

**AN ORDINANCE TO CLARIFY PROVISIONS RELATED TO THE RAPID CITY REGIONAL AIRPORT BOARD AND TO EXPAND ITS MEMBERSHIP BY AMENDING PROVISIONS IN CHAPTER 2.72 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City has established the Rapid City Regional Airport Board in accordance with SDCL 50-7-13 through the adoption of Rapid City Municipal Code Chapter 2.72; and

WHEREAS, pursuant to R.C.M.C. 2.72.020, the Board currently consists of five members who are residents of the City or the City's extraterritorial platting jurisdiction; and

WHEREAS, because the Rapid City Regional Airport serves a large regional community far beyond the confines of Rapid City's limits, the City wishes to amend R.C.M.C. 2.72.020 to provide for two additional members of the Board who may reside in Pennington, Custer, Lawrence, or Meade counties; and

WHEREAS, the City wishes to clarify the provisions concerning Board appointment, a quorum of the Board, and its oversight of employee duties by amending certain sections in the Chapter; and

WHEREAS, the City wishes to align the ordinance describing the Board's powers with the language found in SDCL 50-7-13; and

WHEREAS, the City wishes to repeal the provision requiring the Airport to utilize the Rapid City Fire Department as its sole source for aircraft rescue and firefighting services in favor of utilizing the normal processes to acquire necessary services in accordance with state law and city ordinance; and

WHEREAS, the City believes it to be in the best interests of the health, safety, and general welfare of its citizens to amend provisions in Chapter 2.72 of the Rapid City Municipal Code as described above.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 2.72.020 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**2.72.020 Members—Qualifications—Compensation.**

A. The Board shall be composed of 5 up to 7 members, ~~each of whom shall be a residents of the city or of the city's extraterritorial platting jurisdiction as provided by SDCL ch. Chapter 11-6.~~ No more than two members may reside outside of the City's platting jurisdiction in Pennington County, Custer County, Lawrence County, or Meade County. All remaining members shall be residents of the City or of the City's extraterritorial platting jurisdiction as provided in SDCL Chapter 11-6.

B. Members shall be appointed as hereinafter provided and shall serve without compensation; however, nothing herein shall limit payment to members as reimbursement for expenses incurred in the performance of duties as members of the Board in accordance with applicable eCity policies and regulations.

BC. No member of the Board shall have direct or indirect financial interest in any lease or concession agreement at the Airport. However, a licensed pilot who leases space from the Board for a non-commercial hangar shall be eligible to serve on the Board provided the member abstains from voting on any action pertaining to his or her lease. Members shall at all times follow all laws, ordinances, rules and policies related to conflicts of interest.

(Ord. 6061 (part), 2015: Ord. 5732, 2011: Ord. 5610, 2010: Ord. 5325, 2007: Ord. 2969 (part), 1992: prior code § 2-532)

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 2.72.030 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**2.72.030 Members–Appointment–Terms–Vacancies.**

The Mayor shall appoint and the Council shall approve each member of the Board for a term of 5 years; provided that the current members of the Board will serve until their appointments expire. ~~Upon approval of Ordinance 6111 (April 18, 2016), a~~ Appointments shall be made so that ~~only one member's~~ two members' terms shall expire in any given year. No member shall serve more than 2 consecutive terms. If a vacancy occurs other than by expiration of term, the vacancy shall be filled for the unexpired term in the same manner as the original appointments. If the unexpired term is less than 2 years, such partial term shall not be counted as a term for purposes of the 2-term limit imposed herein.

(Ord. 6111 (part), 2016: Ord. 6061 (part), 2015: Ord. 5137, 2006: prior code § 2-533)

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 2.72.040 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**2.72.040 Bond requirements.**

Each member of the Board shall, upon entering upon his or her official duties, give bond to the city in the sum of \$5,000, conditioned upon the faithful performance of the duties of his or her office. The bond shall be approved by the Council and shall be filed, together with his or her oath of office, in the office of the Finance Officer. All premiums for bonds required under this section shall be paid by the eCity.

(Ord. 6061 (part), 2015: prior code § 2-534)

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 2.72.060 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**2.72.060 Officers and employees–Compensation– Duties.**

The Board may appoint and employ ~~such officers~~ an Executive Director as defined in Section 13.28.010 and shall prescribe and fix the Executive Director's duties and compensation. ~~and employees as it may deem necessary. The Board and shall by resolution prescribe and fix employees' duties and compensation~~ approve the salaries of all Airport employees through the budget approval process, in accordance with the eCity's annual salary ordinance, nonunion personnel policy resolution or union contract as may be applicable. All employees of the Airport shall be deemed employees of the eCity and subject to the nonunion personnel policy or applicable union contract.

(Ord. 6061 (part), 2015: prior code § 2-540)

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 2.72.070 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**2.72.070 Powers.**

A. The Board shall have the power to establish, improve, care for, regulate and supervise the operation and management of ~~manage~~ the Rapid City Regional Airport, to erect buildings and structures thereon, and, with the approval of the Council, acquire land for Airport purposes. However, expenditures shall not exceed appropriations as determined and set by the Common Council.

B. The Board shall have the power to sell, trade, loan, destroy, or otherwise dispose of any structures, vehicles, equipment, or other personal property which the Board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired. The Board shall follow all applicable state law, city ordinance, and city policy for disposal of surplus property. Upon passage of a resolution declaring any property surplus, the Board shall promptly notify the Finance Officer of such action.

C. The Board shall have the power to lease Airport land and/or improvements, to allow the occupancy and/or development of Airport land or improvements, and to enforce the provisions of any lease, occupancy or development agreement.

D. The Board shall have the power to grant, by permit, agreement, or otherwise, the right to engage in aeronautical and non-aeronautical activities at the Airport.

E. The Board shall have the power to approve, adopt, implement, supplement, amend, modify, and enforce such rules, regulations, standards, directives, agreements, and policies as are necessary and proper for carrying out its duties to manage the Airport. To the extent required by state law, all regulations and charges for the use of the Airport shall be subject to approval by the Common Council before becoming effective.

(Ord. 6111 (part), 2016: Ord. 6061 (part), 2015: Ord. 5930, 2013: prior code § 2-541)

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 2.72.090 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

**2.72.090 Meetings–Quorum.**

The Board shall hold regular meetings at least once each month and shall hold such special meetings as it deems proper. ~~Three~~A majority of the members shall constitute a quorum.

(Ord. 6061 (part), 2015: prior code § 2-535)

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 2.72.115 of the Rapid City Municipal Code is hereby deleted in its entirety:

**~~2.72.115 ARFF services.~~**

~~—The Board shall utilize the Rapid City Fire Department for aircraft rescue and firefighting (ARFF) services required by federal and state laws and regulations. ARFF services provided, training of personnel, equipment procurement, payment of costs, and other matters shall be subject to agreement between the Board and the Department of Fire and Emergency Services.~~

~~(Ord. 6061 (part), 2015: Ord. 6029, 2015)~~

**CITY OF RAPID CITY**

\_\_\_\_\_  
Mayor

Attest

\_\_\_\_\_  
Finance Director

(seal)

First Reading:  
Second Reading:  
Published:  
Effective: