I. PLEDGE OF ALLEGIANCE

II. CALL TO ORDER AND DETERMINATION OF QUORUM

Vice-Chairman Motamedi called the meeting to order at 9:45 a.m.

Members Present: Mr. Burnham for Ms. Aldean, Mr. Biaggi, Ms. Bresnick, Mr. DeLanoy, Mr. Harris for Mr. Galloway, Mr. Kranz, Mr. Merrill, Ms. Motamedi, Ms. Moss for Mr. Smith, Mr. Solaro, Mr. Swobe, Mr. Weber for Mr. Upton, Mr. Waldie

Members Absent: Mr. Heller, Mr. Yount

III. PUBLIC INTEREST COMMENTS

John Falk, Tahoe Sierra Board of Realtors, stated that they formally support the headquarters of the Tahoe Conservancy be located in the greater Truckee area.

Michael Donahoe, Tahoe Sierra Club Group, introduced a new member of their executive committee and a conservation co-chair, Patricia Hickson. The Sierra Club has been interested in the uses of fertilizer in the Basin and they are having their third annual landscape and garden party on June 2 and everyone is invited to attend.

IV. APPROVAL OF AGENDA

Ms. Moss moved to approve the agenda. Motion carried unanimously.

V. APPROVAL OF MINUTES

Ms. Motamedi requested that it be noted that she did not participate in the afternoon session.
Mr. Solaro moved to approve the minutes as amended. Ms. Bresnick, Mr. Harris, Mr. Weber abstained. Motion carried.
VI. CONSENT CALENDAR

The following Consent Calendar items were approved per staff recommendation:

1. Acceptance of April 2005 Monthly Financial Statement  
2. First Quarter 2005 Investment Report  
3. Resolution of Enforcement Action, Adam Brody, Don Luschar, Katherine Upchurch, Unauthorized Material Damage to Trees, 619 Woodbridge Circle, Incline Village, Washoe County, Nevada, Assessor's Parcel Number (APN) 122-052-09  
4. Resolution of Litigation, TRPA v. McCreary, Eastern District of California Case No. CIV-S 00233 WBS (GGH)  
5. Tahoe Basin Container Services, Inc., APN: 023-311-34, 20041259, Commercial Rebuild, 934 Third St. City of South Lake Tahoe, El Dorado County  
6. Andrew Machata Land Capability Challenge, 789 Geraldine Ave, Incline Village NV, Washoe County APN 125-251-05

The Legal Committee recommended approval of Consent Calendar item 3 with modifications. They also recommended approval of Consent Calendar item 4. Staff Member Jordan Kahn presented the modifications to Consent Calendar item 3.

The Operations Committee recommended approval of Consent Calendar items 1 and 2.

Executive Director John Singlaub handed out a modification to Consent Calendar item 6 staff recommended approving this item that was moved forward from last month.

Mr. Biaggi moved to approve the Consent Calendar as amended. Motion carried unanimously.

VII. GOVERNING BOARD MEMBER REPORTS

Mr. DeLanoy stated that back in April of 2001 he asked for proposals to handle the retirement account of the employees and we finally received a proposal from someone in Chicago that was accepted. He finally received the information that he requested and that person charges the agency $1900 to handle the account. He wants to know if that is the extent of the payment that we make to this broker. He is working at 10% of what Wells Fargo was charging us which was $20,000. He wants to make sure that the staff is getting a fair shake on how this account is handled. He would like to know what the broker has been paid overall for the last several years.

The other matter he would like to talk about is that he felt that we had approached a very dangerous precedent in the Ruvo case. He found it somewhat personally offensive and he is talking about our files and that part of what had been emasculated as part of it apparently was not turned over to opposing counsel or us. Written demands were made and there may be some legal reasons why this wasn't occurring; but Tim Hagen's notes were never produced and he used items that were not turned over to counsel before the hearing. His concern is the question of due
process and he is somewhat apprehensive that if we don’t do that and demands are made in cases of this nature. We sat as a judge and jury last meeting and if we weren’t there to protect the rights of the property owner and personal rights the due process would be a problem. He would like to point out quickly that there is a case called Pearlman vs. Smith Barney, a recent case that has been printed. In that matter, the records were not turned over. Demands were made on counsel and on behalf of Smith Barney and they refused to do it and the federal judge struck the pleadings and allowed a default entered against Smith Barney in the amount of $600 million dollars exempt charges and ultimately a billion dollars in punitive damages. He thought he would point this out as this was rather a dangerous precedent and he’s sure we weren’t following this.

Executive Director John Singlaub stated that none of what Mr. DeLanoy said is true and that we gave all the records to the opposing counsel and it’s simply not true. We recognize that is the appropriate thing to do and we are already doing that.

Mr. Merrill stated that he had a completely different impression and he didn’t see any evidence presented that anything was withheld. There were accusations of doctored maps that were never in fact verified, so he thought the whole thing smelled and he thought there was never anything substantiated. He thought there was inappropriate ex parte communications that went on and he found it surprising that a Nevada person contacted the governor of California and he can’t believe that he didn’t also try to contact the Nevada representatives. He didn’t know what was going on, but he never saw any evidence that anything was withheld.

IX. REPORTS

A. Executive Director Status Report.

Mr. Singlaub gave the Director’s Status Report.

B. Legal Division Monthly Status Report.

Agency Counsel John Marshall updated the Governing Board on the Martis Valley case and the Chevron vs. Lingle takings case.

IX. RESOLUTIONS

A. Resolution to Direct the Staff of TRPA to Review its Rules and Regulations Relating to Removal of Forest Fuels and Tree Thinning; to Identify Any Such Rules and Regulations Which Impede the Reasonable and Practicable Removal of Such Fuels and Tree Thinning and Present Any Such Findings to the TRPA Governing Board for Consideration; and to Urge Other State and Local Governmental Agencies to Undertake a Similar Review and Consideration to Reduce Forest Fuels and Implement Tree Thinning to Avoid Catastrophic Wildfires in the Lake Tahoe Basin

Member Swobe presented the resolution.

Public Comment:
Rochelle Nason, League to Save Lake Tahoe, has not reviewed the resolution so she can not comment on it, but she commented on the effort and made suggestions that the Board consider and take to heart how TRPA can become effective and constructive and be part of the effort to reduce the risk of catastrophic wildfire in the Lake Tahoe Basin. TRPA has jurisdiction over the master plans that are presented for approval. Fire risk has never been part of the planning process in these master plans and suggested that this should be part of the plans.

A second suggestion is that staff communicates with the community and you need to have a strong staff in order to get things done that needs to get done. Over the past year, there has been a harsher and less dignified treatment of staff in these public meetings and that’s becoming of increasing concern. If you want to be effective the worst thing you can do is demoralize good people who are working for you. Please consider your impacts on your ability to retain the terrific people that you have on your staff. It’s very important that you soundly base your fire efforts or any efforts on the best available science and the best available policy analysis.

Mr. Swobe moved to adopt the resolution.
Motion carried unanimously.

B. Resolution Recognizing Governing Board Member Reed Holderman

Mr. Waldie presented the resolution.
Mr. Waldie moved to approve the resolution.
Motion carried unanimously.

Adjourn as TRPA, convene as TMPO

X. TMPO ADMINISTRATIVE MATTERS

A. Adoption of the Tahoe Area Regional Transit (TART) Systems Plan

Staff member Jennifer Hannum presented Will Garner of the Tahoe Area Regional Transit System.

Mr. Garner presented the TART plan in detail.

No Public Comment

Mr. Kranz moved to approve the Regional Transit Systems Plan
Motion carried unanimously.

B. Adoption of the FY 2006 Tahoe Metropolitan Planning Organization/ Tahoe Regional Planning Agency Transportation Overall Work Program
Staff member Nick Haven presented the transportation work program.

Public Comment

Mr. Weber moved to approve the TMPO/TRPA Transportation Overall Work Program.

Motion carried unanimously.

Adjourn as TMPO, convene as TRPA

XI. PLANNING MATTERS

A. Upper Truckee River Restoration Presentation

Staff member Jerry Dion presented the Upper Truckee River Restoration Presentation and introduced Cyndie Walck with State Parks who is involved in this effort.

This is a no action item.

B. Draft TRPA Five Year Strategic Plan Discussion

Staff member Jerry Wells presented the draft TRPA Five Year Strategic Plan overview.

This is a no action item.

XII. ADMINISTRATIVE MATTERS

A. Amendment of the Temporary Filing Fee and Exempt Activity MOU Monitoring Fee Schedules to Modify Certain Fees and to Make the Schedules Permanent

Board member Allen Biaggi stated that the Operations Committee did not come up with any recommendations but discussed several items: 1) extending the sunset on the fees for perhaps a year or eighteen months, 2) periodic reviews of productivity measurements, 3) review of public acceptance of the fees on a regular basis, and 4) review of revenue projections on a regular basis.

Staff member Lyn Barnett presented the amendments of the temporary filing fee and exempt MOU monitoring fee schedules for permanent adoption.

Public Comment

Jan Brisco, representing applicants and consultants, stated that they have been well served by Lyn Barnett, and that they are supportive of this increase and the quality assurance. She also said the message we send by raising these fees, is that we will service the public in a more efficient way, without compromising quality and environmental standards.
Mr. Biaggi moved to approve the amendment with the following provisions: 1) in three months give a presentation on productivity, 2) provide information on public acceptance on the increase in fees, and 3) provide input on the revenue projections to see if they are being met.

Motion carried unanimously.

B. Appointment of Governing Board Member to Operations Committee

Vice Chairman Julie Motamedi recommended Mara Bresnick for appointment to the operations committee.

Motion carried unanimously.

XIII. COMMITTEE REPORTS

A. Operations Committee – no report

B. Legal Committee – no report

XIV. ADJOURNMENT

Vice Chairman Motamedi adjourned the meeting at 2:30 p.m. on May 25, 2005.

Respectfully submitted,

Judy Nikkel
Clerk to the Board

The above meeting was taped in its entirety. Anyone wishing to listen to the tapes of the above mentioned meeting may call for an appointment at (775) 588-4547. In addition, written documents submitted at the meeting are available for review at the TRPA Office, 128 Market Street, Stateline, Nevada.