

April 22, 2019

Board of Directors of the Truckee Tahoe Airport District  
c/o Lauren C. Tapia, H.R. Manager and District Clerk  
10356 Truckee Airport Road  
Truckee, CA 96161

*sent via email*

**Re: April 24,2019 Board meeting, action item 17 (tab 15), Campaign Contribution Disclosures**

Dear Directors:

I have attached a slightly modified ethical rule that would limit the acceptance of campaign contributions from persons who are financially interested in the outcome of a pending or recent Board decision. The two modifications address the concerns raised by Board members at last month's proceeding. The first modification makes explicit that the cap on acceptable campaign contributions applies only to "Board" decisions and not to ministerial decisions. The second modification provides further confirmation that the rule applies to Board decisions directed at specific entities and not to Board actions of general application. The second modification does so by providing that the limitation does not apply to "Board actions of general application, such as rate-setting or rule-making."

A copy of the proposed rule is attached in two forms. One form shows the wording changes made to the state statute on which the proposed rule is modeled. The second form of the rule is a clean version of the proposed rule.

As explained before, the purpose of this rule is to assure members of your district that the Board makes decisions based on the public interest and not on the electoral interests of candidates running for Board positions. The rule eliminates the risk and public perception that a candidate for the Board is trading votes for campaign contributions. It avoids the appearance, as well as the risk, of conflict impropriety. By doing so, it preserves public faith in the integrity of the Board's decision-making process and reduces the prospect of internal conflicts.

The rule applies to incumbents and new candidates alike. It requires that a candidate either return all but \$250 of a contribution from someone financially interested in a pending Board decision or the candidate must recuse him or herself from participating in that decision. If the contribution is received within three months after the Board decision, the recipient who participated in the decision would have to return the amount exceeding \$250.

This proposed rule cures a problem that proposed disclosure policy 119 does not. Simply put, a rule requiring disclosure of an apparent conflict does not eliminate the conflict itself. There is still the appearance, if not the actuality, of undue influence on the candidate by a person seeking to financially influence a Board member's decision on a pending matter. The public perception remains that self-interest is rising above the public's interest. In addition, the public disclosure requirement does not assure that the voting public will learn of the disclosure. In contrast, the proposed rule does more than require disclosure. It prevents the conflict and perception of impropriety from arising. The Board should adopt a rule eliminating the conflict.

Sincerely,  
*/s/ Jan Zabriskie*

Jan Zabriskie  
10295 Snowshoe Circle  
Truckee, CA 96161

Draft Campaign Contribution Cap for officers of the Truckee Tahoe Airport District  
Derived from California Government Code sections 84308 and 87103 [revised 4/22/2019]  
Submitted for TTAD Board meeting, April 24, 2019, Item 17, RE PI 119

[derived from Government Code section 84308.] (a) The definitions set forth in this ~~subdivision~~ section shall govern the interpretation of this section.

(1) "Party" means any person ~~or entity who~~ that files an application for, or is the subject of, a proceeding before the Board involving a license, permit, or other entitlement for use.

(2) "Participant" means any person ~~who or entity that~~ is not a party but who actively supports or opposes a particular decision in a proceeding before the Board involving a license, permit, or other entitlement for use and who has a financial interest in the decision, ~~as described in Article 1 (commencing with Section 87100) of Chapter 7.~~ A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of ~~the agency~~ TTAD, testifies in person before ~~the agency~~ TTAD, or otherwise acts to influence officers of ~~the agency~~ TTAD.

(3) "~~Agency~~ TTAD" means ~~an agency as defined in Section 82003 except that it does not include the courts or any agency in the judicial branch of government, local governmental agencies whose members are directly elected by the voters, the Legislature, the Board of Equalization, or constitutional officers. However, this section applies to any person who is a member of an exempted agency but is acting as a voting member of another agency~~ the Truckee Tahoe Airport District.

(4) "Officer" means any elected or appointed officer of ~~an agency~~ TTAD, any alternate to an elected or appointed officer of ~~an agency~~ TTAD, and any candidate for elective office in ~~an agency~~ TTAD.

(5) "License, permit, or other entitlement for use" means all business, professional, and trade ~~and land use~~ licenses and permits and all other entitlements for use, including all ~~entitlements for land use, all leases and other~~ contracts (other than competitively bid, labor, or personal employment contracts), and all franchises. Entitlement for use does not include Board actions of general application, such as rate-setting or rule-making.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(7) "Board" means the Board of Directors of TTAD.

(b) No officer ~~an agency~~ shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the ~~agency~~ Board and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant ~~or party~~ has a financial interest, as that term is used in Article 1 (commencing with Section 87100) of Chapter 7 in the outcome of the proceeding. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself for herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before ~~an agency~~ the Board, each officer ~~the agency~~ who received a contribution within the

preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer ~~an agency~~ shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the ~~agency~~Board if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant ~~or party~~ has a financial interest in the decision, ~~as that term is described with respect to public officials in Article 1 (commencing with Section 87100) of Chapter 7.~~

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before ~~an agency~~the Board involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before ~~any agency~~ the Board and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer during the proceeding and for three months following the date a final decision is rendered by the ~~agency~~Board in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before ~~an agency~~the Board, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

(f) ~~[derived from Government Code section 87103]~~ A ~~public official~~person who is a party or participant has a financial interest in a ~~Board~~ decision ~~within the meaning of Section 87100~~ if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the ~~official~~person, a member of his or her immediate family, or on any of the following:

(a~~1~~) Any business entity in which the ~~public official~~person has a direct or indirect investment worth two thousand dollars (\$2,000) or more.

(b~~2~~) Any real property in which the ~~person~~public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(c~~3~~) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the ~~person~~public official within 12 months prior to the time when the decision is made.

(d4) Any business entity in which the ~~person~~public official is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a ~~person~~public official, by an agent on behalf of a ~~person~~public official, or by a business entity or trust in which the ~~official~~person, the ~~official~~person's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.

Draft Campaign Contribution Cap for officers of the Truckee Tahoe Airport District  
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*[derived from Government Code section 84308.]* (a) The definitions set forth in this section shall govern the interpretation of this section.

(1) "Party" means any person or entity that files an application for, or is the subject of, a proceeding before the Board involving a license, permit, or other entitlement for use.

(2) "Participant" means any person or entity that is not a party but who actively supports or opposes a particular decision in a proceeding before the Board involving a license, permit, or other entitlement for use and who has a financial interest in the decision. A person actively supports or opposes a particular decision in a proceeding if he or she lobbies in person the officers or employees of TTAD, testifies in person before TTAD, or otherwise acts to influence officers of TTAD.

(3) "TTAD" means the Truckee Tahoe Airport District.

(4) "Officer" means any elected or appointed officer of TTAD, any alternate to an elected or appointed officer of TTAD, and any candidate for elective office in TTAD.

(5) "License, permit, or other entitlement for use" means all business, professional, and trade licenses and permits and all other entitlements for use, including all leases and other contracts (other than competitively bid, labor, or personal employment contracts), and all franchises. Entitlement for use does not include Board actions of general application, such as rate-setting or rule-making.

(6) "Contribution" includes contributions to candidates and committees in federal, state, or local elections.

(7) "Board" means the Board of Directors of TTAD.

(b) No officer shall accept, solicit, or direct a contribution of more than two hundred fifty dollars (\$250) from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the Board and for three months following the date a final decision is rendered in the proceeding if the officer knows or has reason to know that the participant or party has a financial interest in the outcome of the proceeding. This prohibition shall apply regardless of whether the officer accepts, solicits, or directs the contribution for himself for herself, or on behalf of any other officer, or on behalf of any candidate for office or on behalf of any committee.

(c) Prior to rendering any decision in a proceeding involving a license, permit or other entitlement for use pending before the Board, each officer who received a contribution within the preceding 12 months in an amount of more than two hundred fifty dollars (\$250) from a party or from any participant shall disclose that fact on the record of the proceeding. No officer shall make, participate in making, or in any way attempt to use his or her official position to influence the decision in a proceeding involving a license, permit, or other entitlement for use pending before the Board if the officer has willfully or knowingly received a contribution in an amount of more than two hundred fifty dollars (\$250) within the preceding 12 months from a party or his or her agent, or from any participant, or his or her agent if the officer knows or has reason to know that the participant or party has a financial interest in the decision.

If an officer receives a contribution which would otherwise require disqualification under this section, returns the contribution within 30 days from the time he or she knows, or should have known, about the contribution and the proceeding involving a license, permit, or other entitlement for use, he or she shall be permitted to participate in the proceeding.

(d) A party to a proceeding before the Board involving a license, permit, or other entitlement for use shall disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party, or his or her agent, to any officer. No party, or his or her agent, to a proceeding involving a license, permit, or other entitlement for use pending before the Board and no participant, or his or her agent, in the proceeding shall make a contribution of more than two hundred fifty dollars (\$250) to any officer during the proceeding and for three months following the date a final decision is rendered by the Board in the proceeding. When a closed corporation is a party to, or a participant in, a proceeding involving a license, permit, or other entitlement for use pending before the Board, the majority shareholder is subject to the disclosure and prohibition requirements specified in subdivisions (b), (c), and this subdivision.

(e) Nothing in this section shall be construed to imply that any contribution subject to being reported under this title shall not be so reported.

(f) *[derived from Government Code section 87103]* A person who is a party or participant has a financial interest in a Board decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the person, a member of his or her immediate family, or on any of the following:

(a1) Any business entity in which the person has a direct or indirect investment worth two thousand dollars (\$2,000) or more.

(2) Any real property in which the person has a direct or indirect interest worth two thousand dollars (\$2,000) or more.

(3) Any source of income, except gifts or loans by a commercial lending institution made in the regular course of business on terms available to the public without regard to official status, aggregating five hundred dollars (\$500) or more in value provided or promised to, received by, the person within 12 months prior to the time when the decision is made.

(4) Any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management.

For purposes of this section, indirect investment or interest means any investment or interest owned by the spouse or dependent child of a person, by an agent on behalf of a person, or by a business entity or trust in which the person, the person's agents, spouse, and dependent children own directly, indirectly, or beneficially a 10-percent interest or greater.