



TRUCKEE TAHOE AIRPORT DISTRICT

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DIRECTORS

MARY HETHERINGTON

TERESA O'DETTE

RICK STEPHENS

LISA WALLACE

AGENDA FOR SPECIAL MEETING OF BOARD OF DIRECTORS 1:00 PM – 2:30 PM

A special meeting of the Truckee Tahoe Airport District will be held on **September 4, 2020 at 1:00 p.m. Pursuant to Executive Order N-29-20, this meeting will held exclusively via live web streaming: <http://ttctv.org/live-meeting/truckee-tahoe-airport/> Text message public comment can be made to the following number and will be read aloud during Public Comment sections of each agenda topic: (530) 205-8603 and email: David.VanQuest@truckeetahoeairport.com. Live Public Comment can be made at: <https://us02web.zoom.us/j/82774335137> Meeting ID: 827 7433 5137. No action will be taken at the meeting on any business not appearing on the posted agenda except as permitted by Government Code Section 54954.2.**

The District welcomes you to its meetings. Your opinions and suggestions are encouraged. In compliance with Section 202 of the Americans with Disabilities Act of 1990 and in compliance with the Ralph M. Brown Act, anyone requiring reasonable accommodation to participate in the meeting should contact the Truckee Tahoe Airport District office at (530) 587-4119, at least three days prior to the meeting.

The Board of Directors may take action upon any item listed on the agenda at any time during the meeting. Scheduled items will be heard at or after the time noted, but the Directors may interrupt or defer discussion in order to deal with other matters.

All written public comments received by 4:30 PM on Thursday before the scheduled Special Board meeting will be posted on the District website and forwarded to District Board Members for their consideration at the meeting.

MISSION STATEMENT:

The Truckee Tahoe Airport is a community airport that provides high quality aviation facilities and services to meet local needs, and strives for low impact on our neighbors, while enhancing the benefit to the community-at-large.

SPECIAL MEETING: 1:00 pm

STANDING ORDERS: Call the Meeting to Order

PLEDGE OF ALLEGIANCE

ROLL CALL

SPECIAL ORDERS OF BUSINESS

MODIFICATION OF AGENDA: The Board President reserves the right to modify the agenda in order to most effectively process the agenda items. Items may be taken out of order; Items may be combined for consideration by the Board of Directors; Items may be pulled or removed from the agenda at any time.

PUBLIC COMMENT: Members of the public may make comments at this time on any items not appearing on the agenda that are of interest to the public and are within the jurisdiction of the Board and ACAT. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by the Board or ACAT on any issue brought forth under Public Comment. Comments relating to items on today's agenda are to be taken at the time the item is heard. Time allotted to each speaker is determined by the Board President; however, comments will generally be limited to five minutes. Pursuant to Executive Order N-29-20, **Text message public comment can be made to the following number and will be read aloud during Public Comment sections of each agenda topic: (530) 205-8603 and email: David.VanQuest@truckeetahoeairport.com. Live Public Comment can be made at: <https://us02web.zoom.us/j/82774335137> Meeting ID: 827 7433 5137.**

PROCEDURE FOR FILLING BOARD VACANCY

TAB 01 - Discussion and Action regarding process and timeline to fill vacancy on Board of Directors (3 pages)

BOARD MEMBER ANNOUNCEMENTS: Pursuant to Government Code Section 54954.2, Board members may make a brief announcement or report on activities. Board members may also provide a reference to staff or other resources for factual information, or request staff to report back to the Board at a subsequent meeting concerning any matter.

ADJOURNMENT OF MEETING

NOTE: *A copy of the agenda packet and all documents related to this agenda are available for public review at the Airport Administration Office, 10356 Truckee Airport Road, Truckee, California 96161. Agenda items that are not able to be addressed at today's meeting may be placed on the next regularly scheduled Board meeting agenda. Requests for agenda items and/or supporting background information must be submitted in writing to the Airport Manager or the Board President ten days prior to the next meeting.*

I declare a copy of this agenda was posted at the Truckee Tahoe Airport District Administration Office, 10356 Truckee Airport Road, Truckee, CA, and mailed on Sept. 1, 2020.

Kevin Smith

Kevin Smith, General Manager



Memorandum

To: President O’Dette and Members of the Board of Directors
Truckee Tahoe Airport District

From: Best Best & Krieger LLP

Date: August 28, 2020

Re: Procedure for Filling Board Vacancy

Director Morrison of the Truckee Tahoe Airport District (“District”) submitted a resignation letter on August 26th after the conclusion of the Board of Directors meeting. This creates a vacancy on the Board of Directors, and the District must follow the procedures set forth in Government Code section 1780 to fill the vacancy. (See Gov. Code, § 1780; Pub. Util. Code, § 22406.) Below is an overview of the procedures. However, the Board has two basic options: (1) appoint someone to fill the vacancy or (2) call a special election to do so. The appointee will serve the remainder of Director Morrison’s term until 2022.

I. Notifying County Elections Official & Posting Notice of Vacancy

Government Code section 1780(a) requires the District to notify the county elections official of the vacancy no later than fifteen days following either the date on which the Board is notified of the vacancy or the effective date of the vacancy, whichever is later. Here, the resignation occurred on August 26th, and the District must notify the Placer and Nevada Counties elections officials by September 10th.

In addition, if the Board wishes to have the option to appoint a replacement, it must post a notice of vacancy in at least three conspicuous places in the District at least fifteen days before the district board makes the appointment.

II. Options of Filling the Vacancy

Government Code section 1780 provides two options for filling the vacancy: appointment by the remainder of the Board or election by the voters.

A. Appointment

Pursuant to Government Code Section 1780(a), the Board may appoint a successor within sixty days of the resignation. Therefore, the Board has until October 25th¹ to make an

¹ This is a weekend. While this date would likely be extended to the following Monday, the Board should not rely on that.

appointment. The Placer and Nevada Counties elections officials must be notified of the appointment no later than fifteen days after the appointment. (Gov. Code, § 1780(a).)

B. Election

Instead of making an appointment, the remaining members of the Board may call an election to fill the vacancy. In that case, the Board must call for such an election within sixty days of the date the Board is notified of the vacancy or the effective date of the vacancy, whichever is later. Again, this date is October 25th. This will be held on the next established election date provided in Section 1000 et seq. of Elections Code that is 130 or more days after the date the District calls the election. Under Elections Code Section 1000, the established election dates in each year are as follows:

- (a) The second Tuesday of April in each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The first Tuesday after the first Monday in November of each year.
- (d) The first Tuesday after the first Monday in March in each even-numbered year.

Thus, assuming the Board calls the election, the election should occur on the first Tuesday after the first Monday in March next year, or March 9, 2021. It is important to note that these are the normal elections dates. Given COVID-19, there may be increased options for an all-mailed ballot election. If the Board desires to explore a potential special election, staff will work with Placer and Nevada County Elections to outline all available dates. However, dates would be in Spring 2021.²

C. Failure to Exercise Either Option

If the Board fails to appoint a replacement or call an election, the Placer County Board of Supervisors³ may fill the vacancy by appointment within ninety days of the date the District is notified of the vacancy or the Board of Supervisors may call an election to fill the vacancy. If the Placer County Board of Supervisors does not fill the vacancy or call an election, the District must call an election to fill the vacancy. (Gov. Code, § 1780(f), (g).)

² Elections Code section 1600 et seq. permits an all-mail ballot election statewide for the November 2020 election. This is limited to that election only. However, Elections Code section 4005 allows all counties to conduct all mail ballot special elections beginning in 2020 under specified conditions.

³ For multi-county agencies like the District, the county board of supervisors with the largest agency land area has the authority to appoint or call an election.

III. Length of Term

Assuming the Board decides to appoint someone to fill Director Morrison's seat, one question is whether that person will serve until the November 2020 general election or for the full remaining length of the term. On this point, the deciding issue is when the District is notified of the vacancy. If this occurs during the first half of the term and more than 130 days before the next general election, the appointee serves until the next general election. By contrast, if the District is notified after this date, the appointee serves for the remaining term of the seat. Here, it is less than 130 days from the November 2020 general election, any appointee will serve the full remaining term. If an election is called, the elected Director would also serve the remaining balance of Director Morrison's term.

IV. Next Steps

Based on the above, staff would request that the Board provide direction on next steps. Below is a bullet-point summary of the options:

- Provide direction regarding appointment or calling an election.
- If the Board wishes to accept applications and potentially appoint someone, staff would post the notice of vacancy. If posted by September 8th, the Board could make an appointment at its September Board meeting. Alternatively, appointment could be delayed until a later special meeting. An appointment would need to be made by October 25th.
- If the Board wishes to consider calling an election to fill the vacancy, staff will provide elections options and dates for the Board's consideration. This would be brought to the September Board meeting for action or could be delayed until a later special meeting. An election would need to be called by October 25th.

JOSH NELSON