

# Bylaws of the Truckee Tahoe Airport Land Use Commission

## 1. General Provisions

### 1.1 Name

The name of the Commission shall be the Truckee Tahoe Airport Land Use Commission. The name may be abbreviated as TTALUC.

### 1.2 Purpose

The fundamental purpose of the TTALUC is to carry out the statutory responsibilities required by Sections 21670 to 21679.5 of the California Public Utilities Code (PUC). The statutes describe these responsibilities as being “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

### 1.3 Powers and Duties

The Commission has the following powers and duties, subject to the limitations upon its jurisdiction set forth in PUC Section 21676:

- (a) To assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses.
- (b) To coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare.
- (c) To prepare and adopt an airport land use compatibility plan pursuant to Section 21675.
- (d) To review the plans, regulations, and other actions of local agencies and airport operators pursuant to Section 21676.
- (e) The powers of the Commission shall in no way be construed to give the Commission jurisdiction over the operation of any airport.
- (f) To hire staff, consultants, counsel and other professionals; to establish and set fees to reimburse the TTALUC for all of its activities; to incur debt and enter into contracts; to acquire, improve and hold, lease, convey and dispose of real and personal property as necessary to perform TTALUC duties; to sue and be sued in its own name; to accept contributions, grants, loans for financing its activities; and any other activity to accomplish the purposes of the TTALUC.
- (g) In order to carry out its responsibilities, the Commission may adopt rules and regulations consistent with this article.

## **1.4 Airport Land Use Compatibility Plan**

- (a) The TTALUC has adopted a *Truckee Tahoe Airport Land Use Compatibility Plan* to be used by the Commission in reviewing and acting upon matters submitted to it in accordance with state law. The procedures and compatibility criteria set forth in those plans are in addition to and shall be considered extensions of these Bylaws.
- (b) The TTALUC shall update its review procedures and compatibility criteria annually or as necessary to keep them current with airport conditions and state laws and guidelines.
- (c) Amendments to the *Compatibility Plan* may be instituted by the TTALUC staff based upon changing conditions at an airport or may be requested by a local agency, airport operator, or affected agency. State law limits amendments to compatibility plans to once per calendar year.

## **1.5 Severability**

If any portion of these Bylaws is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions.

## **2. Meetings**

TTALUC meeting procedures shall follow open meeting requirements as noted in the Ralph M. Brown Act. Among meeting procedures that may be particular to TTALUC are the following:

### **2.1 Frequency**

The Commission shall meet at the call of the Commission Chairperson or at the request of the majority of the Commission members (PUC Section 21671.5(e)).

### **2.2 Quorums and Voting**

A majority of the TTALUC's seven members constitutes a quorum for the purposes of conducting business. However, any action taken by the TTALUC requires a "recorded vote of a majority of the full membership" (Section 21671.5(e)), or four votes. Actions may be voted upon by voice vote unless any seated Commissioner, or an alternate acting in the place of a Commissioner, demands a roll call vote.

The Chairman may make or second any motion without stepping down from the chair. Alternates (see #3.4 on page 5) present at a meeting in place of a regular member are counted when determining the existence of a quorum or for voting purposes. A Commissioner shall not vote on an item continued from a previous meeting in which the Commissioner was not in attendance unless he or she has listened to the tape recording or reviewed the minutes of the previous discussion and reviewed materials pertaining to that item. This rule also applies to an alternate voting in place of the Commissioner.

## **2.3 Meeting Location**

Meeting locations may vary depending upon the availability of meeting rooms. The location of the next meeting shall, if possible, be determined prior to the close of the previous regular meeting. If the meeting location has not been determined at that time, written notice shall be mailed to all members at least seven days prior to the meeting.

## **2.4 Meeting Agenda**

For each meeting of the TTALUC, an agenda shall be prepared specifying the time, location, and order of business of the meeting. Meeting agendas shall be accompanied by a staff report for each agenda item requiring TTALUC action. The staff report shall provide background information regarding the matter at issue and indicate the Executive Director's recommendation.

## **2.5 Minutes of Meetings**

The proceedings of TTALUC meetings shall be tape recorded. However, a lack or malfunction of the recording equipment shall not prevent continuation of a meeting. The TTALUC Executive Director shall ensure that minutes are prepared for each meeting. Meeting minutes shall reflect actions taken by the TTALUC, including motions made, the names of the Commissioners or alternates making and seconding the motion, and the vote tally. The minutes should not be limited to these actions.

## **2.6 Ad Hoc Committees**

An Ad Hoc Committee consisting of no more than three Commission members or their alternates may be formed to study specific issues before the TTALUC. The formation, purpose, membership, and subsequent dissolution of any Ad Hoc Committee shall be at the discretion of the Chairman or Acting Chairman presiding at a meeting of the Commission.

## **2.7 Rules of Order**

- (a) Except as otherwise provided in these bylaws and regulations of the Ralph M. Brown Act, meetings of the TTALUC shall be open and public and all applicable requirements of the Brown Act shall apply.
- (b) The TTALUC Chairman shall preserve order and decorum at meetings of the Commission and, except as otherwise provided by (c) below, shall decide rules of order.
- (c) The Commission may deliberate as to any item properly before it in accord with the Robert's Rules of Order upon a vote of the majority of those members present to deliberate an item in accord with these rules.
- (d) All questions of law shall be referred to the Legal Counsel of the Nevada County Transportation Commission (NCTC).

### **3. Membership**

#### **3.1 Members**

Each appointing body shall send written confirmation of their appointee to the NCTC office and that document will be kept on file. In accordance with PUC Section 21670.4(c), the TTALUC consists of seven members selected as follows:

- (a) One representing the cities in each of the counties, appointed by that county's city selection committee.
- (b) One representing each of the counties, appointed by the board of supervisors of each county.
- (c) One from each county having expertise in aviation, appointed by a selection committee comprised of the managers of all the public airports within that county.
- (d) One representing the general public, appointed by the other six members of the commission.

#### **3.2 Officers**

- (a) The TTALUC shall elect a Chairman and Vice-Chairman. Elections shall take place at the first meeting of each calendar year.
- (b) Officers shall take office at the meeting when elected and shall serve until their successors are elected.
- (c) In case of a vacancy in the office of either Chairman or Vice-Chairman, the TTALUC shall, at the next scheduled meeting of the Commission, elect a successor to serve the unexpired term.
- (d) The Chairman and Vice-Chairman may serve additional terms if reappointed by a majority vote of the other TTALUC members.

Duties of Officers – The Chairman shall:

- 1. Preside at all meetings of the Commission and conduct the business of the Commission in the manner prescribed by these Bylaws.
- 2. Confer with the Executive Director regarding draft meeting agendas prior to their distribution.
- 3. Perform other duties customarily performed by a Chairman

The Vice-Chairman shall, in the Chairman's absence or inability to act, assume all powers and duties of the Chairman.

In the absence or inability to act of both the Chairman and Vice-Chairman, the Commissioners in attendance shall elect a Chairman Pro-Tempore. The Chairman Pro-Tempore shall then preside and shall exercise all of the powers and duties of the Chairman.

### **3.3 Terms of Office**

In accordance with PUC Section 21671.5(a), the TTALUC members' term of office will follow these guidelines:

“Except for the terms of office of the members of the first commission, the term of office of each member shall be four years and until the appointment and qualification of his or her successor. The members of the first commission shall classify themselves by lot so that the term of office of one member is one year, of two members is two years, of two members is three years, and of two members is four years. The body that originally appointed a member whose term has expired shall appoint his or her successor for a full term of four years. Any member may be removed at any time and without cause by the body appointing that member. The expiration date of the term of office of each member shall be the first Monday in May in the year in which that member's term is to expire. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the body which originally appointed the member whose office has become vacant.”

The ALUC Executive Director will notify each appointing body in writing sixty days prior to the expiration of the term of their appointee.

### **3.4 Alternates**

(a) In addition to the TTALUC's regular members, state law provides for each appointing body to designate an alternate to participate in Commission affairs and serve at the pleasure of the appointing body. A signed document designating the alternate is to be kept on file at the Commission offices. The alternate represents the regular Commission member and is empowered “to vote on all matters when the member is not in attendance” (Section 21670(d)). However, in order to vote on a matter discussed at a previous meeting, an alternate should be current on the documents and issues involved (that is, the alternate generally should either have attended the prior meeting, listened to a recording of the meeting, or read any detailed minutes). The alternate for a Commissioner appointed by a selecting committee of airport managers shall have expertise in aviation.

A Commissioner who is unable to attend a meeting shall be responsible for notifying his or her alternate and shall also notify the TTALUC Executive Director that the alternate will be attending in his or her place.

### **3.5 Conflicts of Interest**

In general, a *personal financial interest* in an action would present a conflict of interest on the part of a TTALUC member. Nevertheless, airport land use Commissioners who also serve on another body should remember that their role – and the factors upon which they base their decisions – is different when serving on the TTALUC than it is with the other body. As a TTALUC member, their

primary responsibility is with regard to prevention of compatibility conflicts between airports and surrounding land uses.

A Commissioner shall disqualify himself or herself from participating in the discussion and action on any matter where the Commissioner has a conflict of interest in accordance with the provisions of the Political Reform Act of 1975 as amended. A Commissioner's past or pending participation, as an elected or appointed member of another body, in actions related to a matter before the TTALUC shall *not* be regarded as a conflict of interest. However, when acting in their capacity as a TTALUC member, Commissioners should recognize that their decisions should be based solely upon the airport land use compatibility and other aviation-related factors that are the purview of the TTALUC.

A Commissioner's alternate may participate in the discussion of and action on an item for which the Commissioner has disqualified himself or herself unless the alternate also has a conflict of interest. An alternate may take the Commissioner's place for a single item at a meeting in which the Commissioner is otherwise participating.

#### **4. Responsibilities of Staff**

The Executive Director of the NCTC shall serve as the Executive Director of the TTALUC. The TTALUC Executive Director shall be responsible for the following, either directly or with assistance of other staff:

- (a) Receipt and review of proposed actions submitted to the TTALUC for review in accordance with provisions of state law and the *Truckee Tahoe Airport Land Use Compatibility Plan*.
- (b) Coordinate and consult with staffs of local government agencies regarding specific projects those agencies refer to the TTALUC for review and the manner in which the TTALUC policies apply thereto; also informal consultation with project proponents.
- (c) Consult with the TTALUC Chairman regarding meeting agendas and other matters of concern to the Commission.
- (d) Public notice of matters before the TTALUC as may be required by state law and normal practice of Nevada County, Placer County, and the Town of Truckee.
- (e) Prepare meeting agendas and staff reports, and distribute these documents to TTALUC members and their alternates.
- (f) Ensure staff attends each TTALUC meeting and if the Executive Director cannot be present, make arrangements for other NCTC staff to assume his or her duties during the meeting.
- (g) Prepare draft resolutions for those agenda items requiring them.
- (h) Prepare meeting minutes.
- (i) Other matters pertaining to the business of the TTALUC.
- (j) The Executive Director shall ensure that a copy of the meeting agenda, together with staff reports and other material pertinent to the items on the

agenda is delivered to each Commissioner or his/her alternate at least one week prior to the meeting date.

(k) The NCTC shall provide for legal staff for the TTALUC.

(l) Notify local agencies of Commission decisions on items submitted for review.

## 5. Fees

California PUC Section 21671.5(f) allows commissions to charge project proponents for the cost of project reviews.

The TTALUC may establish a schedule of fees necessary to enable it to fulfill its duties as defined by state law. The fees shall be charged to the proponents of actions, regulations, or permits, shall not exceed the estimated reasonable cost of providing the service, and shall be imposed pursuant to Section 66016 of the Government Code. The TTALUC adopted the following fee schedule on January 28, 2011 with Resolution 11-01.

<b>TRUCKEE TAHOE AIRPORT LAND USE COMMISSION FEE SCHEDULE January 28, 2011</b>		
CATEGORY	DEPOSIT <sup>1</sup>	ESTIMATED ADDITIONAL CHARGE <sup>2</sup>
Rezoning	\$150	\$2,500
Regulations, Permits & Other Actions	\$150	\$2,500
Specific Plans	\$250	\$2,500
General Plan Amendments/Updates	\$250	\$2,500
Airport Master Plan Consistency	\$150	\$2,500
<sup>1</sup> The Deposit is the minimum charge and is non-refundable. <sup>2</sup> If review of the proposed project requires that outside consulting or other contract services be obtained, the Estimated Additional Charge must be deposited before the application can be considered complete. After the project review is completed, the applicant may receive a bill for additional payment due or a refund, depending on actual costs incurred. When the cost of review reaches 80% of the deposited amount, the applicant will be notified that additional payment may be required at completion of the review.		

## 6. Bylaw Amendments

Amendments to these Bylaws requires a majority vote of the full membership (i.e. four votes) of the entire TTALUC membership, following at least seven days written notice of the proposed amendment.