



---

# HANDBOOK

Ohio County Commissioners

*Published by: County Commissioners Association of Ohio*

37 West Broad Street, Suite 650 • Columbus, Ohio 43215-4195

Phone: 614-221-5627 • Fax: 614-221-6986 • www.ccao.org

---

## CHAPTER 33

### AVIATION

Latest Revision  
1994

#### 33.01 INTRODUCTION

There are three primary ways county commissioners can be involved in the establishment, construction, and operation of airports and airport facilities. Commissioners may simply acquire lands, establish an airport and operate it, or they may form a regional airport authority that then assumes direct responsibility for the airport and airport facilities. Finally, counties may also establish port authorities (ORC Chapter 4582) that can also establish and operate airports and airport facilities. For information on port authorities see chapter 80 of this handbook.

#### 33.02 DIRECT AUTHORITY OF COMMISSIONERS

County commissioners are granted the same authority (ORC 307.20) granted to municipalities (ORC 717.01, 719.01) with respect to airports and airport facilities. This authority includes the following powers:

1. To acquire real or personal property.
2. To establish, construct, enlarge, improve, equip, maintain, and operate airports and airport facilities.
3. To acquire rights-of-way to connect the airport with highways, waterways, and railroads, provided that if the county takes or disturbs property or facilities owned by a public utility or common carrier engaged in interstate commerce the county must restore, relocate or duplicate such property or facility at its cost.
4. To contract for the operation of restaurants, parking lots, motels, service stations, parks, office buildings, retail stores, and industrial uses.
5. To grant leases for airports and airport facilities for an initial period of 25 years

and renewals so that the total length of the lease does not exceed 60 years. These leases are exempt from competitive bidding (ORC 309.09, 307.10 as amended by HB 556, effective 7/17/90).

6. To take land by eminent domain for airports, airport facilities, and transportation facilities, provided the relocation requirement specified in #3 above is met for public utilities and common carriers. The power of eminent domain may also be exercised outside of the county. In this regard, the county may place restrictions on land that is taken by eminent domain and may lease the land for purposes associated with the airport.
7. To operate public recreation facilities and parks on airport grounds.
8. Where a regional airport authority has been established, county commissioners may, by agreement, participate in surveys, appraisals, and studies prior to acquiring property or making an improvement. They also may agree to acquire, construct, maintain, or operate airports and airport facilities that will be owned and operated either by the authority or the county and may pay a portion of the costs as specified in the agreement (ORC 717.01(W)&(X)).
9. To propose a tax levy for the airport and airport facilities.
10. To appropriate monies from the general fund to the regional airport authority, but only if such an appropriation is in conformance with the resolution creating the authority (ORC 308.17) or an amendment to the resolution creating the authority. Appropriations may be for both operation and maintenance and for capital improvements.

Finally, county commissioners or a joint board of commissioners forming a regional airport authority may serve as an airport zoning board. For information on airport zoning see chapter 87 of this handbook.

### **33.03 REGIONAL AIRPORT AUTHORITIES**

County commissioners have the authority to create regional airport authorities for the purpose of acquiring, constructing, operating, and maintaining airports and airport facilities. An airport authority may be created by the commissioners of a single county or of two or more contiguous counties by the adoption of a resolution as outlined below. Airport authority law is found in Ohio Revised Code Chapter 308.

### **33.04 RESOLUTION CREATING AIRPORT AUTHORITY**

The resolution creating a regional airport authority must contain the following:

1. The necessity for the creation of the regional airport authority.
2. The counties to be included within the authority.
3. The official name by which the authority shall be known.

4. The place of the principal office.
5. The number, term, compensation (if any), and manner of selection of the board of trustees and the way in which vacancies will be filled. While a county commissioner may not serve as a member of an airport board (OAG 85-029), a county engineer may serve as a member of the board (OAG 87-092). The board must be appointed within 60 days after the authority is established.
6. The manner of apportioning expenses among the counties.

Additional counties may be added to the authority or other amendments may be adopted by resolution of each county included or to be included in the authority. The boundaries of the authority must be coterminous with the boundaries of the counties included in the authority.

### **33.05 BOARD OF TRUSTEES**

Each regional airport authority must have a board of trustees, appointed in the manner provided for in the resolution establishing the authority. Each member must take an oath to honestly, faithfully, and impartially perform their duties, and that they will not have a direct or indirect interest in any contract let. The board elects one of its members as president and another as vice-president, who shall hold office until the next annual meeting.

The board has the following rights, duties, and powers:

1. To sue and be sued.
2. To make contracts.
3. To adopt and alter a seal.
4. To make, adopt, amend, and repeal bylaws for administrative purposes.
5. To make, adopt, amend, and repeal rules for the control of the administration and the operation of airports and airport facilities and for the exercise of its rights of ownership.
6. To fix, alter, and collect rates, rentals, and other charges for the use of paying the expenses of the airport.
7. To have jurisdiction, control, possession, and supervision of all the property and interests of the authority.
8. To acquire, construct, lease, operate, maintain, or manage airports or airport facilities, within or outside of its territorial boundaries, as necessary to accomplish its purposes.
9. To hold; encumber; control; acquire by donation, purchase, or eminent domain; construct; own; lease as lessee or lessor; use; and sell real and personal property for the location and protection of airports and airport facilities.

10. To exercise the power of eminent domain within or outside of its territorial jurisdiction.
11. To provide, by agreement with counties and/or municipalities, to make necessary surveys, appraisals, and studies prior to acquiring property or making an improvement and for the amount of expense for such surveys to be borne by each jurisdiction.
12. To provide, by agreement with counties or municipalities, for the acquisition, construction, maintenance, or operation of any airport or airport facility. Any such county or municipality may issue bonds for the purpose of paying all or part of the cost assumed by it for the construction or acquisition of an airport or airport facilities and may pay the proceeds of such bonds to the regional airport authority.
13. To issue revenue bonds for the purpose of acquiring or constructing an airport facility.
14. To employ and fix the compensation of consulting engineers, superintendents, managers, and other employees who are necessary for the accomplishment of its purposes. Employees are not state or county employees for the purpose of civil service law (OAG 65-47), but are members of the Public Employee Retirement System (PERS) (ORC 308.15).
15. To procure insurance to cover losses, risks, and liabilities arising from its operations.
16. To maintain such funds it considers necessary for the performance of its duties.
17. To direct its employees to enter lands within its territory, after five days written notice, to make surveys and examinations necessary for the location and construction of airports and airport facilities.
18. To request the zoning board to establish and enforce airport zoning regulations.
19. To make contracts for the purchase of supplies, material or work, subject to specified contracting, bidding, and purchasing procedures.

### **33.06 SECRETARY-TREASURER**

The board of trustees of a regional airport authority must appoint and fix the compensation of a secretary-treasurer who is the fiscal officer and custodian of the authority's funds and records. This person can not be a member of the board. The secretary-treasurer must furnish bond in an amount specified by the board. Funds must be deposited in depositories that are qualified to receive county funds. Disbursements can only be made in conformance with the rules and regulations of the board.

### **33.07 COMPETITIVE BIDDING REQUIREMENTS**

Regional airport authorities are not subject to the county competitive bidding law, Section 307.86-307.92 of the Revised Code. Instead, procedures for airport authorities are detailed in Section 308.13 of the Revised Code. Following are the major elements of this process:

1. Purchases under \$1,000 require no bidding or solicitation of informal estimates.
2. Contracts over \$1,000, but not in excess of \$5,000, require the board to solicit informal estimates from at least three suppliers. Records of these informal estimates must be maintained for at least one year.
3. Contracts over \$5,000 must be competitively bid. A newspaper advertisement must be published once a week for three consecutive weeks in a newspaper of general circulation within the territorial jurisdiction of the authority. In addition for contracts in excess of \$5,000:
  - a. If the bid is for a public improvement contract, the bid/performance bond requirements of Section 153.54 of the Revised Code apply.
  - b. If the bid is for supplies, a bond is required with adequate security to assure the vendor will meet the terms of the contract.
  - c. The bid is awarded to the lowest and best bidder.
4. Contracts under \$5,000 can be executed by any officer or employee designated by the board.
5. Contracts in excess of \$5,000 must be approved by the board and executed by its chief executive officer.
6. The following are specifically exempt from competitive bidding:
  - a. Equipment, materials, or supplies available from a non-profit agency subject to the State Use Law, Sections 4115.31-4115.35 of the Revised Code.
  - b. The acquisition of real property.
  - c. The discharge of non-contractual claims.
  - d. Personal services.
  - e. Products or services of public utilities.

### **33.08 EMINENT DOMAIN**

The board of trustees of a regional airport authority has the power of eminent domain. This power is not limited to lands within the counties that comprise the airport authority, but may extend into other counties. It may appropriate any land, rights-of-way, rights, franchises, easements, or other property necessary for the proper construction or operation of any airport or airport facility under its jurisdiction. This power is not to be exercised with political subdivisions, common carriers, or public utilities unless provision is made for the restoration, relocation, or duplication of the property or facility or the payment of compensation.

### **33.09 REVENUE BONDS**

The regional airport authority may issue revenue bonds for the construction, operation, and maintenance of its airports or facilities. It may also issue revenue bonds to pay off the bond issues of any political subdivision previously issued for airport uses.

Such bonds shall be secured by pledge of and a lien on the revenues of the authority. The bonds may also be secured by a trust agreement between the board of trustees and a corporate trustee, which must be a trust company or bank having powers of a trust company, within or without the state. The bonds shall mature within 40 years of the date of issuance. The bonds, and any income derived from them, are tax exempt.