

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)

ORDINANCE NO. 01-24

AN ORDINANCE REPEALING AND REPLACING CHAPTER 2, ARTICLE IV, DIVISION 2 OF THE CODE OF ORDINANCES OF SALUDA COUNTY, SOUTH CAROLINA, TITLED “AIRPORT COMMISSION;” AND OTHER MATTERS RELATED THERETO.

WHEREAS, the Saluda County Airport Commission (the “*Commission*”) was originally created by Act No. 168 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1949, as amended (the “*Enabling Act*”) as an agency of Saluda County, South Carolina (the “*County*”) comprised of five members recommended by the Legislative Delegation for Saluda County and appointed by the Governor for staggered terms of no more than five years tasked with exercising certain duties and powers relating to aeronautics in the County;

WHEREAS, Section 3 of the Home Rule Act, established by Act No. 293 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1975 (the “*Home Rule Act*”), gives the County Council of Saluda County (the “*Council*”), the governing body of the County, the power to enact ordinances contravening special legislation enacted by the General Assembly for the County prior to January 1, 1980, in the areas of operations, agencies, and offices of county government;

WHEREAS, the Home Rule Act, as it applies to county government, is found in Chapter 9, Title 4 of the Code of Laws of South Carolina 1976, as amended, and pursuant to Section 4-9-25 thereof, gives the County, by and through the Council, the power to enact regulations, resolutions, and ordinances that are necessary and proper for the security, general welfare, and convenience of the County and for the preservation of health, peace, order, and good government within;

WHEREAS, Section 4-9-30(6) of the Home Rule Act gives the County the power to enact ordinances establishing, regulating, and modifying county boards and commissions as necessary and proper for the provision of services of local concern for public purposes, prescribing the functions of those boards and commissions, and providing for the appointment of members of those boards and commissions;

WHEREAS, Section 4-9-170 of the Home Rule Act requires the Council to establish appointive power over County boards and commissions existing prior to January 1, 1980, unless appointment is provided for by general law or the Constitution of the State of South Carolina 1895, as amended;

WHEREAS, consistent with the authority given to it by the Home Rule Act, on May 9, 1983, the County enacted Ordinance Number 5-83, entitled “An Ordinance Creating the Saluda County Airport Commission; Providing for Their Number, Method of Selection and Terms of Office; Prescribing the Duties and Responsibilities of the Commission” (the “*Ordinance*”), in which the Commission was re-created as a board or commission of the County comprised of five members serving staggered three year terms tasked with the same duties and powers relating to

aeronautics in the County previously granted by the Enabling Act, and the Council was given appointive power over the Commission;

WHEREAS, the Code of Ordinances of Saluda County, South Carolina (the “**Code**” or “**Saluda County Code**”) was adopted on April 11, 2005, and the Ordinance was codified in Chapter 2, Sections 2-151 through 2-153 of the Code;

WHEREAS, on March 9, 2020, the County adopted Ordinance Number 01-20, in which it amended Section 2-151(a) of the Code to extend the staggered terms served by members of the Commission from three years to five years; otherwise, the powers and duties assigned to the Commission remained substantially the same as those set out in the Enabling Act; and

WHEREAS, since the creation of the Commission, the manner in which the County is governed and associated role of the Commission have changed and evolved such that the County desires to repeal Division 2 of Chapter 2, Article IV of the Code, including Sections 2-151 through 2-153 therein, and replace it in the manner set forth in Exhibit A, which is attached hereto and incorporated by reference as if restated verbatim, so that the current powers, duties, and authority of the Commission are more accurately prescribed.

NOW, THEREFORE, BE IT ORDAINED, by the County Council of Saluda County, the governing body of Saluda County, as follows:

Section 1. Findings of Fact. The findings of fact set forth in the above recitals are incorporated by reference as if restated verbatim.

Section 2. Repeal and Replacement. Division 2 of Chapter 2, Article IV of the Code, including Sections 2-151 through 2-153 therein, is repealed and replaced with the provisions set forth in Exhibit A, which is attached hereto and incorporated herein by reference as if restated verbatim.

Section 3. Recodification and Re-indexing. The County Administrator and Clerk to Council are hereby authorized and directed to take such action as may be necessary to codify this amendment to the Code and are further authorized to make such revisions to the lettering, numbering, formatting, or other non-substantive changes to the chapters, sections, subsections, or clauses comprising this amendment to the Code as may be necessary to provide for the codification thereof.

Section 4. The Chairman of the County Council and/or the County Administrator are directed to execute this Ordinance on behalf of the County in the presence of two witnesses and a notary, after which time it shall be promptly recorded.

Section 5. If any section, subsection, sentence, clause, or phrase of this Ordinance and the incorporated replaced, re-codified, and re-indexed Code is, for any reason, held or determined to be invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance and the incorporated replaced, re-codified, and re-indexed Code.

Section 6. Nothing in this Ordinance and the incorporated replaced, re-codified, and re-indexed Code shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance or the incorporated replaced, re-codified, and re-indexed Code.

Section 7. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance and the incorporated replaced, re-codified, and re-indexed Code are hereby repealed to the extent of the conflict or inconsistency. This Ordinance shall take effect immediately upon its enactment by the Council.

Adopted this _____ day of _____ 2024.

SALUDA COUNTY COUNCIL

James L. Moore, Chairman

ATTEST:

Regina H. Turner, Clerk to Council

First Reading: January 8, 2024

Second Reading: February 12, 2024

Public Hearing:

Third Reading:

**Code of Ordinances
Saluda County, South Carolina**

Chapter 2
ADMINISTRATION

Article IV. Boards, Commissions and Committees

Division 2. Airport Commission

Sec. 2-151. Created; membership.

(a) *Created; membership.* There is created the county airport commission which shall consist of five members to be appointed by the county council. Two members of the county airport commission shall be initially appointed for terms of three years, and two shall be appointed for terms of two years, and one for a term of one year. Thereafter, all succeeding appointments shall be for a term of five years.

(b) *Alternate member.* In addition to the members appointed pursuant to subsection (a) of this section, county council shall appoint one alternate member of the county airport commission for a term of five years. This alternate member shall serve as a voting member of the county airport commission only when one of the members appointed pursuant to subsection (a) of this section is absent from a meeting.

(c) *Term limits.* No member or alternate member of the county airport commission shall serve more than two consecutive terms without rotating to an inactive status of at least one year before being appointed to the county airport commission as either a member or an alternate member.

(d) *Ex officio members.* The airport manager and a representative of the fix-based operator of the county airport shall serve as non-voting and ex officio members of the county airport commission. As a non-voting and ex officio member of the county airport commission, the airport manager shall also serve as secretary and create and maintain minutes and other official records of all meetings and actions of the county airport commission in the manner required by state law and Chapter 2, Article IV, Division 1, Section 2-122 of this Code.

Sec. 2-152. Meetings.

(a) *Meetings.* The county airport commission shall meet as soon as practical after appointment and thereafter shall hold public meetings at least quarterly. These meetings shall be noticed and held in a manner that complies with state law and Chapter 2, Article IV, Division I, Section 2-121 of this Code.

(b) During the first meeting of each year, the county airport commission shall elect a chairman and vice-chairman. At that meeting, a schedule of regular quarterly meetings will be

adopted, including the date of the first meeting the following year. The names of the officers and a copy of the meeting schedule shall be forwarded to the court clerk.

Sec. 2-153. Duties, power, and authority.

(a) *Duties, power, and authority.* The county airport commission shall have the following duties, power, and authority:

1. To advise the county council on any matter affecting aeronautics in the county, the operation of the county's airport and airport facilities, and the maintenance of the county's airport and airport facilities.
2. To keep abreast of and advise the county council on all state and federal laws, regulations, and requirements affecting aeronautics in the county, including without limitation those affecting the operation and maintenance of the county's airport and airport facilities.
3. To advise and assist the county on compliance with all local, state, and federal laws, regulations, and requirements affecting aeronautics in the county, including without limitation those affecting the operation and maintenance of the county's airport and airport facilities.
4. To investigate and determine the requirements for the maintenance and efficient and profitable operation of the county's airport and airport facilities and to make recommendations to the county council concerning the same.
5. To make annual budgetary recommendations to the county council relating to the operation and maintenance of the county's airport and airport facility and any other aeronautic needs.
6. To make additional recommendations to the county council as deemed necessary regarding any matter involving aeronautics in the county and, where appropriate, provide a plan for the proposed implementation of those recommendations.

(b) The county airport commission shall not have the authority to hire personnel, contract, or make contractual obligations on behalf of itself or the county. The county airport commission shall instead adhere to all applicable county policies and local, state, and federal laws.

Secs. 2-154—2-170 Reserved.