,481,338)	(\$2,833,423)	(\$2,180,183)
Other Non-operating Income	\$2,354,817	\$1,831,368	\$1,937,989
Net Income (Loss)	(\$1,126,521)	(\$1,002,055)	\$(242,194)

SUMMARY OF OPERATIONS HIGHLIGHTS

With more than 120,000 passengers passing through the Airport, not including general aviation and corporate aviation passengers, and airport employees, increased aircraft fuel cost, changes initiated by airlines and federal government and the financial impact caused by those changes, the Airport was able to end 2014 with a \$171,831 excess of revenues above expenses for operations. Omitting the \$88,971 collected in Passenger Facility Charges, the Airport was able to end 2014 with a \$82,860 excess of revenues above expenses.

SALISBURY - OCEAN CITY: WICOMICO REGIONAL AIRPORT

STATEMENT OF CASH FLOWS

YEAR ENDED JUNE 30, 2014

Cash flows from operating activities	
Receipts from customers	\$ 1,217,120
Payments to suppliers for goods and services	(968,764)
Payments to employees for services	(491,792)
Net cash used by operating activities	<u>(243,436)</u>
Cash flows from noncapital financing activities	
Other income	<u>16,232</u>
Cash flows from capital and related financing activities	
Federal and state grants	3,161,032
Passenger facility charges, net of related expenses	88,971
Purchase of capital assets	(2,401,872)
Bond principal payments	(125,834)
Bond interest payments	(1,153)
Net cash provided by capital and related financing activities	<u>721,144</u>
Cash flows from investing activities	
Investment income	<u>793</u>
Net cash provided by investing activities	<u>793</u>
Net change in cash and cash equivalents	494,733
Cash and cash equivalents, beginning of year	<u>1,074,812</u>
Cash and cash equivalents, end of year	<u>\$ 1,569,545</u>
Cash flows from operating activities	
Operating loss	\$ (3,570,309)
Adjustments to reconcile operating loss to net cash provided by operating activities:	
Depreciation	3,653,169
Changes in assets and liabilities	
Decrease in accounts receivables	42,929
Decrease in other receivables	426,448
Decrease in accounts payable	(792,145)
Increase in accrued expenses	2,225
Decrease in accrued compensated absences	(5,753)
Net cash used by operating activities	<u>\$ (243,436)</u>

The accompanying notes are an integral part of these financial statements.

On 2/10/2015 11:10 AM, Phil Tilghman wrote:

As a former county council rep to the Airport Commission I echo your sentiments regarding the commission and it's' success.

As council President in the early 90's I was able to convince my Worcester counterpart Jim Barrett to help fund the flight tower construction (\$100,000) and thereafter have a Worcester county represented on the commission and put Ocean City in the airport name.

OC advertises our airport with a huge budget.

Also remember Salisbury. They have a big stake in the airport as an economic development tool.

Commission members are appointed to represent those 2 county governments as well as Salisbury an OC. Other members have good business knowledge and some represent general aviation thereby rounding out the interests and expertise.

This is an example of interested and knowledgeable people doing a great job for us all.

The county taxpayer has never had to spend any tax dollars on this enterprise; general fund or capital fund.

" if it ain't broke"

Phil Tilghman

On Feb 10, 2015, at 9:50 AM, "Dickey, Robert" <Robert.Dickey@lfg.com> wrote:

As I think all of you are aware, I am definitely against doing away with the airport commission as it has been very successful in running the airport, and it has always had a positive operating balance (last year was \$171,831 per the audit) and have never had to ask the county for \$\$. To put this airport under the direct supervision of the county executive office will be a very big mistake. Who in the County Exec office is going to have the knowledge or expertise to run the airport besides Bob Bryant and the airport commission (which has over 60 years of combined experience running the airport)? Bob has done an excellent job of running the airport and was able to obtain funding for an almost \$1,000,000 renovation of the Piedmont corporate/hanger complex, a renovation of the Bayland Aviation building, repaving of the paid parking lot as well as a rehabilitation of airport terminal road which was sorely needed. And this was in the last two years. Also, he has been able along with our consultant, to obtain FAA funding for the rehabilitation of runway 5-23 as hopefully we will have regional jets come to Salisbury when Piedmont retires their current fleet here.

If you ask Steve Farrow, president of Piedmont, I think you will find he has been very happy working with the airport commission over the years, and I would not want to jeopardize this relationship by him having to work with whomever in the Exec's office.

This whole thing is just a bad idea.

Call [REDACTED] me if you wish to discuss this in further detail or have any questions.

Thanks,

Bob

[REDACTED]



WICOMICO COUNTY, MARYLAND
OFFICE OF THE COUNTY EXECUTIVE
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SALISBURY, MARYLAND 21803-0870
410-548-4801
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Bob Culver
County Executive

R. Wayne Strausburg
Director of Administration

MEMORANDUM

To: Matthew E. Creamer
Council Administrator

From: R. Wayne Strausburg
Director of Administration

Date: January 27, 2015

Subject: Proposed Agenda Item

County Executive

The County Executive is recommending an act to amend Chapter 5 of the Wicomico County Code, titled "Airport Commission" in its entirety to clarify the roles of the Airport Commission and Airport Manager within the County and to include regulatory provisions related to Airport property, aircraft accidents and disabled aircraft on the premises.

COUNTY COUNCIL
OF
WICOMICO COUNTY, MARYLAND

BILL NO. 2015-05

Legislative Day No. 09

INTRODUCED BY: President of the Council upon recommendation of the County Executive


Date: May 5, 2015

Introduced, read first time, ordered posted and public hearing scheduled on: June 16, 2015

Time: 10:30 a.m.

AN ACT to amend Chapter 5 of the Wicomico County Code, titled "Airport Commission" in its entirety to clarify the roles of the Airport Commission and Airport Manager within the County and to include regulatory provisions related to Airport property, aircraft accidents and disabled aircraft on the premises.

PUBLIC HEARING: Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on June 14, 2015 and concluded on June 16, 2015.


Council Administrator

CERTIFICATION

The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 16th day of June, 2015.


Council Administrator

Presented to the County Executive for approval this 22nd day of June, 2015 at 12:40 a.m. (5 days §411)


Council Administrator

BY THE EXECUTIVE:


County Executive

APPROVED

Date: 6/22/15
(21 days §411)

VETOED

Date: _____

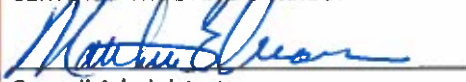
EFFECTIVE DATE:

This Bill having been approved by the County Executive and returned to the Council, becomes law on June 22, 2015 and effective on: August 21, 2015. (60 days §311)


ENROLLMENT:

Legislative Bill No. 2015-05 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT


Council Administrator
Date: 6-23-15

ENROLLED


Council President
Date: 6-23-15