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Change in direction: Tahoe Truckee Airport board members move away from public interviews to fill vacancy

News [FOLLOW NEWS](#) | September 10, 2020

Rebecca O'Neil
Special to the Sierra Sun

Four remaining members of the Tahoe Truckee Airport District [board considered the cost-benefit of appointment or special election to fill their fifth position](#) [↗](#), vacated just 108 days before the November election, during a Sept. 4 Zoom meeting.

Ultimately, the board agreed to conduct private interviews with board applicants and reconvene Oct. 13 to deliberate.

Five candidates — Ken Aronson, David Diamond, Leigh Golden, and incumbents Teresa O'Dette and Rick Stephens — are running for three seats on the board. These candidates, including the latter two incumbents, may apply for Jim Morrison's position, said Truckee Tahoe Airport District's Legal Counsel Josh Nelson, but would conclude their term in 2022.

Morrison's seat isn't one up for election in November.

“The private process is not really a private process. Any decision or discussion on the board has to happen in a public meeting.”— Josh Nelson, Tahoe Truckee Airport District legal counsel

O'Dette, an incumbent and board president, and vice president Mary Hetherington said during the Sept. 4 meeting they would like to avoid the public interview process used in the replacement of Morgan Goodwin on Truckee Town Council in August 2019. Truckee Mayor David Polivy said although he did not necessarily experience the “heartburn” described by Hetherington during that four-hour process, he was uncomfortable.

“You're talking about people in front of them,” Polivy said. “It was challenging and somewhat awkward, mostly because you're interviewing someone in a public realm.”

The special district's legal counsel Josh Nelson said discussions with individual applicants outside of a public meeting is permitted under the Brown Act, but with certain restrictions.

“The private process is not really a private process,” Nelson said. “Any decision or discussion on the board has to happen in a public meeting.”

According to the serial meeting provision in the Brown Act, the majority of members of a legislative body may not convene outside of a lawful meeting to discuss, deliberate or take action on any item of business within the subject matter jurisdiction of the body.

“They're allowed to communicate, but not on matters that directly concern the board,” California News Publishers Association staff lawyer Brittney Barsotti said. “There's no serial communication.”

According to a [document created by EmpowerLA](#), an organization dedicated to promoting citizen involvement in their local government, serial communication refers to any kind of communication involving less than a quorum of the board, but when consolidated makes up the majority of the board. Communication may take place when one board member contacts all or the majority of the members individually or if one board member contacts another board member, and then that board member contacts another, and then that board member contacts another, and so on.

Instead, the airport district board members decided to connect with applicants one-on-one, before publicly discussing their findings.

The board may also still determine to move forward with a special election as oppose to making an appointment.

Nelson said the agenda for the correlating board meeting will include a list of applicants and the board's options – appointing someone, calling an election or allowing the county to take over the process.

“At the meeting, there will be public comment and an opportunity for applicants to present to the board and the public,” Nelson said. “In addition, any appointment or action requires a public vote by the board.”

Rebecca O’Neil is a reporter for The Union, a sister publication of the Sierra Sun based in Grass Valley. Contact her at roneil@theunion.com.

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Our View: Government in knots

Columns [FOLLOW COLUMNS](#) | September 18, 2020

The Union Editorial Board

At times, local governments perform Olympic-level acts of bureaucratic gymnastics to avoid the Brown Act.

That act, which requires governments in California to do their business in public, has a number of holes elected officials can dance through. And they do.

California's Brown Act gives governments plenty of leeway that other states don't enjoy. For example, governments here have 10 business days to respond to an open records request. Georgia gives governments three days. Members of city and county governments in Georgia must vote to enter a closed-door session, putting themselves on the record to close the doors on the people's business. In California, an attorney reads the law that allows elected officials to close the doors.

You can see local government performing this dance most recently in the Truckee area.

The Tahoe Truckee Airport District board is in the process of filling a vacant spot on that panel. However, its president and vice president want to avoid a public interview process, like the one the Truckee Town Council used in 2019 to fill an empty seat.

"What the town went through was painful — the public interview and discussion," airport district Vice President [Mary Hetherington has said](#) [↗](#). "A lot of people had heartburn with that."

It's true: Doing the people's business in public can be hard. Feelings can get hurt. But governing isn't supposed to be easy, and if you can't take the heat, get out of the board chambers.

"Heartburn" isn't a reason to shut the door on our business. Nor it is a reason for Brown Act contortions — having airport board members talk [one-on-one](#) [↗](#) with applicants before discussing the issue publicly.

This is a governmental entity that's considering appointing someone to an elected position, and it intends to do a lot of the work away from public eyes. With this attitude the airport board should have "hiding from the public" in its oath of office.

Who knows. Maybe it already does.

This matters. It matters because all state governments operate under the Brown Act. This has happened before, down in western county, too. When it does, The Union highlights it and fights against it. And so should the Sierra Sun, as well as any other media covering communities where someone attempts to close those doors — whether an attempt to close meetings of the Community Advisory Committee in western county or the airport board shielding the public from its own business.

If there's a silver lining to any of this, it's in the apparent rise of more candidates running for office.

The Nevada City Council went for several cycles without even needing an election, because there weren't enough candidates. In March there were six candidates for three seats.

This November the Truckee Town Council has seven people running for two four-year term seats, and two running for a two-year term seat.

And the Tahoe Truckee Airport District has five people running for three seats, in addition to the seat to be appointed by current board members.

Maybe this is a sign that people are growing more interested in their local government, and want to have a greater say in it. They see what their government is doing and want to not only influence those decisions, but help make them as elected officials themselves.

It's tough to argue that more candidates for office is bad. Instead it's what we want: more diversity in candidates, and more choice for the voters.

And you can ask those voters during the campaign their thoughts on closing the chamber doors to the people's business. You can discover who feels that good governance is tied to an open government that needs public participation, and then vote accordingly.

You don't have to contort yourself into knots to reach that conclusion.

The weekly Our View editorial represents the consensus opinion of The Union Editorial Board, a group of editors and writers from The Union, a sister publication of the Sierra Sun based in Grass Valley. Contact the board at EditBoard@TheUnion.com ↗.

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