

TRUCKEE TAHOE AIRPORT DISTRICT
BOARD OF DIRECTORS AGENDA ITEM SUMMARY

Topic:	Discussion and Consideration of Position on Town of Truckee Measure R - Trails Sales Tax			
Purpose	Information:	Guidance:	Decision:	X
Recommendation	The Board of Directors will consider the District position on the upcoming November ballot measure as proposed by the Town of Truckee to approve a ¼ cent sales tax to support trails construction within the Town boundaries.			
Last Action	<p>The Board of Directors heard public comment on this item at the February Board Meeting. Andrew Terry addressed the Board in the public comment section and requested an endorsement from the Airport District on this measure. There was a brief discussion among the Board regarding consideration of this public request at a future Board meeting.</p> <p>Subsequent to the meeting, Director Wallace requested that this item be considered at the March 26, 2014 Board Meeting.</p>			
Discussion	<p>Currently the Airport District does not have a policy prohibiting endorsement of ballot measures. <i>PI-205 - Proposed State and Federal Legislation, TTAD Position</i> was adopted in 1995 to address issues related to State and Federal legislation that may affect the Airport (see attached). This policy does not prohibit the Airport District from considering a political position on local legislation.</p> <p>Local trail planning and construction has applicability to the District. Trail planning and construction continues to be a common theme discussed in the Master Plan Outreach process, Godbe Survey, and at the last Board of Director/Staff Retreat.</p> <p>Brent Collinson, District Attorney, has prepared a Memo outlining the Board's options regarding taking a position on a local ballot measure. (See Attached) The District's position on any election item must be considered and approved by a majority of the Board. Staff does not formulate or take positions for the Airport District on political issues outside of direction outlined in PI – 205.</p>			
Fiscal Impact	While the District may take a position on a local ballot measure, the District is prohibited from providing any funding or financial support for a local ballot measure or political candidate.			
Communication Strategy	The Board will be discussing this item in an open and public meeting. Trails have been an ongoing discussion item in community outreach meetings, Board Retreats, and Master Plan discussions. Staff will forward any correspondence, letters, and information received from members of the public that have interest in this item. Any information received in support, neutral, or opposed to Measure R addressed to the Board of Directors, will be			

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considered in the Meeting and shared with the public.

Attachments

PI-205 - Proposed State and Federal Legislation, TTAD Position
Legal Memo from Brent Collinson - Airport District Legal Counsel

TRUCKEE TAHOE AIRPORT DISTRICT POLICY INSTRUCTION

PI NUMBER 205

Formerly 130.3

Effective: January 24, 1995

Approved: August 25, 2011

SUBJECT: PROPOSED STATE AND FEDERAL LEGISLATION, TTAD POSITION

PURPOSE: To establish a policy regarding TTAD position on "common" legislative issues, so that staff may respond to these issues in a timely manner.

POLICY:

1. TTAD opposes legislation which shifts property tax revenue away from Special Districts.
2. TTAD opposes legislation which imposes any new fuel tax that does not specifically exclude aviation fuels, or which does not specifically state that taxes collected on aviation fuels goes to aviation purposes.
3. TTAD supports legislation which continues the Airport Improvement Program, funded from the Aviation Trust Fund.
4. TTAD opposes legislation which reduces the funding levels to general aviation or reliever airports.
5. TTAD opposes legislation which would divert funds from the Aviation Trust Fund for purposes other than aviation.
6. TTAD supports legislation which would enhance general aviation.
7. TTAD opposes legislation which would negatively impact general aviation.
8. TTAD opposes legislated mandates at the City, County, State and Federal level, which are not associated or accompanied with the funds to implement such mandates.

Copies of correspondence which are sent on behalf of TTAD shall be provided to members of the Board of Directors.

William C. Chilcott, President Pro-Tem

BRENT P. COLLINSON, ATTORNEY AT LAW

DATE: 3/13/2014

TO: KEVIN SMITH VIA E-MAIL ONLY

FROM: BRENT P. COLLINSON

RE: DISTRICT PARTICIPATION IN BALLOT MEASURES

Kevin—As we have discussed, it has been requested that the District endorse the Town's Measure R, to impose an additional tax to fund (generally) trail construction and maintenance. The question posed is if the District, through its Board of Directors, may take a position on this existing ballot measure.

The answer to that question is "yes".

However, the District must be careful to not expend any funds in support of or opposition to the Measure. Going on record at a public meeting in favor of or opposition to a particular measure is allowed.

The most pertinent part (sub-section a) of Government Code section 54964 states:

"An officer, employee, or consultant of a local agency may not expend or authorize the expenditure of any of the funds of the local agency to support or oppose the approval or rejection of a ballot measure, or the election or defeat of a candidate, by the voters."

The remaining portion of that section provides definitions and also provides that "neutral informational material" that does not advocate for a certain position is permitted, but that does not appear to be applicable to this pending matter.

Also, note that the prohibition is against funding for a matter presented to "the voters". Therefore, the expenditure of funds for the lobbying of Legislators is permitted.

Again, as noted above, the prohibition is against the expenditure of public funds, not actually taking a position on the matter.

Therefore, the Board can vote to support or oppose that proposed measure. Please let me know if you have any questions, comments or need further information.

BPC

