

# INFORMATION



**Purpose:** Discussion of Tahoe Donner Nonresident Members' Ability to participate in Truckee Elections

**Background:** Tahoe Donner was founded in 1971 and operated independently in the unincorporated area of Nevada County, California for 22 years. In 1993, residents voted to create the Town of Truckee by combining the areas of Historic Downtown Truckee with the surrounding neighborhoods of Gateway, Donner Lake, Tahoe Donner, Glenshire, Prosser Lake View, and Sierra Meadows. The 2010 census reported a total population of 16,180 residents and 12,803 housing units in the Town of Truckee.

Tahoe Donner is one of America's largest home owner associations, with nearly 6,500 properties and 25,000 members. Approximately 83% of Tahoe Donner's homes are owned by nonresidents. These non-resident property owners contribute significant amounts in annual property taxes but are unable to participate in Truckee electoral issues related to taxation or political representation.

A similar mountain resort community in Colorado has recognized the right of nonresident owners to vote in matters with direct bearing on their property taxes.

Example of other Non-California (Colorado), Non-Resident Voting Community System of voter participation: <https://townofmountainvillage.com/governing/election/>

Federal Case Law on Non-resident Voting, United States Court of Appeals, 10<sup>th</sup> Circuit: <http://caselaw.findlaw.com/us-10th-circuit/1200395.html>

“In this case it is clear that the nonresident property owners have a sufficient interest in Town affairs to make it rational for the Town to include them in the political process. Currently they pay approximately eight times more real property taxes, and under the Charter, the Town has the power to establish land use standards, enact ordinances, adopt capital improvement programs, set tax rates, borrow money, issue bonds, create special improvement districts, control utilities, and to condemn property. Each of these powers has great potential to affect property owners in significant respects.

In light of the foregoing factors, it is clear that the district court correctly concluded that the nonresident property owners in the Town of Mountain Village have a substantial interest in township elections, and under such circumstance, the order of the district court granting [voting rights] is AFFIRMED.”

**Discussion:** How are property owners in Tahoe Donner permitted to participation in local Truckee election issues, and how is that participation best accommodated?

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**Prepared by:** Director Darius Brooks

**Board Meeting Date:** November 12, 2016