

ECONOMIC DEVELOPMENT INTEROFFICE MEMORANDUM

TO: HONORABLE MAYOR AND CITY COMMISSIONERS
THRU: RUSS BLACKBURN, CITY MANAGER
FROM: ERIK A. BREDFELDT, ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: PRELIMINARY ANALYSIS OF THE GAINESVILLE ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY ACT
DATE: 12/28/2005

Attached is a preliminary analysis of the proposed Gainesville-Alachua County Regional Airport Authority (GACRAA) draft legislation presented to the Alachua County Delegation on December 14, 2005. I have juxtaposed the proposed draft legislation with the prior legislation on this matter from 1995 (95-457, Laws of Florida). The draft legislation has been reviewed by the City Manager and City Attorney's Office.

As the Commission is aware, prior to the 1995 legislation, an original 1986 Act establishing GACRAA (86-469, Laws of Florida) and a 1989 amendment (89-433, Laws of Florida) were adopted by the State Legislature. The 1995 legislation essentially rewrote and combined the 1986 and 1989 legislation.

The proposed draft legislation was reviewed by the GACRAA Governance & Nominating Committee on September 27, 2005 and approved by the Authority on October 20, 2005 at a regularly scheduled Authority meeting.

In summary, the proposed legislation is being driven by GACRAA's attempt to revise provisions of the current legislation that are no longer applicable; remove inconsistencies and redundancies; and improve clarity. Highlights include an attempt to reflect standard business practices required for an independent special district that have not been previously enumerated; membership is slightly modified including adding a provision for a four year term with the City Commission continuing to appoint five members; and finally, bonding rights and responsibilities are stipulated and further defined.

Potential issues that may be of consequence are identified in italics. Recommendations are included as well.

Legislative Comparison by Subject Matter	Proposed 2006 Legislation by location	Existing 1995 Act (95-457) by location	Differences	Recommendations
Short Title and prior legislation	Section 1	Section 1	Inconsequential.	None.
General Provisions	Section 2	Not included	Adds Legislative intent, reasons for new codification; compliance with federal law governing federal funds; non-infringement of Authority employees; compliance with Chapter 112 Florida Statutes; declaration regarding airport facilities and concession and pertaining to management and development of commerce activities.	None.
Definitions	Section 3	Section 2	No changes; <i>an Issue does exist regarding inclusion of the Airport Industrial Park within the definition of Airport facilities as well as the lack of a determination of the Airport facilities/Airport land boundaries via a boundary survey</i>	Delete Airport Industrial Park from the definition of Airport facilities and provide a boundary survey defining the airport and airport facilities as defined in the Definitions section. (Pages 2-3, Section 3 [1-3])
Creation and purpose	Section 4	Section 3, (1)	Deletion of language referring to GACRAA as a dependent district and addition of language indicating the GACRAA is an independent district operating for in the public's interest; <i>an Issue does exist regarding the addition of language indicating that GACRAA has exclusive jurisdiction over all airports in Alachua County and this is in the best interests of the County and municipalities.</i>	Clarify new powers under independent district status and effectuation of those powers regarding "exclusive jurisdiction". Clarify the proposed language regarding "exclusive jurisdiction" as it relates to other Alachua County airports. (Page 4, Section 4 [2])
Membership	Section 5	Section 3, (2)	Adds statement regarding no compensation for member services.	None.
Initial Appointment; Term Expiration	Deleted	Section 3, (3)	Adds verbiage regarding subsequent appointments respecting the Governor, Board of County Commissioners and City	None

Subsequent Appointments; Terms	Deleted	Section 3, (4)	Commission; indicates that if a member with an expired term is not replaced than such member may continue to serve until such time as a replacement is made;	None.
Filling Vacancies	Deleted	Section 3, (5)	memberships is increased from 3 to 4 years; outlines grounds for member removal including incompetence etc. and/or failure to attend 3 consecutive meetings.	None.
Organization; Meetings; Notice; Quorum	Section 6	Section 3, (6)	Add statement that emergency meetings do not require public notice; <i>Issue does exist regarding compliance with the Sunshine Law.</i>	Clarify whether emergency meetings comply with the Sunshine Law. (Pages 6-7, Section 6 [b]).
Removal from Office	Deleted	Section 3, (7)	Deletes this subsection as it is contained in Section 5 above.	None.
Restrictions	Section 7	Section 3, (8)	Adds statement restricting employment for those having served on the Authority from entities transacting business with the Authority; adds statement indicating that no member speaks for the Authority without receiving direction from the Board to do so.	None.
Expenses	Deleted	Section 3, (9)	Deletes this subsection in its entirety regarding member expenses.	None.
Powers and Duties	Section 8	Section 4	Adds a significant amount of language concerning the Authority's powers and deletes reference to duties; adds language regarding the Authority's power to manage all airports in the County and each municipality except those operated by private persons; adds language regarding enactment of Airport Zoning regulations in accordance with Ch. 333 of F.S.; adds language regarding the issuance of permit prior to County or municipality issuance of similar permit; adds language regarding reimbursements of owners of structures which Authority may require removal/relocation; adds verbiage regarding requests for County or municipality to convey to Authority fee simple title to any airport or other property owned by County or municipality and needed for Airport purposes; adds language relinquishing	Clarify language regarding enactment of Airport Zoning regulations in accordance with Chapter 333 of the Florida Statutes and effects on municipal zoning powers regarding use regulations; clarify powers enacted regarding permitting prior to municipal permitting; clarify effects upon other city land use and zoning regulations including issues such as height, landscaping, sidewalks, lighting, etc. (Page 12, Section 8 [2wx]); clarify employment of airport guards or police force. (Page 10, Section 8 [2b])

			jurisdiction over Airport property under the Authority's jurisdiction but owned by other governmental agency if Airport property is no longer required for Airport purposes; adds language further defining bonding and borrowing powers. <i>Issues include exclusivity of jurisdiction over operation, maintenance and improvements to airport and airport facilities as defined; appointment or employment of airport guards/police officers; and the meaning of applicability of zoning and permitting provisions.</i>			
Budget	Section 9	Section 5	No substantial changes	None.		
Employees	Deleted	Section 6	Deletes this section in entirety regarding Authority employees.	None.		
Relationship between Authority, City, County and State	Section 10	Section 7	No substantial changes.	None.		
Title to Airport Land	Section 11	Section 8	No substantial changes.	Clarify this language with recent GACRAA request for City of Gainesville transfer of title. (Page 17, Section 10 [1])		
Bonds (Bonding Power)	Section 12	Section 9	Deletes this section in its entirety; replaces with language dealing with the utilization of bonds by the Authority as a financing mechanism for Authority facilities, all related processing matters and applicable law; <i>Issue includes whether bonding language allows for pledging of real property to secure bonds or revenue only.</i>	Clarify whether new bonding language permits the pledging of real property to secure bonds. (Pages 18-19, Section 12 [1-8])		
Bonding Rights	Section 13	Section 10	Deletes this section; replaces with section entitled Bondholder's rights and remedies stipulating rights of bondholders in relation to the Authority.	None.		
Covenant of the State	Section 14	No applicable Section.	Adds section indicating State of Florida's and Federal Government's pledge not to limit or alter rights vested in the Authority until such time as bonds are fully paid and discharged. This language is similar to that contained in eliminated Bonding Rights section 10 above.	None.		

Alcoholic Beverages License	Section 15	No applicable Section.	Adds section defining the Authority's ability to secure an Alcoholic Beverages License as stated in revised Powers and Duties Section.	None.
Purchasing and Award of Contracts	Section 16	No applicable Section.	Adds section indicating purchasing and awarding of contracts shall be consistent with the Authority's purchasing policy and applicable State law	None.
Exemption from Taxation	Section 17	No applicable Section.	Adds section indicating property owned or acquired by the Authority is exempt from taxation as is income, fees, receipts, etc.	None.
Discrimination Prohibited	Section 18	No applicable Section.	Adds section indicating the Authority will not discriminate based upon a variety of factors in the exercise of its duties and through various contracting of services; <i>Issue as to whether or not City and County discrimination provisions are pre-empted by this language.</i>	Clarify whether new language preempts City/County discrimination provisions. (Page 25, Section 18 [1-4])
Building Restriction	Deleted	Section 12	Deletes section regarding the erection of new structures that would constitute a hazard to air navigation.	None.
Litigation (Legal Action)	Section 19	Section 13	No substantial changes; stipulates legal remedies to and against the Authority and City.	None.
Severability	Section 20	Section 14	No changes.	None.
Effect on other laws	Section 21	Section 11	No changes.	None.