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SENATE BILL NO. 322

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Local Government
on January 26, 2010)

(Patron Prior to Substitute—Senator Ruff)

A BILL to amend and reenact §§ 1, 2, 5, 6, 7, 8, and 12 of Chapter 680 of the Acts of Assembly of 2005, relating to the Clarksville-Boydton Airport Commission; name change.

Be it enacted by the General Assembly of Virginia:

1. That §§ 1, 2, 5, 6, 7, 8, and 12 of Chapter 680 of the Acts of Assembly of 2005 are amended and reenacted as follows:

~~Clarksville-Boydton Airport Commission~~ *Lake Country Airport Commission.*

§ 1. If the governing bodies of the towns of Clarksville and Boydton shall by resolution declare that there is a need for an airport commission to be created for the purpose of establishing and operating one or more airports or landing fields for all such political subdivisions, an airport commission, to be originally known as "The Clarksville-Boydton Airport Commission," shall thereupon exist for the towns and shall exercise its powers and functions therein.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the *Lake Country Airport Commission, formerly known as and doing business as* The Clarksville-Boydton Airport Commission, the airport commission shall be conclusively deemed to have become created as a body corporate, and to have become established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of a resolution by the governing body of each of the towns creating the airport commission declaring that there is need for an airport commission and that it unites with the other political subdivision in its creation. A copy of the resolution, duly certified by the clerk of the governing body of the town which adopted it, shall be admissible in evidence in any suit, action, or proceeding.

§ 2. The ~~Clarksville-Boydton Airport Commission~~ *Lake Country Airport Commission*, hereinafter referred to as the "Commission," shall consist of members from the participating towns/localities, the membership being composed of ~~five~~ *three* members appointed by the Town of Clarksville, and two members by the Town of Boydton, *and three members by Mecklenburg County*. Each member shall be appointed by the governing bodies thereof. Original appointments of members shall be for terms as follows: from the Town of Clarksville, one member for two years, ~~two members each for three and four years~~ *one member for three years, and one member for four years*; from the Town of Boydton, one member for one year and one member for two years; *from Mecklenburg County, one member for two years, one member for three years, and one member for four years*. Thereafter all appointments shall be for three-year terms, except appointments to fill vacancies which shall be for the unexpired terms.

The governing body appointing any member may remove that member at any time and appoint his successor. The Commission shall have power to elect its chairman and to adopt rules and regulations for its own procedures and government. The members of the Commission so appointed shall constitute the Commission, and the powers of such Commission shall be vested in and exercised by the members in office from time to time. A majority of the members in office shall constitute a quorum.

§ 5. The ~~towns~~ *localities* for which the Commission is formed are hereby authorized to appropriate to the Commission from available funds, or from funds provided for the purpose by bond issues, such funds as may be necessary for the acquisition, construction, maintenance, and operation of airports, air landing fields, and other air navigation facilities. The basis of financial participation by the ~~towns~~ *localities* shall be determined by agreement between their governing bodies.

§ 6. The Commission shall prepare annually and submit to the governing bodies of the respective ~~towns~~ *localities* for which it is formed for their approval, a budget showing the estimated revenues it may reasonably expect to receive for such year, and its estimated expenses for all purposes for such period. After the approval of such budget, the Commission shall be limited in its expenditures for such year to the estimated expenses shown therein, and shall not commit the participating subdivisions beyond appropriations actually made. If the estimated expenditures exceed the estimated revenue from the operation of the Commission for such year the governing bodies of the participating local subdivisions may appropriate, in any amount the particular ~~town~~ *locality* determines it can contribute, the funds necessary to supply the deficiency. If the actual revenue received shall be less than the estimated revenue as approved in the budget, the governing bodies of the participating local subdivisions may appropriate, in the same manner, the funds necessary to supply the deficiency.

§ 7. If the funds received by the Commission in any year including money appropriated for its use by the participating subdivisions, shall exceed its expenditures for such year, the surplus shall be set aside in a separate fund for capital improvements and extensions. Such fund shall be used for this

60 purpose only with the approval of both the participating subdivisions. Whenever such surplus fund shall
61 amount to \$100,000, any additional revenue received in any year in excess of operating costs shall be
62 applied towards repaying the participating ~~towns'~~ *localities'* contributions to the Commission in amounts
63 proportionate to each ~~town's~~ *locality's* financial interest in the Commission. The financial interest of a
64 ~~town~~ *locality* shall consist of the proportionate share of the total financial contributions, including those
65 made for capital outlay and for any other reason whatsoever, each participating ~~town~~ *locality* has made
66 to the Commission. Thereafter any profits derived from the operations of the Commission shall be
67 distributed to the participating subdivisions in proportion to their financial interest in the Commission.

68 § 8. The Commission shall be an independent body corporate, invested with the rights, powers, and
69 authority and charged with the duties set forth in this act, and the political subdivisions which created it
70 shall not be responsible for its acts. No pecuniary liability of any kind shall be imposed upon any ~~town~~
71 *locality* creating the Commission because of any act, agreement, contract, tort, malfeasance or
72 misfeasance by or on the part of the Commission or any member thereof, or its agents, servants or
73 employees, except as otherwise provided in this act with respect to contracts and agreements between
74 the Commission and ~~either such town~~ *any such locality*.

75 § 12. ~~Either town creating~~ *Any participating locality of* the Commission may withdraw therefrom upon
76 giving one year's notice to the action, due regard being had for existing contracts and obligations. Upon
77 the cessation of its activities all of the assets of the Commission shall be distributed to the ~~towns~~
78 *localities* participating therein at the time of liquidation in the proportion equal to their financial interest
79 in the Commission as defined in § 7 herein.

80 **2. That in all regards, the Lake Country Airport Commission shall be the successor in interest to**
81 **the Clarksville-Boydton Airport Commission, except as otherwise provided by law.**