

CHAPTER 173**(HB 496)**

AN ACT relating to air boards.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 183.132 is amended to read as follows:

- (1) Any urban-county government, city, or county, or city and county acting jointly, or any combination of two (2) or more cities, counties, or both, may establish a nonpartisan air board composed of six (6) members. Any city other than the first class and county jointly or an urban-county government established pursuant to KRS Chapter 67A may establish a nonpartisan board composed of ten (10) members. Any existing six (6) member board, including a board established in an urban-county government, may be expanded to ten (10) members by action of the government entity or entities that established the six (6) member board.
- (2) Any city of the first class, jointly with the county containing the city or a consolidated local government, may establish or maintain a nonpartisan air board. Membership of the board shall be appointed in accordance with subsection (6) or (10) of this section. ***Any air board established or maintained in a county containing a city of the first class or consolidated local government shall be composed of eleven (11) members.***
- (3) The board shall be a body politic and corporate with the usual corporate attributes, and in its corporate name may sue and be sued, contract and be contracted with, and do all things reasonable or necessary to effectively carry out the duties prescribed by statute. The board shall constitute a legislative body for the purposes of KRS 183.630 to 183.740.
- (4) The members of an air board composed of six (6) members shall be appointed as follows:
 - (a) If the air board is established by a city, the members shall be appointed by the mayor of the city;
 - (b) If the air board is established by a county, the members shall be appointed by the county judge/executive except that in the event that an airport is located outside the boundary of the county establishing the airport board, the county judge/executive shall appoint an additional member to the air board from the jurisdiction where the airport is physically located. The additional member shall serve a four (4) year term in accordance with the provisions of subsection (7) of this section and receive full voting privileges on matters brought before the airport board;
 - (c) If the air board is established as a joint city-county air board, the members shall be appointed jointly by the mayor of the city and the county judge/executive;
 - (d) If a combination of cities, counties, or both, establishes a joint air board, the mayors and county judges/executive involved shall jointly choose six (6) members and shall jointly choose successors;
 - (e) If the air board is established by an urban-county government, the mayor of the urban-county government or an officer of the urban-county government designated by the mayor shall serve as one (1) member of the board. The remaining five (5) members shall be appointed by the mayor. One (1) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.

- (5) The members of an air board composed of ten (10) members in a city other than a city of the first class and county jointly other than an urban-county government established pursuant to KRS Chapter 67A shall be appointed as follows:
- (a) Five (5) members shall be appointed by the mayor of the city, without approval of the legislative body;
 - (b) Five (5) members shall be appointed by the county judge/executive without approval of the other members of the fiscal court.
- (6) ~~[[The members of]~~An air board **consisting of eleven (11) members and** established jointly by a city of the first class and the county containing the first class city shall be composed of ~~the mayor of the city of the first class and the county judge/executive of the county, and other]~~ members ~~appointed]~~ as follows:
- (a) ***The mayor of the city of the first class;***
 - (b) ***The county judge/executive of the county containing the city of the first class;***
 - (c) Three (3) members ~~shall be]~~ appointed by the mayor of the city of the first class;
 - (d) ~~[[b]]~~ Three (3) members ~~shall be]~~ appointed by the county judge/executive of the county, with the approval of the fiscal court; ~~and]~~
 - (e) ~~[[e]]~~ Two (2) members, who shall be residents of the county containing a city of the first class or of counties contiguous thereto, ~~shall be]~~ appointed by the Governor; ~~and [of the Commonwealth.]~~
 - (f) ~~[[d]]~~ ***One (1) member, who shall be a member of the executive board of*** ~~[[If there is]~~ an incorporated alliance of incorporated neighborhood associations and fifth or sixth class cities ~~[,] which represents citizens living within a five (5) mile radius of airport operations, appointed by the Governor [shall appoint one (1) member of the executive board of an alliance as an additional member to the air board].~~ If more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of ***any of*** ~~all]~~ the incorporated alliances. ***If no alliances exist, the Governor shall appoint a citizen of the county who resides within a five (5) mile radius of airport operations.***
- (7) ***An air board consisting of eleven (11) members and established or maintained by a consolidated local government upon its establishment shall be composed of members as follows;***
- (a) ***The mayor of the consolidated local government;***
 - (b) ***Seven (7) members appointed by the mayor of the consolidated local government;***
 - (c) ***Two (2) members, who shall be residents of the county containing the consolidated local government or residents of counties contiguous to the county containing the consolidated local government, appointed by the Governor; and***
 - (d) ***One (1) member, who shall be a member of the executive board of an incorporated alliance of incorporated neighborhood associations and fifth or sixth class cities which represents citizens living within a five (5) mile radius of airport operations, appointed by the Governor. If more than one (1) incorporated alliance exists, the Governor shall select the appointee from the executive boards of any of the***

incorporated alliances. If no alliances exist, the Governor shall appoint a citizen of the county who resides within a five (5) mile radius of airport operations.

- (8)~~(7)~~ The members of an air board composed of ten (10) members established by an urban-county government shall be composed of the mayor of the urban-county government or an officer of the urban-county government designated by the mayor. The remaining nine (9) members shall be appointed by the mayor. Two (2) of the members appointed by the mayor shall live within a three (3) mile radius of the airport.
- (9)~~(8)~~ Members of the board composed of six (6) members shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments shall be made so that two (2) members are appointed for two (2) years, two (2) members for three (3) years, and two (2) members for four (4) years. Upon expiration of the staggered terms, successors shall be appointed for a term of four (4) years.
- (10)~~(9)~~ Members of the board composed of ten (10) members in a city other than a city of the first class and county jointly shall serve for a term of four (4) years each and until their successors are appointed and qualified. The initial appointments made by the mayor and the county judge/executive shall be made so that one (1) member is appointed for two (2) years, two (2) members are appointed for three (3) years, and two (2) members are appointed for four (4) years. If an existing six (6) member board is being increased to a ten (10) member board, initial appointments of the four (4) new members shall be made so that the mayor and the county judge/executive, or the mayor if the board is established by an urban-county government, each appoint one (1) member for two (2) years and one (1) member for four (4) years. Upon expiration of the initial terms, successors shall be appointed for a term of four (4) years. In the case of a board established by an urban-county government, the term of the mayor for the urban-county government, or the officer of the urban-county government designated by the mayor, shall be coextensive with the term of the mayor.
- (11)~~(10)~~ Members of *an air*~~the~~ board composed of eleven (11) members and established or maintained jointly by a city of the first class and the county containing a city of the first class shall serve for a term of three (3) years each and until their successors are appointed and qualified. The terms of the mayor and the county judge/executive shall be coextensive with their terms of office. The mayor and the county judge/executive shall each make their initial appointments to a board established jointly by a city of the first class and the county containing a city of the first class so that one (1) member is appointed for one (1) year, one (1) member is appointed for two (2) years, and one (1) member is appointed for three (3) years. The Governor shall make the initial appointments so that one (1) member is appointed for two (2) years and one (1) member is appointed for three (3) years. Upon the expiration of the initial terms, successors shall be appointed for a term of four (4) years.
- (12) *Members of an air board composed of eleven (11) members in a county that has established*~~Upon the establishment of~~ a consolidated local government in a county containing a former city of the first class, *shall serve until their successors are appointed and qualified. The terms of office on the air board of the mayor of the previously existing city of the first class and the county judge/executive of this county shall expire upon the establishment of a consolidated local government. Upon the establishment of a consolidated local government, if the consolidated local government maintains the previously existing air board, the*~~seven (7) members of the board shall be appointed by the mayor of the consolidated local government pursuant to the provisions of KRS 67C.139 for a term of three (3) years.]~~ incumbent members, *except the mayor of the previously existing*

city of the first class and the county judge/executive of that county, ~~upon the establishment of the consolidated local government~~ shall continue to serve as members of the board for the time remaining of their current terms of appointment. The Governor shall appoint members pursuant to subsection (7)~~(6)~~(c) and (d) of this section. The mayor *of the consolidated local government* shall serve on the board for a term which shall be coextensive with his or her term of office. Incumbent members shall be eligible for reappointment upon the expiration of their terms. ~~In a consolidated local government that takes effect on January 6, 2003,~~ The terms of all *other* board members shall ~~continue to~~ be for *four (4)*~~three (3)~~ years. *Upon the establishment of a consolidated local government and maintenance of a previously existing air board, any incumbent member whose term had expired but who had continued to serve because the member's successor had not been appointed, shall continue to serve until a successor is appointed. Successors shall be appointed*~~The members of the air board on January 6, 2003, shall continue to serve as members for the time remaining on their terms and shall be eligible for reappointment upon the expiration of their terms. The one (1) appointment, which occurs upon the transition of a county containing a city of the first class to a consolidated local government shall be made~~ by the mayor *or the Governor as provided by law* ~~pursuant to the provisions of KRS 67C.139~~ within sixty (60) days after the establishment of the consolidated local government. As the terms of the *previously serving members of an* ~~appointments made while the~~ air board *being maintained by a consolidated local government* ~~was governed by a city of the first class and a county containing the city of the first class~~ expire, the mayor *of the consolidated local government* and the Governor shall respectively make their new appointments.

- (13)~~(11)~~ Members of the board shall serve without compensation but shall be allowed any reasonable expenses incurred by them in the conduct of the affairs of the board. The board shall, upon the appointment of its members, organize and elect officers. The board, except for a board composed of eleven (11) members ~~and established jointly by a city of the first class and the county containing a city of the first class or a consolidated local government~~, shall choose a chairman and vice chairman who shall serve for terms of one (1) year. Where the board is composed of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, the mayor of the city of the first class and the county judge/executive shall jointly appoint the chairman from among the membership of the board. *Where the board is composed of eleven (11) members and is in a county containing* ~~in~~ a consolidated local government, the mayor shall appoint the chairman from among the membership of the board. The board shall also choose a secretary-treasurer who may or may not be a member of the board. The board may fix a salary for the secretary-treasurer and the secretary-treasurer shall execute an official bond to be set and approved by the board, and the cost of the bond shall be paid by the board.
- (14)~~(12)~~ The board may employ necessary counsel, agents, and employees to carry out its work and functions and prescribe rules and regulations as it deems necessary.
- (15)~~(13)~~ The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. The secretary-treasurer shall preserve on file duplicate vouchers for all expenditures and shall present to the board, upon request, complete reports of all financial transactions and the financial condition of the board. The books and vouchers shall at all times be subject to examination by the legislative body or bodies by whom the board was created. The secretary-treasurer

shall transmit at least once annually a detailed report of all acts and doings of the board to the legislative body or bodies by whom the board was created.

- ~~(16)~~~~(14)~~ In the event that a joint air board is created by cities, counties, or both, and thereafter a city or county desires to withdraw from participation, then the remaining participants may jointly choose a successor member or members of the board. A local government wanting to withdraw from participation in the board shall not be entitled to return of any moneys or property advanced to the board.
- ~~(17)~~~~(15)~~ A quorum for the transacting of the business of a six (6) member board shall consist of four (4) members, a ten (10) member board shall consist of six (6) members, and an eleven (11) member board shall consist of six (6) members. Meetings of the board may be called by the chairman or by four (4) members. In case of tie voting by the board, the issue shall be deemed to have failed passage.
- ~~(18)~~~~(16)~~ A board member may be replaced by the appointing authority upon a showing to the authority of misconduct as a board member or upon conviction of a felony. A board member shall not hold any official office with the appointing authority, except for the mayor of a city of the first class and the county judge/executive on a board made up of eleven (11) members and established jointly by a city of the first class and the county containing a city of the first class, or the mayor of an urban-county government or a consolidated local government, or an officer of the urban-county government designated by the mayor on a board established by an urban-county government.

Approved March 31, 2003