



AGENDA ITEM: __17__

**TRUCKEE TAHOE AIRPORT DISTRICT
BOARD OF DIRECTORS STAFF REPORT**

AGENDA TITLE: Review, Discuss, and Potentially Adopt Policy Instruction 119 to Increase Transparency Regarding Contributions and Harmonious Board Relations

MEETING DATE: April 24 2019

PREPARED BY: Brent P. Collinson, District Counsel

RECOMMENDED ACTION: Provide input on proposed Policy Instruction and consider adoption.

DISCUSSION: There continues to be significant Board and public discussion regarding the need for and substance of a Policy Instruction regarding disclosure of contributions to Board Members and candidates for the Board and possibly addressing methods to promote harmonious Board Relations. Following the March 27 Board Meeting in which significant discussion occurred, additional changes have been made to the proposed Policy Instruction 119.

The Board Members have expressed various ideas on the need for and substance of a Board Policy regarding both contributions to Board Members and Candidates as well as the propriety of a sitting Board Member endorsing a candidate for the Board (other than themselves). The attached draft policy is provided to allow the Board to review and comment on the proposed Policy.

Note that the disclosure provisions specifically exempt contributions from a person or entity solely because that person or entity leases a T-, Super T or Executive hangar as that appeared to be the wish of many on the Board. It continues to provide that nothing in it limits either the amount of contributions a candidate can receive or the amount of expenditures a candidate can make as it appeared that the Board (or a majority of the Board) agreed on these items. Therefore, although it does not adopt section 84308, there is language from that statute that is utilized in the proposed Policy.

Initially, it requires in section 1 that staff post a link on the District's website to the FPPC website regarding campaign contribution reports for this District. It appears that there is no significant opposition to this provision.

Section 2 addresses the requirement that a Board Member that has received a monetary contribution or anything of value in excess of \$250 (which appeared to be the amount agreed upon by the Board) for a time period to be determined must be disclosed (prior to the Board taking action) if that person or entity has a pending application involving a license, permit or other entitlement before the Board.

Section 3 provides for the same disclosure requirements if a Board Member has received that contribution from anyone appearing before the Board in support of or opposition to such application, or if they are merely proposing an amendment to proposed action.

Section 4 requires disclosure of receipt of any contribution that is received within a time period to be determined *after* the Board has taken action on a matter.

Section 5 restricts a sitting Board Member from endorsing a candidate for the Board other than themselves or if they that Member is running as a slate. At least one Board Member expressed at the March meeting that such provision was not necessary.

Section 6 notes that this Policy does not limit any campaign contributions or expenditures and is not intended to supersede FPPC regulations or state law, so those requirements remain unchanged.

Comments:

- It is noted that the District already has received a "District Transparency Certificate of Excellence" from the Special District Leadership Foundation, which recognizes the District for its past efforts supporting transparency.
- One question that was asked related to what action could be taken if there was a violation of the Policy. Initially, it is noted that most, if not all of the Policy Instructions do not contain enforcement provisions. However, if there was a violation, the Board could take action to censure that Member and the public has the right of recall.
- Finally, it has been proposed that the District have the FPPC make a presentation to the District on these matters; if so, the District may want to coordinate with the other special districts and the Town so that other Districts can receive the same information in the event those Boards also wish to adopt a similar policy.

NEXT STEPS:

Provide input on the proposed Policy so that a final Policy Instruction can be adopted.

That input includes, but is not limited to:

- The time frame for disclosing contributions for matters pending before the Board;
- The time frame for disclosing contributions after the Board has taken action on a matter; and
- Whether the Board wishes to restrict a Member's ability to endorse other candidates.

FISCAL IMPACT: None known other than minimal staff time.

PUBLIC COMMUNICATION: This matter will be regularly disclosed on the Agenda and has received extensive coverage in the local newspapers.

POSSIBLE MOTIONS: I move to adopt Policy Instruction 119 with the following modifications: (provide here the time frames prompting disclosure and if a restriction on endorsements is desired).

ATTACHMENTS:

Draft Policy Instruction 119